

90698

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable Mikell R. Scarborough
Trial Court Case No. 2014-CP-10-07484

RECEIVED

AUG 28 2019

Appellate Case No. 2018-002228

SC Court of Appeals

Bayview Loan Servicing, LLC, a Delaware Limited Liability Company,
Respondent,

v.

Isabelle Murray, William Murray, Bernard Murray, Roland Murray, County of Charleston, and the
South Carolina Department of Revenue, Defendants,

Of Whom Bernard Murray and Roland Murray are the Appellants.

**MOTION TO COMPEL CORRECTION OF DEFICIENCIES OF RECORD ON
APPEAL FILED BY APPELLANTS**

Respondent Bayview Loan Servicing, LLC, a Delaware Limited Liability Company (“Bayview”) requests that this Court enter an Order requiring that the Record on Appeal filed by Appellants Bernard Murray and Roland Murray (“Appellants”) be amended or supplemented for the reasons stated herein, and that the deadline for filing briefs be extended accordingly.

1. Additional documents needed in the Record on Appeal, and consent to same.

The documents attached as **Exhibit A** were included in the designation of matters submitted by the parties in this appeal, but were omitted in the Record of Appeal filed by Appellants. Bayview’s counsel provided the documents to Appellant’s counsel, and both parties consented to the documents in Exhibit A being included in the Record of Appeal either by amending the original Record on Appeal

or by supplementing the Record on Appeal through an Appendix per Rule 212, SCACR. Both parties agreed that Appellants would be responsible for preparing the additional materials and filings and the associated costs of same.

2. Index and Ordering Issues in the existing Record on Appeal

The Record on Appeal filed by Appellants does not contain an Index as required by Rule 210(e), SCACR. Further, the ordering of the documents in the Record on Appeal does not correspond with Rule 210(c), SCACR, or any of the three Designation of Matters filed with this Court. Respondent requests this Court order Appellants to incorporate the documents attached in **Exhibit A** and reorder and relabel (bates) the one hundred fifteen (115) pages to be included in the Record on Appeal pursuant to Rule 210(c), SCACR.

Because the documents omitted from the Record on Appeal were actually included in the Designations of Matter submitted by the parties, and the ultimate record on appeal requires reordering, relabeling, and incorporation of the documents in **Exhibit A**, Respondent respectfully requests that this Court allow the original Record on Appeal to be corrected and revised, as opposed to supplemented through an Appendix contemplated under Rule 212, SCACR. Respondent's counsel respectfully requests that he be provided a draft index and the proposed bates-labeled documents by Appellant's counsel prior to submitting an amended Record on Appeal to this Court.

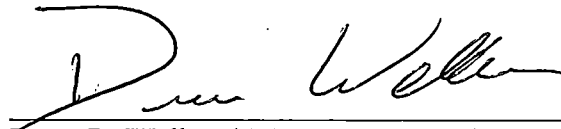
3. Extending time to file Final Briefs until Record on Appeal is corrected, finalized and filed.

Respondent respectfully requests that Appellant be given a deadline for compliance with the matters contained in this motion, and that the deadline for filing Final Briefs by the parties be extended until the matters contained in this motion are ultimately resolved.

CONCLUSION

For the foregoing reasons, Bayview respectfully requests that the Record on Appeal be amended and further relief be granted as requested herein, and that Bayview be permitted to submit a

petition for costs under Rules 222 and 240, SCACR, and that Bayview's costs be added to the remittitur.



Drew B. Walker (SC Bar No. 78271)
Rogers Lewis Jackson Mann & Quinn, LLC
PO Box 11803
Columbia, SC 29211
P: 803-256-1268
F: 803-252-3653
dwalker@rogerslewis.com
Attorney for Respondent

Columbia, South Carolina
August 28, 2019

JULIE J. ARMSTRONG
CLERK OF COURT, C.P. & G.S.
100 BROAD STREET, SUITE 106
CHARLESTON, SC 29401-2238
RETURN SERVICE REQUESTED



clerkofcourt.charlestoncounty.org

Exhibit A to Motion
to Compel
Correction of
Deficiencies of
Record on Appeal
Filed by Appellants

149



ANDREW BRYANT WALKER
PO BOX 11803
COLUMBIA SC 29211-1803

NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRPC

Master's Order granting partial sum judgment of foreclosure

CASE NO: 2014CP1007484

Bayview Loan Servicing LLC VS Isabelle Murray , defendant, et al

This judgment was entered on the 21st day of March, 2018, and notice mailed first class on Thursday, March 22, 2018, to all counsel of record and/or all parties entitled to receive notice.

You may view and download this document at <http://clerkofcourt.charlestoncounty.org> or obtain a copy in person at the Clerk of Court's Office during regular Charleston County business hours.

000083

Drew Walker

From: Martha S. Dennis <MDennis@charlestoncounty.org>
Sent: Tuesday, September 18, 2018 1:29 PM
To: Drew Walker; Pamela Baker; Willie Heyward; wheyward80@gmail.com; hcarey@rplfirm.com; Johanna S. Gardner; Barry Baker; Tasha Thompson; peteb@rplfirm.com; nskorzewski@turnerpadget.com; Lisa W. Snell; Kim Bickford; sean.ryan@dor.sc.gov
Cc: Laura Dukes Beck
Subject: RE: Bayview v Murray-2014CP1007484

Mr. Walker,

The order was filed in the clerks office on August 27, 2018. A scanned copy can be found online. If you have any further questions, please let me know.

Best,

Martha "Marti" Dennis, Esq.
Charleston County Master in Equity
Judicial Law Clerk
100 Broad Street, Suite 266
Charleston, SC 29401
Ph: (843)958-5053
Fax: (843)958-5077
MDennis@charlestoncounty.org

From: Drew Walker [mailto:dwalker@rogerslewis.com]
Sent: Tuesday, September 18, 2018 1:02 PM
To: Martha S. Dennis <MDennis@charlestoncounty.org>; Pamela Baker <pbaker@rogerslewis.com>; Willie Heyward <Heywarddwighth@msn.com>; wheyward80@gmail.com; hcarey@rplfirm.com; Johanna S. Gardner <JGardner@charlestoncounty.org>; Barry Baker <bbaker@bakerlawsc.com>; Tasha Thompson <tashat@scottandcorley.com>; peteb@rplfirm.com; nskorzewski@turnerpadget.com; Lisa W. Snell <LSnell@rplfirm.com>; Kim Bickford <kbickford@rplfirm.com>; sean.ryan@dor.sc.gov
Cc: Laura Dukes Beck <LBeck@charlestoncounty.org>
Subject: RE: Bayview v Murray-2014CP1007484

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

Marti,

Good afternoon. I am following up to request an update on the below email and attachments. If you need anything else from me, please let me know.

Thanks,
Drew

Drew Walker
Member
Rogers Lewis Jackson Mann & Quinn, LLC
1901 Main St., Suite 1200
Columbia, SC 29201
P.O. Box 11803 (29211)
803-978-2836 (direct)
www.rogerslewis.com

ROGERS LEWIS
ATTORNEYS AT LAW

From: Drew Walker
Sent: Monday, August 13, 2018 12:54 PM
To: Martha S. Dennis <MDennis@charlestoncounty.org>; Pamela Baker <pbaker@rogerslewis.com>; Willie Heyward <Heywarddwith@msn.com>; wheyward80@gmail.com; hcarey@rplfirm.com; Johanna S. Gardner <JGardner@charlestoncounty.org>; Barry Baker <bbaker@bakerlawsc.com>; Tasha Thompson <tashat@scottandcorley.com>; peteb@rplfirm.com; nskorzewski@turnerpadget.com; Lisa W. Snell <LSnell@rplfirm.com>; Kim Bickford <kbickford@rplfirm.com>; sean.ryan@dor.sc.gov
Cc: Laura Dukes Beck <LBeck@charlestoncounty.org>
Subject: RE: Bayview v Murray-2014CP1007484

Marti,

I have attached the proposed order with the Judge's signature block, as well as a Form 4. If you need anything else, just let me know.

Thanks,
Drew

Drew Walker
Member
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Columbia, SC 29201
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ROGERS LEWIS
ATTORNEYS AT LAW

From: Martha S. Dennis <MDennis@charlestoncounty.org>
Sent: Monday, August 13, 2018 12:27 PM
To: Drew Walker <dwalker@rogerslewis.com>; Pamela Baker <pbaker@rogerslewis.com>; Willie Heyward <Heywarddwith@msn.com>; wheward80@gmail.com; hcarey@rplfirm.com; Johanna S. Gardner <JGardner@charlestoncounty.org>; Barry Baker <bbaker@bakerlawsc.com>; Tasha Thompson <tashat@scottandcorley.com>; peteb@rplfirm.com; nskorzewski@turnerpadget.com; Lisa W. Snell <LSnell@rplfirm.com>; Kim Bickford <kbickford@rplfirm.com>
Cc: Laura Dukes Beck <LBeck@charlestoncounty.org>
Subject: RE: Bayview v Murray-2014CP1007484

Dear Mr. Walker,

I wanted to check in with you on the order you sent us at the end of July. I would like to give it to Judge Scarborough but I am still missing the signature page. Is there any information you would like me to pass along to him regarding that part of the order?

Best,

Martha "Marti" Dennis, Esq.
Charleston County Master In Equity
Judicial Law Clerk
100 Broad Street, Suite 266
Charleston, SC 29401
Ph: (843)958-5053
Fax: (843)958-5077
MDennis@charlestoncounty.org

From: Drew Walker [<mailto:dwalker@rogerslewis.com>]
Sent: Tuesday, July 31, 2018 11:57 AM
To: Martha S. Dennis <MDennis@charlestoncounty.org>; Pamela Baker <pbaker@rogerslewis.com>; Willie Heyward <Heywarddwith@msn.com>; wheward80@gmail.com; hcarey@rplfirm.com; Johanna S. Gardner <JGardner@charlestoncounty.org>; Barry Baker <bbaker@bakerlawsc.com>; Tasha Thompson <tashat@scottandcorley.com>; peteb@rplfirm.com; nskorzewski@turnerpadget.com; Lisa W. Snell <LSnell@rplfirm.com>; Kim Bickford <kbickford@rplfirm.com>
Cc: Laura Dukes Beck <LBeck@charlestoncounty.org>
Subject: RE: Bayview v Murray-2014CP1007484

Dear Marti,

Please find the attached proposed Order in the referenced matter from the May 8 hearing. I emailed a copy of the proposed order to Mr. Heyward last week and did not receive any comments back. If you or Judge Scarborough have any questions, please let me know.

Sincerely,
Drew

Drew Walker
Member
Rogers Lewis Jackson Mann & Quinn, LLC
1901 Main St., Suite 1200
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P.O. Box 11803 (29211)
803-978-2836 (direct)
www.rogerslewis.com

ROGERS LEWIS

ATTORNEYS AT LAW

This communication is from a debt collector and this is an attempt to collect a debt. Any information obtained will be used for the purpose.

From: Martha S. Dennis <MDennis@charlestoncounty.org>
Sent: Friday, March 16, 2018 3:26 PM
To: Drew Walker <dwalker@rogerslewis.com>; Pamela Baker <pbaker@rogerslewis.com>; Willie Heyward <Heywarddwithth@msn.com>; wheyward80@gmail.com; hcarey@rplfirm.com; Johanna S. Gardner <JGardner@charlestoncounty.org>; Barry Baker <bbaker@bakerlawsc.com>; Tasha Thompson <tashat@scottandcorley.com>; peteb@rplfirm.com; nskorzewski@turnerpadget.com
Cc: Laura Dukes Beck <LBeck@charlestoncounty.org>
Subject: RE: Bayview v Murray-2014CP1007484

Dear Mr. Walker,

Thank you for your response. We will provide some hearing dates for you early next week.

Sincerely,

Martha S. M. Dennis, Esq.
Charleston County Master in Equity
Judicial Law Clerk
100 Broad Street, Suite 266
Charleston, SC 29401
Ph: (843)958-5053
Fax: (843)958-5077
MDennis@charlestoncounty.org

From: Drew Walker [<mailto:dwalker@rogerslewis.com>]
Sent: Friday, March 16, 2018 3:08 PM
To: Martha S. Dennis <MDennis@charlestoncounty.org>; Pamela Baker <pbaker@rogerslewis.com>; Willie Heyward <Heywarddwithth@msn.com>; wheyward80@gmail.com; hcarey@rplfirm.com; Johanna S. Gardner <JGardner@charlestoncounty.org>; Barry Baker <bbaker@bakerlawsc.com>; Tasha Thompson

<tashat@scottandcorley.com>; peteb@rplfirm.com; nskorzewski@turnerpadget.com

Cc: Laura Dukes Beck <LBeck@charlestoncounty.org>

Subject: RE: Bayview v Murray-2014CP1007484

Ms. Dennis:

My office is mailing a motion for filing today in the referenced matter, which will need to be heard prior to a final hearing. Ms. Baker can assist in scheduling a hearing date for that motion, as well as for a final hearing on the merits if necessary. If you would like to go ahead and set that motion hearing date, please let her know. We also have an outstanding motion in Case 2016-CP-1005202. If we could have both motions heard on the same date, that would be great.

Have a nice weekend.

Thanks,
Drew

Drew Walker
Member
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Columbia, SC 29201
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803-978-2836 (direct)
www.rogerslewis.com

ROGERS LEWIS
ATTORNEYS AT LAW

From: Martha S. Dennis <MDennis@charlestoncounty.org>

Sent: Friday, March 16, 2018 1:19 PM

To: Pamela Baker <pbaker@rogerslewis.com>; Drew Walker <dwalker@rogerslewis.com>; Willie Heyward <Heywarddwith@msn.com>; wheward80@gmail.com; hcarey@rplfirm.com; Johanna S. Gardner <JGardner@charlestoncounty.org>; Barry Baker <bbaker@bakerlawsc.com>; Tasha Thompson <tashat@scottandcorley.com>; peteb@rplfirm.com; nskorzewski@turnerpadget.com

Cc: Laura Dukes Beck <LBeck@charlestoncounty.org>

Subject: RE: Bayview v Murray-2014CP1007484

Dear Ms. Baker,

Thank you for the proposed order. I understand a future hearing is needed on the Plaintiff's claims against the remaining default Defendants. Please let me know if you would like us to go ahead and set a time.

Many Thanks,

Martha S. M. Dennis, Esq.
Charleston County Master In Equity

Judicial Law Clerk
100 Broad Street, Suite 266
Charleston, SC 29401
Ph: (843)958-5053
Fax: (843)958-5077
MDennis@charlestoncounty.org

From: Pamela Baker [<mailto:pbaker@rogerslewis.com>]
Sent: Thursday, March 15, 2018 10:09 AM
To: Martha S. Dennis <MDennis@charlestoncounty.org>; Drew Walker <dwalker@rogerslewis.com>; Willie Heyward <Heywarddwith@msn.com>; wheyward80@gmail.com; hcarey@rplfirm.com; Johanna S. Gardner <JGardner@charlestoncounty.org>; Barry Baker <bbaker@bakerlawsc.com>; Tasha Thompson <tashat@scottandcorley.com>; peteb@rplfirm.com; nskorzewski@turnerpadget.com
Cc: Laura Dukes Beck <LBeck@charlestoncounty.org>
Subject: RE: Bayview v Murray-2014CP1007484

Good morning,

Attached please find the proposed order for your review in the above referenced matter.

Should you have any questions, please contact our office.

Thank you,

Pamela Baker

Paralegal
Rogers Lewis Jackson Mann & Quinn, LLC
1901 Main Street, Suite 1200
Columbia, SC 29201
PO Box 11803
Columbia, SC 29211
(803) 978-1969 direct dial
(803) 252-3653 fax

From: Martha S. Dennis <MDennis@charlestoncounty.org>
Sent: Wednesday, March 14, 2018 11:31 AM
To: Drew Walker <dwalker@rogerslewis.com>; Willie Heyward <Heywarddwith@msn.com>; wheyward80@gmail.com; hcarey@rplfirm.com; Johanna S. Gardner <JGardner@charlestoncounty.org>; Barry Baker <bbaker@bakerlawsc.com>; Tasha Thompson <tashat@scottandcorley.com>; peteb@rplfirm.com; nskorzewski@turnerpadget.com
Cc: Laura Dukes Beck <LBeck@charlestoncounty.org>; Pamela Baker <pbaker@rogerslewis.com>
Subject: RE: Bayview v Murray-2014CP1007484

Dear Mr. Walker,

Thank you for your quick response. A word copy via email would be fine. Please let me know if I can be of assistance.

Best,

Martha S. M. Dennis, Esq.
Charleston County Master in Equity
Judicial Law Clerk
100 Broad Street, Suite 266
Charleston, SC 29401
Ph: (843)958-5053
Fax: (843)958-5077
MDennis@charlestoncounty.org

From: Drew Walker [<mailto:dwalker@rogerslewis.com>]
Sent: Wednesday, March 14, 2018 10:39 AM
To: Martha S. Dennis <MDennis@charlestoncounty.org>; Willie Heyward <Heywarddwighth@msn.com>;
wheward80@gmail.com; hcarev@rplfirm.com; Johanna S. Gardner <JGardner@charlestoncounty.org>; Barry Baker
<bbaker@bakerlawsc.com>; Tasha Thompson <tashat@scottandcorley.com>; peteb@rplfirm.com;
nskorzewski@turnerpadget.com
Cc: Laura Dukes Beck <LBeck@charlestoncounty.org>; Pamela Baker <pbaker@rogerslewis.com>
Subject: RE: Bayview v Murray-2014CP1007484

Good morning Ms. Dennis:

Thank you for touching base. I am planning to work on getting our draft finalized today and should have it to your office before the end of the week. How would your office like me to submit it (email a Microsoft Word copy; mail a hard copy, etc)?

Sincerely,
Drew

Drew Walker
Member
Rogers Lewis Jackson Mann & Quinn, LLC
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Columbia, SC 29201
P.O. Box 11803 (29211)
803-978-2836 (direct)
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ROGERS LEWIS
ATTORNEYS AT LAW

From: Martha S. Dennis <MDennis@charlestoncounty.org>
Sent: Wednesday, March 14, 2018 10:34 AM
To: Drew Walker <dwalker@rogerslewis.com>; Willie Heyward <Heywarddwighth@msn.com>;

wheyward80@gmail.com; hcarey@rplfirm.com; Johanna S. Gardner <JGardner@charlestoncounty.org>; Barry Baker <bbaker@bakerlawsc.com>; Tasha Thompson <tashat@scottandcorley.com>; peteb@rplfirm.com; nskorzewski@turnerpadget.com
Cc: Laura Dukés Beck <LBeck@charlestoncounty.org>
Subject: Bayview v Murray-2014CP1007484

Dear Mr. Walker,

I hope you are well. My notes indicate our office was expecting an order in the above referenced case following the hearing held before Judge Scarborough on December 19, 2017. Please let me know if there is an update on this case.

Many Thanks,

Martha S. M. Dennis, Esq.
Charleston County Master in Equity
Judicial Law Clerk
100 Broad Street, Suite 266
Charleston, SC 29401
Ph: (843)958-5053
Fax: (843)958-5077
MDennis@charlestoncounty.org

1 elective share, but it was -- res judicata is our
2 position, that this --

3 THE COURT: Let me just say, I don't think
4 it's res judicata. One, we don't have identity of
5 parties. Okay? I understand what you're saying, but
6 that lender was not a party to that action in 2009
7 that was decided in 2011. The interest that the
8 Court made is what's of interest to me, but I'm
9 trying to figure out how it was that the Brush law
10 Firm decided to give a \$75,000 loan on the signature
11 of two of the siblings and not four of the siblings.
12 That's the question for the Court. We're going prior
13 to 2009. We're going to 2005.

14 Their allegation is at the time that the loan
15 was rendered that Isabelle Murray represented -- I
16 assume that she had 100 percent of the property.
17 That's what I'm assuming they're representing. The
18 \$10,000 question is what's raising the issue for me.
19 They had an agreement to borrow \$10,000. They
20 apparently borrowed \$10,000 because CitiFinancial is
21 being paid off.

22 MR. HEYWARD: That is correct.

23 THE COURT: So that's done. At a minimum
24 there's an equitable -- they have an argument for an
25 equitable lien as to the \$10,000 without a doubt.

1 THE COURT: Aye. Aye. Aye.

2 MR. WALKER: And the mortgage that Mr. Brush's
3 office presented with their derivation points to this
4 deed.

5 THE COURT: So that was the basis for it?

6 MR. WALKER: I believe so. Here, I've got a
7 copy.

8 MR. HEYWARD: Thanks.

9 MR. WALKER: Your Honor, that has to be the
10 basis and maybe the quiet title action came out of
11 that, but again, we weren't parties to it and our
12 predecessors weren't parties to it.

13 MR. HEYWARD: And this deed and all these
14 issues, including the closing statement, are exhibits
15 in that prior action and were a part of the finding
16 in their prior action. I think the Court decided,
17 after hearing from all parties, that the Murray
18 brothers would maintain their 6.25 percent interest
19 and Isabelle then would have 81.whatever and give
20 them the right, meaning Bernard and Roland, to
21 purchase their interest for 55,000. That was a part
22 of the prior issue in this exhibit.

23 THE COURT: I think therein lies our problem.
24 I think you just hit the nail on the head.

25 MR. WALKER: Your Honor, there is a Probate

1 share with money and shares from their father's
2 estate would go to the wife. Then they would -- I'm
3 sorry -- the interest in that house would then be
4 divided between Isabelle and her brothers.

5 THE COURT: Where is that agreement? That's
6 what I'm looking for.

7 MR. HEYWARD: That agreement was never put in
8 writing.

9 THE COURT: Well, there's the answer to the
10 question right there. Wait a minute. That's the
11 answer to the question.

12 MR. HEYWARD: That agreement was never put in
13 writing.

14 THE COURT: It wasn't put in writing until
15 this Court issued its order in 2011, right, trying to
16 rectify the situation from where it was before?

17 MR. HEYWARD: And that is correct. It was
18 never put in writing. The Deed of Distribution
19 was -- they got another lawyer besides Joseph Condon.
20 She went to another lawyer and had this Deed of
21 Distribution prepared without any notice to the other
22 parties. All this was litigated without notice to
23 the other parties she deeded it to herself with this
24 100 percent interest and went and got this loan.

25 THE COURT: Well, that puts them in the

1 position of a BFP. They're not a purchaser but
2 they're a lender. They're entitled to rely on the
3 record. Joseph Condon was the attorney who signed
4 off on this deed by the way. That was on January 13,
5 2004. That's what happened. That explains the
6 title. At the time that the mortgage was taken out,
7 the title was in the name of Isabelle Murray, so she
8 had the legal right to mortgage the property, and
9 that would have been in 2005 when that mortgage was
10 taken out.

11 So despite the Court's finding in 2011, when
12 this fight was going on -- my recollection was the
13 fight was over money. It was over money. They took
14 out -- they agreed to -- apparently they agreed to a
15 \$10,000 loan, and she took out a \$75,000 loan.

16 MR. HEYWARD: That is correct.

17 THE COURT: That makes all the sense in the
18 world to me, but what the lender is entitled to rely
19 upon is the record at the time that the loan is made.
20 What we did in 2009 was to go back after the fact and
21 find that the title should have been other than what
22 the title was at the time that the loan was taken
23 out. Therein lies the problem. Okay? There may or
24 may not have been quit claim deeds. I'm not seeing
25 them.

EXHIBIT

2

To March 2018 MSJ

ROGERS LEWIS

ATTORNEYS AT LAW

Drew Walker, Esq. - Member
Direct: (803) 978-2836
dwalker@rogerslewis.com

December 21, 2017

Bernard Murray
833 5th Avenue
Charleston, SC 29407

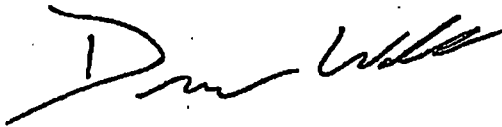
RE: Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, LLC v. Isabelle Murray et al.
Civil Action No.: 2014-CP-10-07484

Dear Mr. Murray:

I enclose and hereby serve upon you Plaintiff Bayview Loan Servicing, LLC, a Delaware Limited Liability Company's First Requests for Admission to Defendant Bernard Murray in the above referenced matter.

Please contact our office with any questions.

Sincerely,



Drew B. Walker

DBW/pdb

Enclosure

cc: Barry I. Baker, Esq.
Johanna S. Gardner, Esq.
Sean G. Ryan, Esq.
Peter M. Balthazor, Esq.
Willie Hayward, Esq.

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000097

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

CIVIL ACTION No: 2014-CP-10-07484

Bayview Loan Servicing, LLC, a
Delaware Limited Liability Company,

Plaintiff,

v.

Isabelle Murray, William Murray, Bernard
Murray, Roland Murray, County of
Charleston, and South Carolina
Department of Revenue,

Defendants

**PLAINTIFF BAYVIEW LOAN SERVICING,
LLC, A DELAWARE LIMITED LIABILITY
COMPANY'S FIRST REQUESTS FOR
ADMISSION TO BERNARD MURRAY**

TO: DEFENDANT BERNARD MURRAY:

Pursuant to Rule 36 of the South Carolina Rules of Civil Procedure, Plaintiff Bayview Loan Servicing, LLC, a Delaware Limited Liability Company ("Plaintiff") requests the following admissions to be admitted or denied under oath within thirty (30) days after service of these requests.

INSTRUCTIONS

If You object to the following requested admissions, state and explain the reasons therefore in full. Your answer must specifically deny the matter or set forth in detail the reasons why You cannot truthfully admit or deny the matters. A denial must fairly meet the substance of the requested admission, and when good faith requires that You qualify Your answer or deny only part of the matter of which an admission is requested, You must specify so much of it as is true and qualify the remainder. You may not give lack of information or knowledge as a reason for failure to admit or deny unless You state that You have made a reasonable inquiry and that the information known or readily obtainable by You is insufficient to enable You to admit or deny. Further, if You fail to admit any of the requests for admission, Defendant may move the court to determine the sufficiency of Your denial or objections and for an order requiring You to pay Plaintiff's reasonable expenses incurred in proving such, including reasonable attorney's fees, as provided in Rule 37(c) of the South Carolina Rules of Civil Procedure.


DEFINITIONS

- A. "You" means "Bernard Murray" individually.
- B. "Subject Property" means that real property commonly known as 833 5th Avenue, Charleston, SC 29407.

C. "Subject Loan" means that certain note and mortgage as referenced in Paragraphs 4 and 5 of the Complaint.

REQUESTS FOR ADMISSION

1. Admit You conveyed by deed your interest in the Subject Property to Isabelle Murray in order for her to obtain the Subject Loan.
2. Admit You conveyed by deed your interest in the Subject Property to Isabelle Murray on or prior to November 25, 2005.



Drew B. Walker (SC Bar No. 78271)
Rogers Lewis Jackson Mann & Quinn, LLC
1901 Main Street, Suite 1200 (29201)
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F: 803-252-3653
dwalker@rogerlewis.com
Attorney for Plaintiff

12/21, 2017
Columbia, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Bayview Loan Servicing, LLC, a
Delaware Limited Liability Company,

Plaintiff,

v.

Isabelle Murray, William Murray,
Bernard Murray, Roland Murray, County
of Charleston, and South Carolina
Department of Revenue,

Defendants.

IN THE COURT OF COMMON PLEAS

C/A NO: 2014-CP-10-07484

CERTIFICATE OF SERVICE

The undersigned, of the law office of Rogers Lewis Jackson Mann & Quinn, LLC, does certify that on January 5th, 2018, she did cause to have served by U.S. Postal Service, regular mail with postage prepaid and return address clearly indicated, copies of the **PLAINTIFF BAYVIEW LOAN SERVICING, LLC, A DELAWARE LIMITED LIABILITY COMPANY'S FIRST REQUESTS FOR ADMISSION TO BERNARD MURRAY** to the following:

Bernard Murray 833 5 th Avenue Charleston, SC 29407 <i>Pro Se Defendant</i>	Barry I. Baker, Esq. PO Box 31265 Charleston, SC 29407 <i>Attorney for Defendant Isabelle Murray</i>
Johanna S. Gardner, Esq. 4045 Bridge View Drive, Suite B2332 North Charleston, SC 29405	Sean G. Ryan, Esq. PO Box 12265 Columbia, SC 29211
Willie Bruce Heyward, Esq. 27 Gamecock Avenue Charleston, SC 29407	

Pamela Baker

Pamela Baker - Paralegal
Rogers Lewis Jackson Mann & Quinn, LLC

ROGERS LEWIS

ATTORNEYS AT LAW

Drew Walker, Esq. - Member
Direct: (803) 978-2836
dwalker@rogerslewis.com

December 21, 2017

Roland Murray
833 5th Avenue
Charleston, SC 29407

RE: Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, LLC v. Isabelle Murray et al.
Civil Action No.: 2014-CP-10-07484

Dear Mr. Murray:

I enclose and hereby serve upon you Plaintiff Bayview Loan Servicing, LLC, a Delaware Limited Liability Company's First Requests for Admission to Defendant Roland Murray in the above referenced matter.

Please contact our office with any questions.

Sincerely,



Drew B. Walker

DBW/pdb

Enclosure

cc: Barry I. Baker, Esq.
Johanna S. Gardner, Esq.
Sean G. Ryan, Esq.
Peter M. Balthazor, Esq.
Willie Heywood, Esq.

1901 Main Street, Suite 1200, Columbia, SC 29201 • P.O. Box 11803 (29211)
Office: (803) 256-1268 • Fax: (803) 252-3653 • www.rogerslewis.com

000101

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

CIVIL ACTION No: 2014-CP-10-07484

Bayview Loan Servicing, LLC, a
Delaware Limited Liability Company,

Plaintiff,

v.

Isabelle Murray, William Murray, Bernard
Murray, Roland Murray, County of
Charleston, and South Carolina
Department of Revenue,

Defendants

**PLAINTIFF BAYVIEW LOAN SERVICING,
LLC, A DELAWARE LIMITED LIABILITY
COMPANY'S FIRST REQUESTS FOR
ADMISSION TO ROLAND MURRAY**

TO: DEFENDANT ROLAND MURRAY:

Pursuant to Rule 36 of the South Carolina Rules of Civil Procedure, Plaintiff Bayview Loan Servicing, LLC, a Delaware Limited Liability Company ("Plaintiff") requests the following admissions to be admitted or denied under oath within thirty (30) days after service of these requests.

INSTRUCTIONS

If You object to the following requested admissions, state and explain the reasons therefore in full. Your answer must specifically deny the matter or set forth in detail the reasons why You cannot truthfully admit or deny the matters. A denial must fairly meet the substance of the requested admission, and when good faith requires that You qualify Your answer or deny only part of the matter of which an admission is requested, You must specify so much of it as is true and qualify the remainder. You may not give lack of information or knowledge as a reason for failure to admit or deny unless You state that You have made a reasonable inquiry and that the information known or readily obtainable by You is insufficient to enable You to admit or deny. Further, if You fail to admit any of the requests for admission, Defendant may move the court to determine the sufficiency of Your denial or objections and for an order requiring You to pay Plaintiff's reasonable expenses incurred in proving such, including reasonable attorney's fees, as provided in Rule 37(e) of the South Carolina Rules of Civil Procedure.

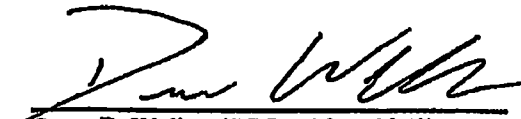
DEFINITIONS

- A. "You" means "Roland Murray" individually.
- B. "Subject Property" means that real property commonly known as 833 5th Avenue, Charleston, SC 29407.

C. "Subject Loan" means that certain note and mortgage as referenced in Paragraphs 4 and 5 of the Complaint.

REQUESTS FOR ADMISSION

1. Admit You conveyed by deed your interest in the Subject Property to Isabelle Murray in order for her to obtain the Subject Loan.
2. Admit You conveyed by deed your interest in the Subject Property to Isabelle Murray on or prior to November 25, 2005.



Drew B. Walker (SC Bar No. 78271)
Rogers Lewis Jackson Mann & Quinn, LLC
1901 Main Street, Suite 1200 (29201)
PO Box 11803
Columbia, SC 29211
P: 803-978-2836
F: 803-252-3653
dwalker@rogerlewis.com
Attorney for Plaintiff

12/21, 2017
Columbia, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Bayview Loan Servicing, LLC, a
Delaware Limited Liability Company,

Plaintiff,

v.

Isabelle Murray, William Murray,
Bernard Murray, Roland Murray, County
of Charleston, and South Carolina
Department of Revenue,

Defendants.

IN THE COURT OF COMMON PLEAS

C/A NO: 2014-CP-10-07484

CERTIFICATE OF SERVICE

The undersigned, of the law office of Rogers Lewis Jackson Mann & Quinn, LLC, does certify that on January 5th, 2018, she did cause to have served by U.S. Postal Service, regular mail with postage prepaid and return address clearly indicated, copies of the **PLAINTIFF BAYVIEW LOAN SERVICING, LLC, A DELAWARE LIMITED LIABILITY COMPANY'S FIRST REQUESTS FOR ADMISSION TO ROLAND MURRAY** to the following:

Roland Murray 833 5 th Avenue Charleston, SC 29407 <i>Pro Se Defendant</i>	Barry I. Baker, Esq. PO Box 31265 Charleston, SC 29407 <i>Attorney for Defendant Isabelle Murray</i>
Johanna S. Gardner, Esq. 4045 Bridge View Drive, Suite B2332 North Charleston, SC 29405	Sean G. Ryan, Esq. PO Box 12265 Columbia, SC 29211
Willie Bruce Heyward, Esq. 27 Gamecock Avenue Charleston, SC 29407	

Pamela Baker

Pamela Baker - Paralegal
Rogers Lewis Jackson Mann & Quinn, LLC

ROGERS LEWIS

ATTORNEYS AT LAW

Pamela Baker - Paralegal
pbakor@rogerslewis.com

January 15, 2018

Roland Murray
PO Box 30763
Charleston, SC 29417

RE: Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, LLC v. Isabelle Murray et al.
Civil Action No.: 2014-CP-10-07484

Dear Mr. Murray:

I enclose and hereby serve upon you Plaintiff Bayview Loan Servicing, LLC, a Delaware Limited Liability Company's First Requests for Admission to Defendant Roland Murray in the above referenced matter.

Please contact our office with any questions.

Sincerely,



Pamela Baker
Paralegal for Drew B. Walker

DBW/pdb

Enclosure

cc: Barry I. Baker, Esq.
Johanna S. Gardner, Esq.
Sean G. Ryan, Esq.
Peter M. Balthazor, Esq.

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

CIVIL ACTION No: 2014-CP-10-07484

Bayview Loan Servicing, LLC, a
Delaware Limited Liability Company,

Plaintiff,

v.

Isabelle Murray, William Murray, Bernard
Murray, Roland Murray, County of
Charleston, and South Carolina
Department of Revenue,

Defendants

**PLAINTIFF BAYVIEW LOAN SERVICING,
LLC, A DELAWARE LIMITED LIABILITY
COMPANY'S FIRST REQUESTS FOR
ADMISSION TO ROLAND MURRAY**

TO: DEFENDANT ROLAND MURRAY:

Pursuant to Rule 36 of the South Carolina Rules of Civil Procedure, Plaintiff Bayview Loan Servicing, LLC, a Delaware Limited Liability Company ("Plaintiff") requests the following admissions to be admitted or denied under oath within thirty (30) days after service of these requests.

INSTRUCTIONS

If You object to the following requested admissions, state and explain the reasons therefore in full. Your answer must specifically deny the matter or set forth in detail the reasons why You cannot truthfully admit or deny the matters. A denial must fairly meet the substance of the requested admission, and when good faith requires that You qualify Your answer or deny only part of the matter of which an admission is requested, You must specify so much of it as is true and qualify the remainder. You may not give lack of information or knowledge as a reason for failure to admit or deny unless You state that You have made a reasonable inquiry and that the information known or readily obtainable by You is insufficient to enable You to admit or deny. Further, if You fail to admit any of the requests for admission, Defendant may move the court to determine the sufficiency of Your denial or objections and for an order requiring You to pay Plaintiff's reasonable expenses incurred in proving such, including reasonable attorney's fees, as provided in Rule 37(c) of the South Carolina Rules of Civil Procedure.

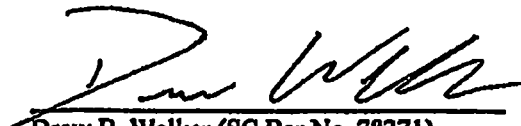
DEFINITIONS

- A. "You" means "Roland Murray" individually.
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C. "Subject Loan" means that certain note and mortgage as referenced in Paragraphs 4 and 5 of the Complaint.

REQUESTS FOR ADMISSION

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2. Admit You conveyed by deed your interest in the Subject Property to Isabelle Murray on or prior to November 25, 2005.



Drew B. Walker (SC Bar No. 78271)
Rogers Lewis Jackson Mann & Quinn, LLC
1901 Main Street, Suite 1200 (29201)
PO Box 11803
Columbia, SC 29211
P: 803-978-2836
F: 803-252-3653
dwalker@rogerlewis.com
Attorney for Plaintiff

12/21, 2017
Columbia, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Bayview Loan Servicing, LLC, a
Delaware Limited Liability Company,

Plaintiff,

v.

Isabelle Murray, William Murray,
Bernard Murray, Roland Murray, County
of Charleston, and South Carolina
Department of Revenue,

Defendants.

IN THE COURT OF COMMON PLEAS

C/A NO: 2014-CP-10-07484

CERTIFICATE OF SERVICE

The undersigned, of the law office of Rogers Lewis Jackson Mann & Quinn, LLC, does certify that on January 15th, 2018, she did cause to have served by U.S. Postal Service, regular mail with postage prepaid and return address clearly indicated, copies of the **PLAINTIFF BAYVIEW LOAN SERVICING, LLC, A DELAWARE LIMITED LIABILITY COMPANY'S FIRST REQUESTS FOR ADMISSION TO ROLAND MURRAY** to the following:

Roland Murray PO Box 30763 Charleston, SC 29417 <i>Pro Se Defendant</i>	Barry I. Baker, Esq. PO Box 31265 Charleston, SC 29407 <i>Attorney for Defendant Isabelle Murray</i>
Johanna S. Gardner, Esq. 4045 Bridge View Drive, Suite B2332 North Charleston, SC 29405	Sean G. Ryan, Esq. PO Box 12265 Columbia, SC 29211
Willie Bruce Heyward, Esq. 27 Gamecock Avenue Charleston, SC 29407	

Pamela Baker - Paralegal
Rogers Lewis Jackson Mann & Quinn, LLC

EXHIBIT

3

To March 2018 MSJ

Heirs' Property Law Firm, LLC

27 Gamecock Avenue Suite 200 Charleston, SC 29407
Phone 843.225.8754/843.568.4679 Fax 843.225.8765

February 14, 2018

Drew Walker, Esquire
Rogers Lewis
Attorneys At Law
1901 Main Street, Suite 1200
Columbia, S. C. 29201

**Re: Bayview Loan Servicing, LLC, a Limited
Liability Company, LLC vs. Isabelle Murray, et. al.
Case No: 2011-10-07484**

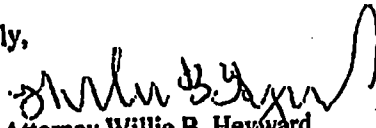
Dear Attorney Walker:

Please find enclosed the response of the Defendant, Bernard Murray, to your request for admission dated January 15, 2018, in regards to the above referenced matter.

If you have any questions, please contact this office at (843) 225-8754.

Thank you for you kind attention to this matter.

Sincerely,


Attorney Willie B. Heyward
Heirs Property Law Firm, LLC
27 Gamecock Avenue, Suite 200
Charleston, SC 29407
(843) 225-8754
wheyward80@gmail.com
Attorney for Bernard Murray

Enclosure as stated

000110

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

ISABELLE MURRAY

Plaintiff

VS.

ROLAND MURRAY, BERNARD MURRAY
and WILLIAM MURRAY, and STATE OF
SOUTH CAROLINA DEPARTMENT OF
REVENUE,

Defendants

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

CASE NO.: 2014-CP-10-07484

**DEFENDANT BERNARD MURRAY'S
RESPONSE TO PLAINTIFF'S REQUEST
FOR ADMISSION**

TO PLAINTIFFS ABOVE NAMED:

**DEFENDANT BERNARD MURRAY'S RESPONSE TO PLAINTIFF'S REQUEST
FOR ADMISSION.**

REQUEST FOR ADMISSION

1. Admit You conveyed by deed your interest in the Subject Property to Isabelle Murray in order for her to obtain the Subject Loan

Answer: No

Defendant, Bernard Murray, agreed to allow Isabelle Murray to get a loan in the amount of Ten Thousand (\$10,000.00) Dollars to satisfy an elective share claim by the surviving spouse of his father James Murray in regards to the probate administration of his estate.

Charleston, South Carolina

Dated: February 14, 2018


WILLIE B. HEYWARD, ESQUIRE

27 Gamecock Ave, Suite 200

Charleston, South Carolina 29407

(843) 225-8754

ATTORNEY FOR BERNARD MURRAY

Heirs' Property Law Firm, LLC

27 Gamecock Avenue Suite 200 Charleston, SC 29407
Phone 843.225.8754/843.568.4679 Fax 843.225.8765

February 22, 2018

Drew Walker, Esquire
Rogers Lewis
Attorneys At Law
1901 Main Street, Suite 1200
Columbia, S. C. 29201

Re: Bayview Loan Servicing, LLC, a Limited
Liability Company, LLC vs. Isabelle Murray, et. al.
Case No: 2014-10-07484

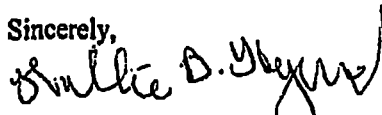
Dear Attorney Walker:

Please find enclosed the response of the Defendant, Roland Murray, to your request for admission dated January 15, 2018, in regards to the above referenced matter.

If you have any questions, please contact this office at (843) 225-8754.

Thank you for you kind attention to this matter.

Sincerely,



Attorney Willie B. Heyward
Heirs Property Law Firm, LLC
27 Gamecock Avenue, Suite 200
Charleston, SC 29407
(843) 225-8754
wheyward80@gmail.com
Attorney for Roland Murray

Enclosure as stated

000112

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

ISABELLE MURRAY

Plaintiff

VS.

ROLAND MURRAY, BERNARD MURRAY
and WILLIAM MURRAY, and STATE OF
SOUTH CAROLINA DEPARTMENT OF
REVENUE,

Defendants

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

CASE NO.: 2014-CP-10-07484

**DEFENDANT ROLAND MURRAY'S
RESPONSE TO PLAINTIFF'S REQUEST
FOR ADMISSION**

TO PLAINTIFFS ABOVE NAMED:

**DEFENDANT ROLAND MURRAY'S RESPONSE TO PLAINTIFF'S REQUEST
FOR ADMISSION.**

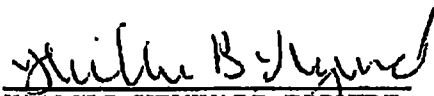
REQUEST FOR ADMISSION

1. Admit You conveyed by deed your interest in the Subject Property to Isabelle Murray in order for her to obtain the Subject Loan

Answer: No

Defendant, Bernard Murray, agreed to allow Isabelle Murray to get a loan in the amount of Ten Thousand (\$10,000.00) Dollars to satisfy an elective share claim by the surviving spouse of his father James Murray in regards to the probate administration of his estate.

Charleston, South Carolina
Dated: February 21, 2018


WILLIE B. HEYWARD, ESQUIRE
27 Gamecock Ave, Suite 200
Charleston, South Carolina 29407
(843) 225-8754
ATTORNEY FOR ROLAND MURRAY

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

ISABELLE MURRAY

VS.

ROLAND MURRAY, BERNARD MURRAY
and WILLIAM MURRAY, and STATE OF
SOUTH CAROLINA DEPARTMENT OF
REVENUE,

Plaintiff

Defendants

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

CASE NO.: 2014-CP-10-07484

NOTICE OF REPRESENTATION

TO: THE PARTIES ABOVE- NAMED:

Please be advised that the undersigned attorney represents the interests of the Defendant

ROLAND MURRAY in regards to the above-referenced action.

Dated this ____ day of February 2018, at Charleston, South Carolina.

Willie B. Heyward
WILLIE B. HEYWARD, ESQUIRE
27 Gamecock Ave, Suite 200
Charleston, South Carolina 29407
(843) 225-8754

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Bayview Loan Servicing, LLC, a
Delaware Limited Liability Company,

Plaintiff,

v.

Isabelle Murray, William Murray,
Bernard Murray, Roland Murray, County
of Charleston, and South Carolina
Department of Revenue,

Defendants.

IN THE COURT OF COMMON PLEAS

C/A NO: 2014-CP-10-07484

CERTIFICATE OF SERVICE

FILED
2018 MAR 22 PM 1:32
JULIE J. LAWRENCE
CLERK OF COURT

The undersigned, of the law office of Rogers Lewis Jackson Mann & Quinn, LLC, does certify that on March 19th, 2018, she did cause to have served by U.S. Postal Service, regular mail with postage prepaid and return address clearly indicated, copies of the **PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR PARTIAL SUMMARY JUDGMENT** to the following:

<p>Willie Bruce Heyward, Esq. 27 Gamecock Avenue Charleston, SC 29407 <i>Attorney for Defendants Bernard Murray and Roland Murray</i></p>	<p>Barry I. Baker, Esq. PO Box 31265 Charleston, SC 29407 <i>Attorney for Defendant Isabelle Murray</i></p>
<p>Johanna S. Gardner, Esq. 4045 Bridge View Drive, Suite B2332 North Charleston, SC 29405</p>	<p>Sean G. Ryan, Esq. PO Box 12265 Columbia, SC 29211</p>

Pamela Baker

Pamela Baker - Paralegal
Rogers Lewis Jackson Mann & Quinn, LLC

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable Mikell R. Scarborough
Trial Court Case No. 2014-CP-10-07484

Appellate Case No. 2018-002228

RECEIVED
AUG 28 2019
SC Court of Appeals

Bayview Loan Servicing, LLC, a Delaware Limited Liability Company,
Respondent,

v.

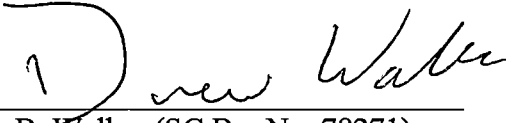
Isabelle Murray, William Murray, Bernard Murray, Roland Murray, County of Charleston, and the
South Carolina Department of Revenue, Defendants,

Of Whom Bernard Murray and Roland Murray are the Appellants.

CERTIFICATE OF SERVICE

I certify that I have served a copy of *Motion to Compel Correction of Deficiencies of Record on Appeal Filed by Appellants* by depositing a copy of the same in United States Mail, postage prepaid, on January 7, 2019, to Appellants' Attorney of record, listed herein:

Willie B. Heyward, Esq.
27 Gamecock Avenue
Suite 200
Charleston, SC 29407
Attorney for Appellant


Drew B. Walker (SC Bar No. 78271)
Rogers Lewis Jackson Mann & Quinn, LLC
PO Box 11803
Columbia, SC 29211
P: 803-256-1268
F: 803-252-3653
dwalker@rogerslewis.com

August 28, 2019

Attorney for Respondent