

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

GREEN TREE SERVICING LLC,)
as servicer for BANKERS TRUST)
COMPANY OF CALIFORNIA, N.A.,)

Plaintiff,)
)
)

vs.)
)
)

ISIAH ULMER, DEBORAH J.)
ULMER, SOUTH CAROLINA)
DEPARTMENT OF MOTOR)
VEHICLES AND FORD)
CONSUMER FINANCE)
CONSUMER FINANCE CO.,)
INC.,)

Defendants.)
)
)

IN THE COURT OF COMMON PLEAS

C/A NO.: 2005-CP-10-1224

ORDER DISMISSING
MOTION TO SET
ASIDE SALE

BY

JULIE J. ARMSTRONG
CLERK OF COURT

2013 FEB 13 AM 9:46

FILED

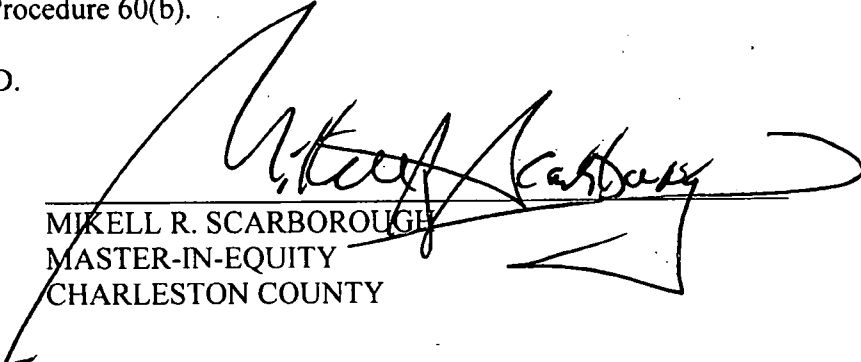
This matter came before the Court on December 10, 2012, pursuant to the Defendants' Motion to Set Aside the Sale. Present at the hearing were Theodore von Keller, attorney for the Plaintiff Green Tree Servicing, LLC. Neither the Defendants nor their counsel of record were present at the hearing.

The Court finds that the Plaintiff provided Defendants' counsel with notice of the hearing, as reflected in the Certificate of Service of the Notice of Hearing filed with the Court on October 26, 2012. Mr. von Keller also represented to the Court that he called the office of Davis & Davis at the inception of the hearing and left a message requesting information as to why the Defendants' counsel was not present, however, he received no answer or return telephone call. Mr. von Keller further represented that neither he nor his office had received any

communication from Defendants' counsel regarding their absence or inability to attend the hearing.

The Court, therefore, denies the Motion to Set Aside the Sale for failure to prosecute. The Court further takes notice that counsel for the Plaintiff represented to the Court that he was informed by his client that no payments have been made on the account since May of 2009. The Motion to Set Aside the Sale is, therefore, also denied as the Affidavits of Isiah Ulmer in Support of the Motion to Vacate Order of Sale fails to establish a meritorious defense, as is required under the Federal Rules of Civil Procedure 60(b).

AND IT IS SO ORDERED.



MIKELL R. SCARBOROUGH
MASTER-IN-EQUITY
CHARLESTON COUNTY

Charleston, South Carolina

January 28, 2013