

Foreclosure Hearing Package Checklist – Lexington County

Attorney needs to review each hearing package for the below items prior to handing documents up to the Judge

- Original Notice of Sale **Must include:**
- If Deficiency is Waived or Demanded and the interest rate
 - Property Address
 - Name of Attorney/Law Firm

Note: Sale is in Lex. Co. Judicial Center NOT Courthouse
****You are responsible for obtaining publication of the Notice of Sale in the appropriate newspaper (general circulation within the county). The two general circulation papers most often used in Lexington County are the Lexington Chronicle and The State.**

Original Order (Master’s Report & Judgment) along with New Form 4C
Note: Sale is in Lex. Co. Judicial Center NOT Courthouse

Original Record – **Record required on Supplemental Hearings also**

Original Affidavit of Debt signed by Client

Affidavit of Attorney Fees ****See Page 2 for requirements**

Copy of Notice of Hearing

All documents have been signed (Atty. and Notary)

Please do not submit nor attempt to collect attorney fees or costs due to past foreclosure actions, unless you can document that the attorney fees are bankruptcy fees unpaid and due to the current action

While certain reasonable costs relating to securing abandoned property are, if properly presented and documented, proper in a foreclosure case, a default in a foreclosure case is not a license to begin process of rehabilitating a house for purposes of re sale. I ask all attorneys to review, before they sign and submit, the client’s corporate advance and provide a breakdown with hearing package.

Provide copies of all Assignments and or Mergers proving Plaintiff has authority to foreclose.

\$35.00 check payable to Master-In-Equity if this is a Supplemental Hearing

Must have self addressed envelope (appropriate size) to return copies to attorney

Must have proof of compliance with Administrative Order of the SC Supreme court (2011-05-02-01) – attach copy of Foreclosure Intervention certificate to hearing package.

Attorney Fee Affidavit Requirements

(1) **Uncontested Cases---**

- (a) your attorney fee affidavit must be executed properly
- (b) state if contract rate-if it is a contract rate-no time records are required.
- (c) state if hourly rate and the number of hours worked on the case
- (d) contain a discussion of factors listed in *Judge Ralph Anderson's 2011 MIE Bench-Bar Attorney fees-How to get them and keep them on appeal.

As normal, provide a copy to party who appears and I will ask if party wishes to ask questions. If party appears and contest attorney fees, cost or debt, case will be continued to allow for a court reporter and a detailed fee affidavit prepared and sent to defendant(s) for review prior to second hearing if they still contest after review of detailed affidavit.

(2) **Contested Cases---**bring a witness and court reporter. If after determining who wins case, attorney fees are still an issue, I require same step as above---send detailed attorney fee affidavit with time and costs. IF defendant requests, they can have hearing to cross examine on fee issues.

(3) All Deficiency cases-detailed time sheet required.

*you can contact Terry Burnett at the SC CLE Division to get this information