

STATE OF SOUTH CAROLINA)
 COUNTY OF LAURENS)
 NHC HEALTHCARE LAURENS,)
 Plaintiff,)
 vs.)
 Willie Roy Anderson, Sr., Pacesetter Corporation,)
 United States Department of Treasury, Internal)
 Revenue Service and South Carolina Department)
 of Revenue,)
 Defendants.)

IN THE COURT OF COMMON PLEAS

ORDER AND
 WRIT OF ASSISTANCE
 09-CP-30-565

FILED
 2012 DEC 20 15 P 1:51
 COURT CLERK

This is an ejectment action which was heard by the undersigned on December 20, 2012, and prior to ruling on the issues advanced by counsel for Defendant, Willie Roy Anderson, Sr., the following background is necessary to be recited.

FACTUAL BACKGROUND

On or about May 21, 2010, a Writ of Assistance was sought by Plaintiff to eject Defendant, Willie Roy Anderson, Sr., from certain real property which was purchased by Plaintiff at a foreclosure sale held on December 9, 2009, and the foreclosure sale was carried out pursuant to an order of this Court dated October 22, 2009.

Counsel for Willie Roy Anderson, Sr. objected to the proposed Writ of Ejectment and filed and served a motion to stay execution and relief from default judgment.

Defendant Willie Roy Anderson, Sr.'s issues were heard, resulting in an order of this Court dated April 27, 2011, which denied the relief sought by Defendant, Willie Roy Anderson, Sr.

Defendant, Willie Roy Anderson, appealed the April 27, 2011 order to the South Carolina Court of Appeals; however, the appeal was dismissed, see Exhibit 1 consisting of 3 page.

In connection with the current ejectment action, counsel for Defendant, Willie Roy Anderson, Sr., argues that the order dated October 22, 2009 is invalid because said Defendant did not receive a copy of the foreclosure order and the accompanying notice of sale; however, this was dealt with in the Court's order of April 27, 2011, above mentioned, and since said Defendant's appeal has been dismissed, this Court's findings adverse to said Defendant on the point in question is now the law of the case.

Also, since said Defendant was in default, Rule 5(a) SCRCF provides that no service need be made on a party in default for failure to appear, which was the case with reference to the October 22, 2009 order.

Counsel for Defendant, Willie Roy Anderson, Sr., in further connection with the current ejectment action, collaterally attacks the foreclosure order dated October 22, 2009, contending that the order is defective for failure to provide for Defendant Anderson's statutory exemption as codified in § 15-44-30 of the 1976 South Carolina Code of Laws, as amended.

The Court determines that Defendant Willie Roy Anderson, Sr.'s attack on the October 22, 2009 order is without merit based upon Rule 60(b) SCRCF, which provides, *inter alia*, that a motion to be relieved from the terms of a judgment cannot be entertained more than one year after the judgment, and here, the judgment at issue was more than three years old prior to said Defendant's motion with reference to the exemption issue.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Plaintiff is entitled to recover possession of the premises described as follows:

See Exhibit A.


TMS#s: 906-14-18-019 and 906-14-16-12

Property Address: 126 Gray Street, Laurens, South Carolina

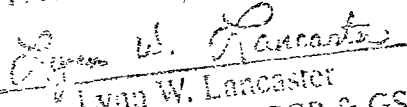
IT IS FURTHER ORDERED that upon receipt of a copy of this Order, the Sheriff of Laurens County, South Carolina, or his authorized deputies, be and they are hereby directed and authorized to enter upon the subject premises, by force if the same be necessary, on the 15th day of April, 2013, at 10:00 a.m. or as soon thereafter as may be practical, and seize the said premises and to remove therefrom any and all such persons who may be occupying the same, together with all their possessions, including the Defendant, Willie Roy Anderson, Sr., and to put Plaintiff in full, peaceful and quiet possession of the premises without delay and, thereafter, make immediate Return to the undersigned, showing how the Order has been executed.

AND IT IS SO ORDERED.

Laurens, South Carolina
March 13, 2013



W. Reid Cox, Jr., Special Referee
Laurens, South Carolina

A TRUE COPY OF ORIGINAL


Lynn W. Lancaster
Laurens County CCCP & GS