

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

WELLS FARGO FINANCIAL)
SOUTH CAROLINA, INC.,)

Plaintiff,)

v.)

PAULA D. MACK; VINCENT DEMAR)
MACK; TONI DAWSON; TONI D.)
INCORPORATED A/K/A TONI D.,)
INC.; CHARLESTON CARDIOLOGY;)
LOCO RECORD SHOP INC.,)

Defendant.)

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO.: 2014-CP-1006824

(NON-JURY MORTGAGE FORECLOSURE)

RECEIVED

FEB 07 2020

SC Court of Appeals

ORDER FOR WRIT OF ASSISTANCE AND WRIT OF ASSISTANCE

This matter came before me seeking a Writ of Assistance to be issued by this Court to the Sheriff of Charleston County, South Carolina ordering and directing him to remove, peaceably or forcibly, the Defendants, Paula D. Mack and Vincent Demar Mack, together with any and all persons claiming under the said Defendants and all his/her personal property located within or on the subject premises. The request is pursuant to the Master in Equity's Order and Judgment of Foreclosure and Sale filed March 11, 2016, which granted the Sheriff of Charleston County the authority:

“to eject and remove from the premises the occupants of the property sold, together with all personal property located thereon, and put the successful bidder to whom the deed of conveyance has been issued 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.”

Following the issuance of the Foreclosure Decree filed March 11, 2016, the subject premises was sold at the judicial sale to A and W Property LLC on December 3, 2019. The Mack Defendants have been aware of the sale since that date and have yet to vacate. The subject premises is more particularly described as:

All that certain lot of land situate, lying and being in the St. Andrews Parish, City of Charleston, Charleston County, SC, shown and designated as Lot 13 on a plat prepared by W.L. Gaillard dated December 28, 1970 and entitled "Plat of Sherwood Forest Extension in St. Andrews Parish, Charleston South Carolina" and recorded in Plat Book O, Page 16, R.M.C. Office for Charleston County, SC, having such shape, dimensions, buttings and boundings, as will by reference to said plat more fully appear, be all the dimensions shown thereon a little more or less.

This being the same property conveyed to Paula D. Mack and Vincent D. Mack by deed from Shantae Simmons dated April 12, 2007 and recorded April 23, 2007, in Book Y622 at Page 329. Thereafter, Vincent P. Mack attempted to convey his interest to Paula D. Mack by deed dated February 14, 2006, recorded February 16, 2011, in Book 172 at Page 528 and re-recorded November 15, 2011 in Book 217 at Page 608, in the Office of the RMC for Charleston County, South Carolina.

TMS No.: 351-16-00-107

Property Address: 1604 Pineview Road, Charleston, SC 29407

NOW, THEREFORE, IT IS ORDERED that the Defendants, Paula D. Mack and Vincent Demar Mack, together with any and all occupant(s) shall vacate the premises on or before February 10, 2020 at 12:00 noon and that the third-party bidder, or its assigns, is entitled to recover possession of the premises on said date.

IT IS FURTHER ORDERED that if the premises is not vacated on said date, then upon receipt of a copy of this Order, the Sheriff of Charleston County, South Carolina or his authorized deputies, be and hereby directed and authorized to enter upon the aforescribed premises, by force if the same be necessary, and seize the said premises and to remove therefrom any and all such persons who may be occupying the same, together with all possessions therein, including the Defendants, Paula D. Mack and Vincent Demar Mack, and to put the third-party bidder, or its assigns, in full, peaceful and quiet possession of the premises without delay, and thereafter, and within ten (10) days, make due return to the Clerk of Court for Charleston County, South Carolina, showing how this Order has been executed.

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

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

AND IT IS SO ORDERED.

MIKELL R. SCARBOROUGH
Master in Equity, Charleston County

Charleston, South Carolina
February 7, 2020.