

STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

Wilmington Savings Fund Society FSB, doing business as Christiana Trust, not in its individual capacity but solely as legal title Trustee for BCAT 2014-9TT,

PLAINTIFF,

VS.

Stan J. Kimball, Carole Kimball and Bank of America, N.A.,

DEFENDANT(S).

IN THE COURT OF COMMON PLEAS

CASE NO. 2011-CP-24-01448

FINAL WRIT OF ASSISTANCE

RECEIVED

JUN 28 2019

SC Court of Appeals

FILED OF 8TH JUDICIAL DISTRICT  
SC GREENWOOD COUNTY

(191106.00005)

This matter came before me upon Motion of the Wilmington Savings Fund Society FSB, doing business as Christiana Trust, not in its individual capacity but solely as legal title Trustee for BCAT 2014-9TT ("Plaintiff") seeking a Writ of Assistance to be issued by this Court to the Sheriff of Greenwood County, South Carolina, ordering and directing him to remove, peaceably or forcibly, the defendants, Stan J. Kimball ("Kimball") and Carole Kimball (collectively, with Kimball, "Defendants"), together with any and all persons claiming under said Defendants and any and all of their personal property located within or on the subject premises located at 101 Barrett Dr, Greenwood, SC 29649, tax map number 6836-126-692 ("Property"). Hereinafter, Plaintiff and Defendants may be referred to collectively as the "Parties."

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Plaintiff was the successful bidder at the public foreclosure sale of the Property on December 3, 2018, and has complied with its bid and a deed has been issued to Plaintiff and recorded.

Pursuant to that certain Order entered on April 18, 2019 ("April 18 Order"), this Court provided the Parties an opportunity to attempt to reach a mutual resolution to this Eviction matter on or before May 6, 2019 ("Deadline"). No resolution was reached between the Parties on or before the Deadline, and no resolution has been reached to date. A true and correct copy of the filed April 18 Order is attached hereto as **Exhibit "A"** and is incorporated herein by reference.

Additionally, this Court finds that, pursuant to The South Carolina Court of Appeals Order filed on May 14, 2019, ("Appellate Denial Order") there is no pending appeal in this case that would entitle Defendants or any other persons to a stay of the entry of this Final Writ of Assistance, of the eviction of Defendants or other persons from the Property in this matter, and the lock-out in this matter. A true and correct copy of the filed Appellate Denial Order is attached hereto as **Exhibit "B"** and is incorporated herein by reference.

Although it appears that Kimball may have submitted a Motion to Vacate Writ of Assistance and Order in May 2019 ("Motion to Vacate") to this Court or the Clerk of Court for Greenwood County, neither Plaintiff nor Counsel for Plaintiff was ever served with a filed copy of said Motion to Vacate. Furthermore, Kimball's Motion to Vacate is premature and moot, because it was submitted prior to the entry of this Final Writ of Assistance.

Based on the foregoing, it is hereby ORDERED, ADJUDGED, AND DECREED that the Defendants Stan J. Kimball and Carole Kimball, together with any and all occupant(s) shall vacate the Property on or before ten (10) days after a copy of this Final Writ of Assistance is served or posted on said Property, and that Plaintiff is entitled to recover possession of the Property on said date.

IT IS FURTHER ORDERED that the Greenwood County Sheriff's Office shall serve a copy of this Final Writ of Assistance on Defendants and any occupant(s) of the Property, or shall post a copy of same on the Property at 101 Barrett Dr, Greenwood, SC 29649, in the absence of finding the occupant(s).

IT IS FURTHER ORDERED that if the Property is not vacant on the aforesaid date, then upon receipt of a copy of this Order, the Sheriff of Greenwood County, or his/her authorized deputies, be and hereby is directed and authorized to enter upon the afore-described Property, by force if the same be necessary, and seize the said Property, and to remove therefrom any and all such persons who may be occupying the same, together with all possessions therein, including the Defendants, Stan J. Kimball and Carole Kimball, and to put Plaintiff in full, peaceful, and quiet possession of the Property without delay, and thereafter, and within ten (10) days, make due return to the Clerk of Court for Greenwood County, South Carolina, showing how this Final Writ of Assistance has been executed, the date of execution, and all costs of execution. A copy of such return shall also be sent to Scott and Corley, P.A., attorney for Plaintiff herein.

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IT IS FURTHER ORDERED that should personal service not be affected by the Sheriff of Greenwood County, that copies of this Final Writ of Assistance be posted in a conspicuous place at or near the front entrance of the subject Property.

IT IS FURTHER ORDERED that if the occupants have voluntarily vacated the Property or have been ejected from the Property leaving personal property, automobiles, boats, furnishings, fixtures, or other items, Plaintiff is authorized to remove therefrom all personal property, automobiles, boats, furnishings, fixtures, or other items, which personal property, being deemed abandoned, shall be removed by Plaintiff or its agents from the subject real Property by placing said personal property on the public street or highway or by any other means.

IT IS FURTHER ORDERED that any allegation of a pending appeal or stay that may be asserted by Kimball, the Defendants or any Occupants shall be of no merit or effect and shall be disregarded by the Sheriff's Department.

IT IS FURTHER ORDERED that this Order shall constitute a final judgment and Final Writ of Assistance pursuant to Rule 53(b), SCRCP; and,

IT IS SO ORDERED.



Curtis G. Clark  
Special Referee for Greenwood County

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Greenwood, South Carolina  
May 28, 2019