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SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
C/A NO.: 2016-CP-10-05374

Wilmington Savings Fund Society, FSB,
d/b/a Christiana Trust, not individually but as
Trustee for Pretium Mortgage Acquisition
Trust,

**MASTER IN EQUITY'S ORDER OF
JUDGMENT OF FORECLOSURE AND
SALE DECREE**

Plaintiff,

(Non-Jury)

vs.

(Not Eligible for HAMP)

Mark Reamer aka Mark A. Reamer, Regions
Bank, LVNV Funding LLC, Belle Hall
Shopping Center II, LLC, Dunes West
Property Owners' Association and The South
Carolina Department of Revenue,

(Deficiency Waived)

Defendants.

(File No. 4044.09616)

RILEY POPE & LANEY, LLC
Attorneys for Plaintiff

Sean G. Ryan
Attorney for The South Carolina Department
of Revenue

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CLERK OF COURT

Pursuant to Rule 53 SCRPC, the above entitled matter was referred to the undersigned to make appropriate findings of fact and conclusions of law with authority to enter a final judgment in this cause without further order of court. Any appeal from this Order shall be directly to the South Carolina Court of Appeals.

Pursuant to said Order of Reference a hearing was held on August 13, 2019, attended by attorneys for the Plaintiff. Exhibits were identified, offered and received into evidence. Based upon the proof made of the facts and circumstances alleged in the pleadings, I find, conclude and order as follows:

FINDINGS OF FACT:

- 1) The Lis Pendens was filed on October 11, 2016.
- 2) The Summons and Complaint were filed on October 11, 2016.
- 3) Service was made upon the Defendants as shown by the proof of service filed herein.

4) The Defendants Mark Reamer aka Mark A. Reamer, Regions Bank , LVNV Funding LLC , Belle Hall Shopping Center II, LLC , Dunes West Property Owners' Association are in default as shown by Affidavit, Notice, or Order filed herein.

5) The Defendants and all attorneys of record were notified of the time, date, and place of the hearing in this matter.

6) According to the affidavit filed herein, a good faith investigation did not determine that the defaulting Defendant Mark Reamer aka Mark A. is in the military service and therefore entitled to protection under the Servicemembers' Civil Relief Act, 50 U.S.C. §3901 et seq., or any amendments thereto.

7) For value received, Mark A. Reamer made, executed and delivered a note ("Note") dated March 31, 2004, promising thereby to pay to the order of Washington Mutual Bank, FA the sum of Four Hundred Twelve Thousand and 00/100 (\$412,000.00) Dollars, with interest at the rate of 3.734% per annum initially, adjusted to 2.500% plus the Current Index, with a current rate of 4.1300% per annum. Other terms and conditions are stated in the Note, which is of record herein.

8) To better secure the payment of the Note described above, Mark A. Reamer made, executed, and delivered to Washington Mutual Bank, FA a certain real estate mortgage ("Mortgage") in writing, dated March 31, 2004, covering real property in Charleston County, which is the same as that described in the Complaint. The Mortgage was filed in the Office of the Register of Mesne Conveyances/Register of Deeds for Charleston County on April 6, 2004, in Book Y489 at Page 413. Thereafter, by assignment recorded on July 29, 2014 in Book 419 at Page 477, the mortgage was assigned to JPMorgan Chase Bank, National Association; thereafter by assignment recorded on July 29, 2014 in Book 419 at Page 478, the mortgage was assigned to NRZ Pass-Through Trust IV, U.S. Bank National Association as Trustee; thereafter by assignment recorded on April 30, 2015 in Book 472 at Page 784, the mortgage was assigned to Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust, not individually but as Trustee for Pretium Mortgage Acquisition Trust; thereafter by invalid assignment recorded on July 27, 2015 in Book 493 at Page 214, the mortgage was assigned to Pretium Mortgage Credit Partners I Loan Acquisition, LP; thereafter by invalid assignment recorded on July 27, 2015 in Book 493 at Page 216, the mortgage was assigned to the Plaintiff.

9) The Mortgage evidences and secures the repayment of money advanced by the mortgagee to, or on behalf of, the mortgagor and constitutes a first mortgage lien on the mortgaged premises.

10) On or about December 2009 borrower had \$41,610.48 in interest deferred on the subject loan.

11) The Plaintiff is the real party in interest pursuant to SCRCP 17(a) and is entitled to enforce the terms of the subject Note and Mortgage.

12) The titleholder of record of the subject property as of the filing of the Lis Pendens in this action is Mark A. Reamer, who is the original mortgagor.

13) Any notice required by the terms of the Note and/or Mortgage or by state or federal statutes has been given to the applicable Defendants prior to the commencement of this action.

14) The loan evidenced by the Note and Mortgage is serviced by a servicer participating in the Home Affordable Modification Program (HAMP). It is not owned, securitized or guaranteed by Fannie Mae or Freddie Mac. Based on the allegations in the Complaint that the subject loan is not eligible for HAMP modification, the Court finds that there are no HAMP issues to be resolved before foreclosure is ordered or the sale is commenced.

15) An Attorney Certification having been filed in this matter pursuant to Administrative Order 2011-05-02-01, the Court finds that the foreclosure action may proceed to Judgment and Sale.

16) The Note payments which became due on April 1, 2009, and subsequent months, have not been made as provided for therein, and the Plaintiff, as the holder thereof, has elected to require immediate payment of the entire amount due thereon and has placed the Note and Mortgage in the hands of its attorney for collection by foreclosure.

17) The sum of \$6,049.00 is a reasonable fee to allow as attorney's fees for Plaintiff's attorney for services performed and anticipated to be performed until final adjudication of this action, under the terms of the Note and Mortgage. The inclusion of services anticipated to be performed until final adjudication contemplates completion of this matter within a reasonable time and does not include exceptional circumstances delaying conclusion beyond the normal time.

18) The amount due and owing on the Note, with interest at the rate provided in the Note, and other costs and expenses of the within action, including an attorney's fee, secured by the Note and Mortgage, is as follows:

(a) Principal amount due as of April 1, 2009	\$452,949.15
(b) Interest from March 1, 2009 to August 13, 2019 at a current rate of 4.1300%	\$132,455.90
(c) Advances	
Property Inspections, BPOs, Appraisals	\$1,040.00
Property Taxes	\$24,965.96
Escrow	\$51,336.19
Recording fee	\$5.00
	\$0.00
	\$0.00
	\$0.00
	\$0.00
(d) Late charges	\$842.82
(e) Costs of collection prior to hearing (service of process, filing fees, etc.)	\$1,250.00
(f) Attorneys Fee	\$6,049.00
Total debt secured by Note and Mortgage, including interest to date shown	\$678,943.02

Interest for the period from the date shown in (b) above through the date of this judgment at above stated rate to be added to the above stated "Total Debt" to comprise the amount of the judgment debt entered herein and interest after the date of judgment at the rate of 4.1300% per annum (pursuant to the terms of the Note and Mortgage) on the judgment debt should be added to such judgment debt to comprise the amount of Plaintiff's debt secured by the Mortgage through the date to which such interest is computed.

19) The Plaintiff is seeking the usual foreclosure of the mortgage and has in the Complaint, or subsequently thereto in writing, expressly waived the right to a personal or deficiency judgment pursuant to Rule 71(b) SCRCF.

20) The following Defendant(s) claim(s) or may claim a lien upon or interest in the subject property or are otherwise involved in this matter. In the event there is a surplus from the sale of the subject property, the validity, priority and amount of such liens will be determined at a hearing subsequent to the sale, in accordance with Rule 71(c), SCRCF. The Clerk of Court/Register of Deeds is hereby ordered to release said liens in so much as it pertains to the property which is the subject of this action:

Regions Bank by virtue of a mortgage given by Mark Reamer to Regions Bank in the original principal amount of \$226,887.80, dated December 1, 2006, and recorded on January 22, 2007 in Book T612 at Page 680. Any such interest in or lien upon the property is junior and subordinate to Plaintiff's mortgage.

LVNV Funding LLC by virtue of a judgment against Mark A. Reamer in the amount of \$1,440.41 dated July 23, 2008 and recorded on July 24, 2008 in Case No. 08-CP-10-2954. Any such interest in or lien upon the property is junior and subordinate to Plaintiff's mortgage.

Belle Hall Shopping Center II, LLC by virtue of a judgment against Second Half Team LLC, Mark Reamer and Cathy Reamer in the amount of \$216,606.37 dated December 14, 2010 and recorded on December 15, 2010 in Case No. 2010-CP-10-5276. A Partial Release was recorded October 9, 2012. Any such interest in or lien upon the property is junior and subordinate to Plaintiff's mortgage.

Dunes West Property Owners' Association by virtue of any lien or enforceable assessments claimed as provided for in the Declaration of Covenants, Conditions, and Restrictions recorded herein, and any amendments thereto; including but not limited to a lien in the amount of \$12,415.56 recorded November 5, 2015 in Book 515 at Page 649 and a pending action filed December 21, 2015 in Case No.: 2015-CP-10-6866. Any such interest or lien upon the subject property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183842-1, in the amount of \$1,365.87, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18802. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183871-1, in the amount of \$112.13, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18820. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183870-4, in the amount of \$121.11, dated September 16, 2010, and recorded on October 8,

2010 in Judgment Roll No. 2010-18821. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183869-8, in the amount of \$306.49, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18822. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183868-1, in the amount of \$307.47, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18823. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183867-4, in the amount of \$308.43, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18824. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183866-7, in the amount of \$309.45, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18825. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183865-0, in the amount of \$310.49, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18826. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183864-3, in the amount of \$311.58, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18827. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183863-6, in the amount of \$312.70, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18828. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183862-9, in the amount of \$315.06, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18829. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183861-2, in the amount of \$316.24, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18830. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183860-5, in the amount of \$317.32, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18831. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183857-5, in the amount of \$216.83, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18834. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183856-8, in the amount of \$235.02, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18835. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183855-1, in the amount of \$603.11, dated September 16, 2010, and recorded on October 8,

2010 in Judgment Roll No. 2010-18836. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183854-4, in the amount of \$605.08, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18837. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183853-7, in the amount of \$607.02, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18838. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183852-0, in the amount of \$609.06, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18839. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183851-3, in the amount of \$611.15, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18840. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183850-6, in the amount of \$613.34, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18841. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183849-0, in the amount of \$615.59, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18842. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183848-3, in the amount of \$620.39, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18843. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183847-6, in the amount of \$622.68, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18844. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183846-9, in the amount of \$624.89, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18845. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183843-8, in the amount of \$1,256.39, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18848. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183841-4, in the amount of \$2,721.80, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18849. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183840-7, in the amount of \$2,733.62, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18850. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183839-1, in the amount of \$2,745.25, dated September 16, 2010, and recorded on October

8, 2010 in Judgment Roll No. 2010-18851. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183838-4, in the amount of \$2,757.57, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18852. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183837-7, in the amount of \$2,770.08, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18853. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183836-0, in the amount of \$2,783.22, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18854. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183835-3, in the amount of \$2,796.82, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18855. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183834-6, in the amount of \$2,825.47, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18856. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

The South Carolina Department of Revenue by virtue of any lien(s) of record, including, but not limited to, a Tax Lien or Warrant for Distraint against Mark Reamer, bearing Tax Lien/Warrant No. 3-51183833-9, in the amount of \$2,839.34, dated September 16, 2010, and recorded on October 8, 2010 in Judgment Roll No. 2010-18857. Any such interest in or lien upon the said property is junior and subordinate to Plaintiff's mortgage.

CONCLUSIONS OF LAW

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1) The Plaintiff's Mortgage should be declared a first mortgage lien and Plaintiff should have judgment of foreclosure of the mortgage and the mortgaged property should be ordered sold at public auction after due advertisement.

2) The Court finds that there are no HAMP issues to be resolved before foreclosure is ordered or the sale is commenced.

3) The Court also finds that the Plaintiff is in compliance with Administrative Order 2011-05-02-01 and that the foreclosure action may proceed to Judgment and Sale.

4) The Defendants named herein, and all persons whosoever claiming under Defendants, are forever barred and foreclosed of all right, title, interest, equity of redemption or lien in the said mortgaged premises so sold, or any part thereof.

5) Pursuant to Rule 53, SCRPC, this Order shall constitute a final judgment.

6) There is due to the Plaintiff on the Note and Mortgage set forth in the Complaint the sum of \$670,894.02, as set out in the Findings of Fact *supra*.

7) The amount due in the preceding paragraph (the "Total Debt" as set out in the Findings of Fact *supra*, and later accrued interest on the principal), shall constitute the total judgment debt due Plaintiff and shall bear interest hereafter at the rate of 4.1300% per annum. The amount of the judgment shall be subject to increase to permit the Plaintiff to recover additional costs, commissions and expenses not included in the judgment figures set forth herein. It may also increase to include supplemental compensation for attorney's services not contemplated by the initial fee awarded. Jurisdiction over the fee award and total debt is reserved to facilitate the assessment and payment of any such costs and/or supplemental compensation. Such additional costs, commissions and expenses may be established by statement and shall be adjudicated by the Court without further finding.

8) The Defendants liable for the aforesaid judgment debt including interest at the rate of 4.1300% per annum shall on or before the date of sale of the property hereinafter described, pay to the Plaintiff, or Plaintiff's attorney the amount of Plaintiff's debt as aforesaid, together with the costs and disbursements of this action.

9) On default of payment at or before the time herein indicated, the mortgaged premises described in the Complaint, as hereinafter set forth, shall be sold by the Master in Equity, at

public auction, at 11:00 a.m. at the County Courthouse in Charleston, South Carolina, on some convenient sales day hereafter (and should the regular day of judicial sales fall on a legal holiday, then and in such event, the sales day shall be on some other day appointed by the Court), on the following terms, that is to say:

10) For cash: The Master in Equity, will require, at the time of the bid, a deposit of 5% of the amount of the bid (in cash or equivalent) same to be applied to purchase price if compliance is made, but in the event of non-compliance, the deposit may be forfeited without further hearing and applied first to the costs of the action and then to plaintiff's debt. Should the successful bidder at the regularly conducted sale fail or refuse to make the required deposit at time of bid or comply with the other terms of the bid within thirty (30) days, then the property may be re-sold on the same terms and conditions on some subsequent Sales Day, but at the risk of the defaulting bidder(s).

11) Interest on the balance of the bid shall be paid through the day of compliance at the rate of 4.1300%.

12) Purchaser shall pay for any statutory commission on sale from the proceeds of sale, deed preparation, costs of recording the deed, and deed stamps.

13) A personal or deficiency judgment having been waived, the bidding will not remain open after the date of sale and compliance with the bid may be made immediately.

14)

15) The sale is subject to assessments, county taxes, existing easements, easements and restrictions of record, and other senior encumbrances.

16) The Master in Equity, will, by advertisement according to law, give notice of the time and place of such sale and the terms thereof and will execute to the purchaser, or purchasers, a deed to the premises sold. The Plaintiff, or any other party to this action, may become a purchaser at such sale, and if, upon such sale being made, the purchaser, or purchasers, should fail to comply with the terms thereof within thirty (30) days after the conclusion of the bidding, then the Master in Equity, may advertise the said premises for sale on the next or some other subsequent sales day at the risk of the highest bidder and so from time to time thereafter until a full compliance shall be secured.

17) In the event an agent of the Plaintiff does not appear at the time of sale, the within property shall be withdrawn from sale and sold at the next available sales day upon the terms and

conditions as set forth in this Judgment of Foreclosure and Sale or such terms as may be set forth in a supplemental order.

18) If Plaintiff is the successful bidder at the sale, for a sum not exceeding the amount of costs, expenses and the indebtedness of Plaintiff in full, Plaintiff may pay to the Master in Equity, only the amount of the costs and expenses crediting the balance of the bid on Plaintiff's indebtedness.

19) The Master in Equity will apply the proceeds of the sale as follows:

FIRST: To the payment of the amount of the costs and expenses of this action, including any Guardian Ad Litem fee or fees of attorneys appointed under Order of Court;

NEXT: To the payment to the Plaintiff or Plaintiff's attorney of the amount of Plaintiff's debt and interest (including attorney fees) or so much thereof as the purchase money will pay on the same;

NEXT: Any surplus should be held pending further Order of this court.

20) In the event the successful bidder is other than the Defendant(s) in possession of the subject property, upon full compliance and title by deed from the Court vested into such purchaser, and upon issuance of a Writ of Assistance by the Court, the Sheriff of Charleston County is ordered and directed to eject and remove from the premises the occupant(s) of the property sold, together with all personal property located thereon, and put the successful purchaser or his assigns in full, quiet, and peaceable possession of said premises without delay, and to keep said successful bidder or his assigns in such peaceable possession. All valid tenant rights shall be protected pursuant to the Protecting Tenants at Foreclosure Act of 2009.

21) In the event the successful purchaser is someone other than the Defendant(s) in possession of the subject property, and the occupants have voluntarily vacated the property or have been ejected from the property leaving furnishings, fixtures and items not subject to Plaintiff's Mortgage is said property, and title by deed from the Court is vested into such purchaser, the Purchaser is authorized to remove from the property all furnishings, fixtures and items not subject to the lien of Plaintiff's Mortgage. The personal property, being deemed abandoned, shall be removed by the Purchaser or its agents from the subject property by placing said property on the public street or highway or by any other means.

22) In accordance with S.C. Code Ann. §30-9-31, the deed of conveyance made pursuant to said sale shall be indexed by the R.M. C. in the name of the owner of record of subject property

immediately prior to execution of the deed, as well as in the name of the Master in Equity, who executes such deed as grantor.

23) The undersigned will retain jurisdiction to do all necessary acts incident to this foreclosure including, but not limited to, the issuance of a Writ of Assistance.

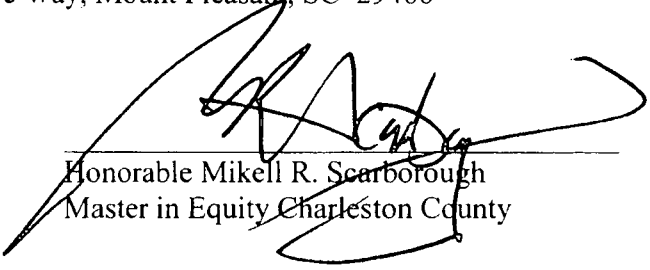
24) The following is a description of the premises herein ordered to be sold:

All that certain piece, parcel or lot of land situate, lying and being in the State of South Carolina, County of Charleston, Town of Mount Pleasant, shown and designated as Lot 2373 Darts Dove Way, 0.508 Ac., Darts Pointe, Phase I, Dunes West, on a plat by Southeastern Surveying, Inc., entitled A Final Subdivision Plat of Phase I Darts Pointe Dunes West Owned by Dunes West Residential Golf Properties, Inc., located in the Town of Mount Pleasant Charleston County, South Carolina dated October 2, 1999 and recorded December 13, 1999 in Plat Book ED at page 647-648 in the RMC Office for Charleston County. Said lot of land having such size, shape, dimensions, buttings and boundings as will by reference to said plat more fully and at large appear.

Being the same property conveyed unto Mark A. Reamer by deed from Total Properties, LLC dated March 31, 2004 and recorded April 6, 2004 in Deed Book X489 at Page 393 in the ROD Office for Charleston County, South Carolina.

TMS No. 594-05-00-096

Property Address: 2373 Darts Cove Way, Mount Pleasant, SC 29466


Honorable Mikell R. Scarborough
Master in Equity Charleston County

August 20, 2019
Charleston, South Carolina