

Lexington County



Master In Equity Procedure Manual

Master In Equity Contact Information

Judge James O. Spence

Leslie Shealy - lshealy@lexingtoncounty.sc.gov

Joy Davidson - jfdavidson@lexingtoncounty.sc.gov

Misty Alewine - mmalewine@lexingtoncounty.sc.gov

Orders of Reference

Order of Reference Procedure for Lexington County

Orders of Reference

- Clerk of Court will send order to Judge Spence for conflict review (he does not sign the order of reference)
- Judge Spence will review the Order of Reference:
 - If no conflict Judge Spence will send order back to Clerk of Court to process
 - If Judge Spence has a conflict he will send order back to COC with note that a Special Referee is needed and COC will reject order back to attorney.

Supplemental Proceeding Order of Reference Procedure:

- 1- You will e-file a Judge signed Order of Reference only with the clerk of court. (you can't combine OR & RTSC)
- 2- You will mail #(see below) the **MIE reference fee \$25.00(Supplemental Proceeding)** and **NEF** to the MIE office attention Order of Reference Clerk. We suggest you do this on the same day as you e-file the order of reference. (note: checklist is not needed with Supplemental Proceedings) Note: List a contact name and e-mail for the Law Firm please.
- 3- Once the order of reference has been signed and filed with the clerk of court and placed in the MIE referral portal and the MIE office has received your check and NEF (normally takes about 1 week – depending on when you send the MIE check and NEF) the MIE court staff will e-mail a **status conference** date to you. After the status conference a hearing date will be set for your **Sup. Proc. RTSC**.
- 4- Put the hearing date in your **Sup. Proc. RTSC** and e-file with a note to the clerk of court that this RTSC needs to go to Judge Spence.

Foreclosure/Other Orders of Reference:

- 1- You will e-file the (a) Clerk signed Foreclosure, default or consent Order of Reference or (b) all other Orders of Reference signed by Circuit Judge with clerk of court.
- 2- You will mail #(see below) the **NEF, Judge Spence's checklist** (for foreclosure cases only) and the **MIE reference fee \$125.00(Foreclosure) \$50.00(Partitions/Quiet & Tax Title etc.)** to the MIE office attention Order of Reference Clerk. We suggest you do this on the same day as you e-file the order of reference Note: List a contact name and e-mail for the Law firm please.
- 3- Scheduling default foreclosures: wait 3-5 days after the order of reference (**on default foreclosures only**) has been signed and filed or 3-5 days after you sent the MIE check & checklist. **We cannot set a hearing until the OR has been filed and we have the MIE reference fee and Judge Spence's checklist.** Contact the MIE court via e-mail to Leslie Shealy, Joy Davidson or Misty Alewine to set hearing date.
(lshealy@lexingtoncounty.sc.gov; vjdavidson@lexingtoncounty.sc.gov; mmalewine@lexingtoncounty.sc.gov)
- 4- Scheduling "other" type cases (partitions/quiet & tax titles etc.): Once the order of reference has been filed and the MIE office has received the reference fee check and checklist the MIE court staff will e-mail a **status conference** date to you for all cases **other than default foreclosures**. After the status conference the Law Firm is to e-mail Leslie Shealy, Joy Davidson or Misty Alewine to set hearing date. (lshealy@lexingtoncounty.sc.gov; jfdavidson@lexingtoncounty.sc.gov; mmalewine@lexingtoncounty.sc.gov)

Judge Spence Order of Reference Checklist (updated 07/01/2021)

HEARING DATE: _____

CASE NAME & CAPTION: _____

LIS PENDENS BOOK & PAGE/FILE DATE: _____

ORDER OF REFERENCE FILED: _____

NOTICE OF HEARING MAILED: _____

FORECLOSURE INTERVENTION/COMPLIANCE DATE FILED: _____ OR 2011 __2021 __
IF ORIGINAL INCLUDED WITH OR PACKAGE FOR FILING CHECK HERE _____

DEFENDANT(s) SERVED (LIST EACH DEFENDANT AND DATE THEY WERE SERVED)

ANSWER OR COUNTERCLAIM FILED? _____

AFFIDAVIT DEFAULT DATE FILED: _____ NON-MILITARY AFF. DATE FILED: _____ OR
IF ORIGINALS INCLUDED WITH OR PACKAGE FOR FILING CHECK HERE _____

PLAINTIFF FIRM/ATTORNEY: _____ / _____

DEFENDANT FIRM/ ATTORNEY: _____ /GAL: _____ /Answer _____

BAILIFF: _____ DEPUTY: _____

COURT REPORTER: GOTO MEETING OR _____ COURT REPORTING SERVICE

DEFENDANT APPEARS SRL/RULES EXPLAINED: _____

We discuss (1) process/procedure. (2) Record/Order review (3) Loan Mod/ Short sale etc (4) 2011 Admin Order & 2020 CARES ACT (5) Sales/vacate issues (6) judicial foreclosure issues/right of occupancy (7) MIE WEBSITE RESOURCE LIST HELP (8) Plaintiff moves all pre-filed exhibits/ docs etc. into evidence and will notify MIE Office when RECORD e-filed (9) Plaintiff to send Status email on _____ or _____ (Monday the week prior to sale)

Other: _____

Deficiency Judgment Waived/Demanded/USA RIGHT OF REDEMPTION/HOA OR 2nd MTG/ Multiple Tracts

Sales Date: _____ or _____

Note/mortgage file date: _____ \$ _____

Interest Rate: _____ % Now it is _____ %

Mortgage Recorded: Book _____ Page _____

Judgment Debt: _\$ _____

DOCUMENTS NEEDED TO PROCESS CASE: / NONE NEEDED-READY TO GO!

(1) FIC Proof

(2) Notice of hearing

(3) Note, Mortgage, Assignment, Property Description

(4) AOD _____ Business Record _____

(5) Attorney fee Note Language and Attorney Fee Affidavit : _____

(6) Other: _____

EXAMPLE

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

H & E Equipment Services, Inc.

Plaintiff,

-vs-

Eagle Excavating Inc.

Defendant.

IN THE COURT OF COMMON PLEAS

JR # 2016-CP-32-00358

ORDER OF REFERENCE

For Supplemental Proceeding

Plaintiff above named, as judgment creditor, moves to have a supplementary examination of the Defendant, Eagle Excavating Inc., to discover sufficient property and for an Order to require the Sheriff to levy upon Execution or to appoint a Receiver of Defendant property so discovered for the purpose of carrying Plaintiff's Judgment into effect, and for such other relief as may be deemed proper based upon the said examination.

NOW, THEREFORE, on Motion of Plaintiff,

IT IS ORDERED that the said examination be, and it is hereby referred to Honorable James O. Spence, Master-In-Equity for Lexington County, to take sworn testimony and evidence and to make findings of fact and render conclusions of law, with full authority to enter a final order disposing of all issues before him, including, but not limited to, issuing Orders to appropriate property, directing sale of property, issuing writs of assistance, enforcing Orders and matters of Contempt, which authority includes issuing a fine, ordering incarceration, or both.

AND IT IS FURTHER ORDERED that any appeal of an Order will be directly to the South Carolina Supreme Court or South Carolina Court of Appeals.

AND IT IS SO ORDERED.

Presiding Judge, Eleventh Judicial Circuit

[SIGNATURE PAGE TO FOLLOW]

I SO MOVE.

LEVI, WITTENBERG, HARRITT, HOEFER & DAVIS, P.A.

By s/Joseph F. Davis
S.C. Bar No. 1599
Attorneys for the Plaintiff
207 N. Washington Street
Post Office Drawer 730
Sumter, South Carolina 29151
803 773-8431
LWHHD@ftc-i.net

ELECTRONICALLY FILED - 2018 Feb 26 10:07 AM - LEXINGTON - COMMON PLEAS - CASE#2016CP3200358



Lexington Common Pleas

Case Caption: H & E Equipment Services Inc VS Eagle Excavating Inc

Case Number: 2016CP3200358

Type: Order/Referred to Master or Special Referee

So Ordered

s/ R. Knox McMahon, #2145

EXAMPLE

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF LEXINGTON)	
H & E Equipment Service, Inc.)	JR # 2016-CP-32-00358
)	
Plaintiff,)	
)	ORDER AND RULE TO SHOW CAUSE
-vs-)	For Supplemental Proceeding
)	
Eagle Excavating, Inc.)	
)	
Defendant)	

This matter was referred to the Court for purposes of holding a supplemental hearing.

NOW THEREFORE, IT IS ORDERED that James E. Pasko, proper officer and registered agent for the Defendant, Eagle Excavating Inc., is hereby required to appear before the said Court on May 24, 2018 at 9:30 am at the Lexington County Judicial Center, 205 E. Main Street, Courtroom 2A, 2nd Floor, Lexington, South Carolina and then and there submit to examination by Plaintiff and truly testify and answer concerning any and all of Defendant's assets in which the Defendant could claim any interest or entitlement whatsoever, whether legal, equitable, custodial, possessory or otherwise.

AND IT IS FURTHER ORDERED that James E. Pasko, proper officer and registered agent for the Defendant, Eagle Excavating Inc. herein is **SUMMONED AND REQUIRED** then and there to bring complete copies of all books and records pertaining to Defendant's assets of whatsoever kind, nature or location, including all intangible and tangible property, personal, corporate (business), real, personal, or mixed, including, but not limited to the following:

1. All complete State and Federal income tax returns, with all attachments, including W-2 and 1099 Forms for the two (2) preceding tax years for which a return was filed by Defendant.
2. The last (12) twelve monthly statements concerning all bank and/or credit union accounts, either checking, savings, IRA accounts, Certificates of Deposit, and/or other similar savings instruments of the Defendant.
3. All complete insurance policies, including life, homeowners, property and/or casualty, with all endorsements, riders and/or all other documents related to property that Defendant has insured.
4. All deeds and mortgages, whether as Grantor or Grantee or Mortgagor or Mortgagee, and data pertaining to same, of any real property in which Defendant has any interest whatsoever and the current balance due on any liens / encumbrances.
5. The titles and/or bills of sale for all vehicles and equipment of any kind or description of the Defendant with the current balance due on any liens/encumbrances and name and address of lienholder.

6. A list of Defendant's tools and equipment with specific description and liens thereon.
7. All jewelry of any kind or description.
8. All collectible items, such as coins, antiques, heirlooms or similar property.
9. All stocks, bonds or similar investment instruments.
10. All of Defendant's financial statements, loan applications and /or balance sheets as were completed within the last two (2) calendar years.
11. All accounts receivable to and payable by Defendant.
12. A list of the furniture, fixtures and business equipment used in Defendant's business with liens and current balances due.
13. A list of inventory sold in Defendant's business in the last twelve (12) months prior to and as of the date of the hearing.
14. A list of all property of the Defendant that is leased, loaned or otherwise in the possession of any person other than Defendant or stored or remains in any other location than in Defendant's immediate possession.
15. A list and specific description of all personal properties including vehicles and equipment with identification of liens thereon and balance due.

AND IT IS FURTHER ORDERED that at said time and place James E. Pasko, proper officer and registered agent for the Defendant Eagle Excavating Inc., herein will be required to **SHOW CAUSE** why, upon discovery of property by Plaintiff, the Court should not enter its appropriate order either requiring the Sheriff to levy upon Execution of Plaintiff's judgment or appointing a Receiver of all of the said property so discovered in order to satisfy the said judgment or grant such other relief as is requested at the time of the examination.

AND IT IS FURTHER ORDERED that any appeal in this case will be directly to the South Carolina Supreme Court or the South Carolina Court of Appeals.

AND IT IS FURTHER ORDERED that James E. Pasko, proper officer and registered agent for Defendant Eagle Excavating Inc. be, and is hereby placed on actual notice by the service hereof that should you not appear or otherwise produce the documents as ordered, that you may, without just cause shown, be considered to be in Contempt of this Court's Order, which violation could result in a fine, incarceration, or both.

Columbia, South Carolina
_____, 2018

Honorable James O. Spence
Master-In-Equity, Lexington County

[SIGNATURE PAGE TO FOLLOW]



Lexington Common Pleas

Case Caption: H & E Equipment Services Inc VS Eagle Excavating Inc
Case Number: 2016CP3200358
Type: Order/Rule To Show Cause

AND IT IS SO ORDERED.

S/JUDGE JAMES O. SPENCE-3068

Default Hearing Packages

Block Scheduling for Default Foreclosure cases in Lexington County Master In Equity:

The law firm staff member will contact the court via e-mail to request a "block" of time for scheduling default foreclosure cases.

The court will give the law firm a date and time (a block) that the law firm will schedule their default only cases in – up to 5 or 10 depending on what was requested at the time of scheduling.

As long as the case has been referred to Judge Spence, the law firm can add cases to a **block** time **without checking with the court.**

This prevents adding one at a time and canceling one at a time during the period prior to your final list.

We use the block scheduling procedure so that you **do not have to ask** us if you can add or cancel a case.

You send the court your final list on **Monday the week before** the week of your hearings (not the week of) and we check them at that time. After you send the final list you would only need to notify us if one on that list cancels before the hearing date.

This way you can add or cancel cases without having to notify us prior to your final list.

Default Foreclosure Hearing Procedure

Documents to Email:

- Master's In Equity Order and Judgment of Foreclosure and Sale with Form 4 attached:
 - Email this Order, in Word format, no later than **72 BUSINESS hours** prior to the hearing date.
 - **NOTE:** Judicial Sale takes place in the Lexington County Judicial Center **NOT** Lexington County Courthouse.
- Notice of Sale:
 - Email, in Word format, no later than **72 BUSINESS hours** prior to the hearing
 - NOS MUST include the following:
 - Case Caption and Case Number
 - Date and time of Judicial Sale along with sale location – Example
 - ❖ I, the undersigned James O. Spence, Master in Equity for Lexington County, will sell on Monday, April 7, 2025 at 11:00 AM, or on another date, thereafter as approved by the Court, at the Lexington County Judicial Center in courtroom 3-A, 205 East Main St. Lexington SC 29072.
 - Deficiency Waived or Demanded
 - Complete Property Address
 - Name of Attorney/Law Firm
 - **NOTE:** Judicial Sale takes place in the Lexington County Judicial Center **NOT** Lexington County Courthouse.

*****You are responsible for obtaining publication of the Notice of Sale in the appropriate newspaper (*general circulation within the county*) prior to the publication cutoff date. The two general circulation papers most often used in Lexington County are the Lexington Chronicle and The State Newspaper.*****

Documents to E-file:

- The following documents are to be e-filed no later than **72 BUSINESS hours** prior the default foreclosure hearing block:
 - Affidavit of Debt signed by your client/Plaintiff
 - Affidavit of Attorney Fees – ****See Page 2 for requirements****
 - Copy of Notice of Hearing; Note and Mortgage; Assignments of Mortgage and/or Mergers proving Plaintiff has authority to foreclose
 - Record of Hearing is filed AFTER the hearing takes place
 - \$35.00 check payable to Master-In-Equity if the hearing is a Supplemental Hearing. Check to be given to Judge Spence @ hearing.

NOTES FROM JUDGE SPENCE:

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 advances and provide a breakdown with the hearing package.

(1)

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) Must 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 the party who appears and I will ask if party wishes to ask questions. If party appears and contests 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 the second hearing if they still contest after review of detailed affidavit.

2. Contested Cases –

Bring a witness and court reporter. Hearing will not be held with these present. If after determining who wins case, attorney fees are still an issue, I require the same step as above---send detailed attorney fee affidavit with time and costs. IF defendant requests, they can have a hearing to cross exam on fee issues.

3. Deficiency Demanded Cases –

All deficiency demanded cases require a detailed time sheet.

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

(2)

Forms

Default Foreclosure

Eviction/Writ wording to be inserted in Judgment Orders

Please make sure that you and your staff are using the below wording in all orders for Lexington County.

If this wording is in your order the only time you should need a writ order (which requires a fee and Summon/RSC) for eviction is if there is a tenant in the property.

Otherwise the order and the deed should be all that the Sheriff's department will need to remove the defendant.

Wording:

If the named defendant(s) continues in possession of the property after a deed has been issued to the purchaser, then the Sheriff of Lexington County is directed to eject and remove named defendant(s) from 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.

If the person(s) occupying the property after the deed has been issued to the purchaser is other than the named defendant(s), the purchaser shall serve the occupants with a Summons and Rule to Show Cause to determine why the occupant(s) should not be removed from the property.

Updated 1-25-19

- Plaintiff's attorney presented copies of the following additional Exhibits, which were admitted into evidence along with the previously filed exhibits:

b. Affidavit of Attorney Fees

c. Statement of Costs

Plaintiff established the total debt amount secured by the Note and Mortgage is \$ _____. Plaintiff established that the Note is in default for failure to make the _____ payment and all subsequent payments.

Plaintiff is seeking the usual foreclosure of the first mortgage and has in the Complaint (or subsequently thereto in writing) waived the right to a personal or deficiency judgment.

Plaintiff asks that the Mortgage be foreclosed, that the property be sold at public auction in accordance with law, and that the sale be made subject to taxes and assessments, existing easements or restrictions, and any other senior encumbrances.

Attorneys for Plaintiff

Lexington, South Carolina

Date: _____

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON
Specialized Loan Servicing LLC,

Plaintiff,

v.

Pamela Jean Bradley; Robert M. Walker;
Melissa B. Moseley; Lan Greenway Lan
Greenway a/k/a Jennie Lan Greenway;

Defendant(s).

IN THE COURT OF COMMON PLEAS
DOCKET NO. 2016CP3202113

EXAMPLE

Deficiency Judgment Waived

(011792-00591)

AFFIDAVIT OF INDEBTEDNESS

BEFORE ME, the undersigned authority, personally appeared Mark McCloskey Specialized Loan Servicing LLC ("SLS") who being first duly sworn, deposes and says:

1. I am authorized to sign this affidavit on behalf of Plaintiff, Specialized Loan Servicing LLC, as an officer or employee of SLS, which is Plaintiff's loan servicer ("servicer") for the subject loan ("the Loan").
2. SLS maintains records for the Loan in its capacity as Plaintiff's servicer. As part of my job responsibilities for SLS, I am familiar with the type of records maintained by SLS in connection with the Loan.
3. The information in this affidavit is taken from SLS's business records. I have personal knowledge of SLS's procedures for creating these records. They are: (a) made at or near the time of the occurrence of the matters recorded by persons with personal knowledge of the information in the business record, or from information transmitted by persons with personal knowledge; (b) kept in the course of SLS's regularly conducted business activities; and (c) it is the regular practice of SLS to make such records.
4. Plaintiff is the assignee of the security instrument for the subject loan. Plaintiff has exercised its option under the Note and Mortgage to accelerate the Loan and declare the entire principal balance, together with interest, advances and other charges immediately due and payable. Plaintiff has the right to foreclose the subject note and mortgage.
5. The business record attached as Exhibit A, which I have personally reviewed, is a true and correct printout that is part of the business records described above. It shows that Glenn M. Bradley defaulted on the Loan, the default has not been cured, and the amount stated on the attached business record is owed on the Loan.
6. SLS's books and records reflect that there is now due and owing to the Plaintiff the following amounts:

A. Unpaid Principal Balance due on the Note and Mortgage:	\$40,789.44
B. Accrued Interest from August 1, 2015 to October 20, 2017:	\$6,787.43
C. Escrow Advanced:	\$2,494.02
D. Attorney Fees & Costs:	\$5,786.50
E. Pre-acceleration Late Charges	\$0.00
F. Property Inspections:	\$240.00
G. Less Suspense (Unapplied) Credit:	(\$542.11)
TOTAL	\$55,555.28
7. Interest at the rate of 7.5% continues to accrue for each day that the debt remains unpaid at a rate of \$8.3814, subject to any adjustment as provided for in the Note;
8. On account of Defendant's default under the Note and Mortgage sued upon herein, Plaintiff retained its attorney of record and instructed the filing of this action and agreed, bound and obligated itself to pay said attorney for his/her services on its behalf such sum as the Court shall adjudge to be reasonable.

Further Affiant sayeth not.

Dated: **OCT 05 2017**

mmh
By: Mark McCloskey
Title: Assistant Vice President

STATE OF Colorado
COUNTY OF Douglas

Sworn to before me this 5th day of Oct., 2017.

Agnes Bradshaw (L.S.)
Notary Public for _____
My Commission Expires: 12/3/20

AGNES BRADSHAW
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20084040359
MY COMMISSION EXPIRES 12/03/2020

Borrower: Glenn Bradley

Property Address: 130 Shirway Court, Lexington, SC 29073

011792-00591

Exhibit A



JFIGS Good Through 10/20/17

Client: **SLS**
Loan Number: **[REDACTED]**
Mortgagor Name: **ESTATE OF GLENN M BRADLEY**
Current Interest Rate: **7.50000**
Per Diem: **8.3814**
Prepared: **09/20/17**

Unpaid Principal Balance:	=	40789.44
Interest From: 08/01/15 to 10/20/17	=	6787.43
Escrow Advanced:	=	2494.02
Delinquent Taxes	=	0.00
Delinquent Insurance	=	0.00
Deferred Balance	=	0.00
Late Charges Good Through: 09/01/15	=	0.00
NSF Fee:	=	0.00
Property Inspection:	=	240.00
Other Fees & Costs:	=	0.00
Attorney Fees & Costs:	=	5786.50
Property Preservation:	=	0.00
Suspense (Unapplied):	=	-542.11
Subtotal Due:	=	55555.28

Comments:

IF ANY OF THE ABOVE FEES ARE IN EXCESS OF THOSE ALLOWED BY THE LAWS OF YOUR JURISDICTION, PLEASE ADJUST TO THE ALLOWABLE LIMITS.

EXAMPLE

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

Carolina First Bank,

Plaintiff,

v.

John Kent Spehl; Alejandra Marquez; Security
Federal Bank;

Defendant(s).

IN THE COURT OF COMMON PLEAS

DOCKET NO. 10-CP-32-1440

**AFFIDAVIT OF VERIFIED STATEMENT OF
ACCOUNT**

Deficiency Judgment Demanded

(015076-00014)

PERSONALLY APPEARED, who being duly sworn, deposes and says:

1. My name is John R. Welsh Jr and I am authorized to execute this affidavit on behalf of the plaintiff as an employee of Carolina First Bank. Carolina First Bank is the plaintiff's servicing agent for the subject mortgage loan ("Loan").
2. Carolina First Bank maintains records for the Loan in its capacity as plaintiff's servicer in the ordinary course of its business. As part of my job responsibilities for Carolina First Bank, I am familiar with the records maintained by my company in connection with this Loan. I have personal knowledge of the facts set forth in this affidavit, based on my review of such records.
3. In addition to being Plaintiff's servicing agent and the Loan's records custodian, it is also Carolina First Bank's regular practice to maintain the electronic payment history for the Loan. As such, Carolina First Bank is able to generate payment histories from the electronic data compilation it stores of the credits posted on or debits charged to a customer's account. I have personal knowledge of Carolina First Bank's procedures for creating and maintaining these records. They include: (a) being posted at or near the time of the occurrence of the matters recorded by persons with personal knowledge of the information in the business record or from information transmitted by persons with personal knowledge; (b) being maintained in the course of Carolina First Bank's regularly conducted business activities; and (c) being records created and maintained on each customer as the regular practice of Carolina First Bank in its servicing operations.
4. The following principal, interest, late charges (if applicable) and escrow/advances which I have confirmed following my review of Carolina First Bank's business records, are a true and accurate record of the Loan's currently owed balance (excepting any unpaid attorney's fees and attorney's costs that will be addressed by our attorneys through their own affidavit) to the date of hearing.
5. The total amount due the Plaintiff on said Note through February 22, 2010 is \$202,939.08 which breaks down as follows:

1134

A. Principal\$166,915.16
 B. Interest from December 7, 2009 to February 22, 2010 @ 7.75%.....\$13,614.36
 C. Advances (Appraisal, environmental inspection reports)\$13,615.00
 D. Pre-acceleration Late Charges\$8,794.56

TOTAL PRINCIPAL INTEREST AND EXPENSES\$202,939.08

6. It is the regular practice of Carolina First Bank, on behalf of the Plaintiff, to generate such account summary information from the electronic payment history it maintains for the Plaintiff. This payment history summary accurately reflects, to the best of my knowledge, the debits and credits made on the loan's account.

FURTHER AFFIANT SAYETH NOT.

John R. Welsh
 Name John R. Welsh
Vice President
 (Title)

STATE OF South Carolina
 COUNTY OF Lexington

Sworn to before me this 18 day of February, 2011.

Mary Sue Moore (L.S.)
 Notary Public for South Carolina
 My Commission Expires: 9/22/2018

Borrower: John Kent Spehl

015076-00014

2(11)

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS

AFFIDAVIT OF ATTORNEY FEES

C/A NO:

'
PLAINTIFF,
vs.
DEFENDANT(S)

Personally appeared before me, the undersigned, attorney for the Plaintiff, who first being duly sworn, deposes and says as follows:

1. I am an attorney for the Plaintiff in the above referenced matter.
2. This case is an action to foreclose a mortgage on real property located in Lexington County, South Carolina. The subject mortgage specifically provides that the Plaintiff is entitled to the recovery of attorneys' fees and costs associated with the collection of sums due under the promissory Note and Mortgage and other applicable loan documents.

3. I was retained by the Plaintiff to conduct this foreclosure action pursuant to:

(a) A contractual rate of compensation providing for a flat attorneys' fee in the amount of \$ _____

OR

(b) An hourly rate of \$ _____ per hour, with the expected expended time (Example) is 9-12 hours at \$ per hour. *** Modify this sentence to clearly state if (a) contract rate or (b) hourly rate with similar language used as example above.

4. Under Dedes v. Strickland, 414 S.E.2d. 134 (S.C. 1992), the Supreme Court of South Carolina has set forth the factors to be considered in an award of attorney's fees in real property actions. These factors include nature, extent, and difficulty of the legal services rendered, the time and labor necessarily devoted to the case, the professional standing of counsel, the contingency of compensation, the customary fees charged in the locality for similar services, and the beneficial result obtained. These factors, as applied in this case, are as follows:

- a. Nature, Extent, and Difficulty of the Legal Services Rendered. As stated earlier, this is an action to foreclose a mortgage on real property. The ordinary case may

involve such complex issues of real property law including title search matters, potential lien priorities, sufficient debt affidavits, reformation and mobile home and other matters. The Master, who requires a Record with exhibits and a Judgment Order to be prepared by Plaintiff's counsel, held a hearing. Accordingly, the factual and legal issues presented were complex and detailed in nature, the extent of the work performed was necessary to adequately prepare and try these matters, and the matters decided were of legal and factual difficulty.

- b. Time and Labor Necessarily Devoted to the Case. As stated above, this case involved difficult issues of both legal and factual natures. Accordingly, the time and labor devoted to this case were necessary to properly prepare and try this case.
- c. Professional Standing of Counsel. The attorneys representing the Plaintiff in this case are licensed members of the South Carolina State Bar. Collectively, they have several years' experience in practice in South Carolina. The practice of Plaintiff's attorneys consists of foreclosure cases, collection cases, real property closing transactions, real property litigation, land title questions and other land related litigation. More specifically, Plaintiff's attorneys have collectively been involved in thousands of mortgage foreclosure cases. Accordingly, I submit that Plaintiff's attorneys have high professional standing in general and in this area of practices.
- d. Contingency of Compensation. As recited above, compensation in this case is based on a flat-fee rate of \$ or an Hourly rate of \$
- e. Customary Fee Charged on the Locality for Similar Services. I am aware from discussions with clients, other attorneys in the Foreclosure Bar in the Midlands region of South Carolina, and from my general familiarity with the legal profession that the fees charged for services similarly to those in this case are from \$ to \$ per case. As stated earlier, my flat-fee rate or hourly rate is within this range in this case. Accordingly, this rate is the fee customarily charged in this locality for similar services.
- f. Beneficial Results Obtained. This attorney obtained beneficial results for the Plaintiff in this action by securing a Judgment enforcing Plaintiff's mortgage rights with regard to the subject real property. Accordingly, it is submitted that beneficial results were obtained by this firm on the Plaintiffs' behalf.

5. After due consideration of the nature, extent, and difficulty of the legal services rendered, the time and labor necessarily devoted to the case, the professional standing of counsel, the contingency of compensation, the customary fee charged in the locality for similar services, and the beneficial result obtained, I respectfully submit that an award of attorney's fees to the full extent set forth in this Affidavit is appropriate; therefore, Plaintiffs are entitled to recover \$ _____ in attorney's fees.

6. The costs in this matter total \$ _____. These costs include filing fees, reference fees, service costs, and other miscellaneous costs. The costs are reasonable and necessary to pursue this action and are not, I believe, excessive given the nature, extent and difficulty of the legal services in this case, the time and labor devoted to this case, and the beneficial result obtained.

7. Accordingly, the total attorney's fees and costs sought in this case and allowable under the terms of the Note and Mortgage total \$ _____.

FURTHER AFFIANT SAYETH NOT.

ATTORNEY NAME/INFORMATION

SWORN TO AND SUBSCRIBED before me

this _____ day of _____, 20_____

_____ (L.S.)

NOTARY PUBLIC FOR SOUTH CAROLINA

Notary Printed Name: _____

My Commission Expires: _____

The following 2 pages are
examples of documents
e-mailed each month to
contacts within Law Firms
who receive and review the
Judicial Foreclosure Sale Roster

Hello everyone!

PLEASE READ THE BELOW CAREFULLY!!!

I have attached the sale roster for the May 7, 2018 sale. Please review this list for your cases (if you have any---the Sale Roster Contacts List may include your name if you have had a case in the past) and let me know if you find anything incorrect.

You will need to check this roster to make sure all of your cases are listed and check the waived/demanded and pulled status also.

Please Note: The roster is in order by case number not by attorney name.

PLEASE CHECK THE FOLLOWING INFORMATION VERY CAREFULLY! The address, deficiency and pulled status is entered for each case by the MIE staff and not pulled from the CMS system, so we could very easily incorrectly enter any one of those 3 data fields.

The Address, Deficiency and sale Pulled status is listed under the TAX MAP column.

(Example: 123 Main St. Lexington, SC and X Waived/Demanded and XX
PULLED)

NOTE: The X's don't mean anything they just hold a place to keep the lines in order.

NOTE: if a case is Pulled (cancelled) it will remain on the roster and just be marked SALE CANCELLED. (This is under the tax map column)

*******ALSO, if you see that the attorney listed is no longer with your firm, please let us know as soon as possible. You will need to send something on letterhead stating Attorney A is no longer with your law firm and Attorney B is now the attorney of record.*******

Lexington County Eleventh Judicial Circuit - Roster Details
Judicial Sale of April 2, 2018 @ 11:00am

Court Agency		Master in Equity	Judge	Roster Begin Date		3pmce	Roster Id	1
Roster Type		Master's Sales		Roster Begin Date		04/02/2018	Roster End Date	
Number of cases = 48								
#	Case	Plaintiff Attorney	Defendant Attorney	Filed Date	Sub Type	Status	Tax Map	Notes
1	2010CP3200988 Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust plaintiff, et al VS Lori Salter , defendant, et al	Heidi B. Carey (803) 799-9993	John Douglas Barnett (803) 928-3015 Douglas Kosta Kotli (803) 465-3223 Ronald W. Urban (803) 467-5093 S. Nelson Weston Jr. (803) 771-4400	06/03/2010	Foreclosure 420	Judgment	005300-07-129 967 PISGAH CHURCH RD LEXINGTON SC 29072 X WAIVED XX PULLED	
2	2011CP3202088 U.S. Bank Trust N.A. plaintiff, et al VS Lashawn R Burdette , defendant, et al	Suzanne E Brown (803) 726-0953	Warren V. Gargersman (803) 751-1606	10/16/2013	Foreclosure 420	Judgment	000019-03-004 204 CHESTERFIELD CT LEESVILLE SC 29070 X WAIVED	
3	2014CP3201330 One West Bank FSB VS Nicole G Kokolis , defendant, et al	Suzanne E Brown (803) 728-9953 Caroline Richardson Glenn (803) 454-3540	Todd Raymond Ellis (803) 732-0123	01/19/2016	Foreclosure 420	Judgment	001200-03-019 32 CLAY CT CHAPIN SC 29036 X WAIVED XX PULLED	
4	2015CP3201006 Bank of America NA VS Troy F Lewis	Nicole Deanna Mullikenberger (803) 722-1200	Brittany Lauren Kipatch (803) 696-3048 Alphon Peter Strahle Jr. (803) 883-4500	06/12/2016	Foreclosure 420	Judgment	004519-04-023 1029 DAWSON DR W. COLA SC 29189 X WAIVED XX PULLED	
5	2015CP3203246 Deutsche Bank National Trust Company VS Jason R. Eakins , defendant, et al	Alan Martin Stewart (803) 726-2700 K2738 Kristen Elisa Washburn (843) 407-2487		05/18/2016	Foreclosure 420	Judgment	007528-02-057 105 MOLLY CT LEXINGTON, SC 29073 X WAIVED	
6	2015CP3204011 First Bank VS Corey D Ward , defendant, et al	John Brian Keckmeyer (803) 726-2700 Anthony Zanolli Sitterley (803) 726-2700 Alan Martin Stewart (803) 726-2700 K2738	George John Conlis (804) 262-2100	09/25/2017	Foreclosure 420	Judgment	007644-01-262 304 ELEGANT CREEK COURT LEXINGTON, SC 29073 X WAIVED XX PULLED	
7	2015CP3204329 Camington Mortgage Services LLC VS Laura L Sprague	Heidi B. Carey (803) 799-9993		07/26/2016	Foreclosure 420	Judgment	008926-03-015 149 PEELER RD GASTON, SC 29053 X WAIVED	
8	2016CP3200008 JP Morgan Chase Bank National Association VS Robert A Lafferty , defendant, et al	James Lloyd Williams (803) 256-2060	Brittany Lauren Kipatch (803) 696-3048	03/13/2017	Foreclosure 420	Judgment	005553-01-026 101 RUSTIC CROSSING LEXINGTON, SC 29072 X DEMANDED	
9	2016CP3200223 Specialized Loan	John Brian Keckmeyer (803) 726-2700		10/26/2016	Foreclosure 420	Judgment	005528-05-004 166 LA HABRA LN	

Post Sale Packages

Post-Sale Packages

The original documents are to be mailed to the MIE Office at:

Lexington County Master-In-Equity

Attention: Post Sale Documents

205 E. Main St., Suite 204

Lexington, SC 29072

These documents include:

- Original Deed
- Original Satisfaction
- Original Assignment of Bid
- Report on Sale
- Deficiency Order & Form 4
- Plaintiff 1% Bid Fee Checks

NOTE: You will put the date and signature line on these documents as they will be "ink" signed by Judge Spence and then e-filed by the MIE staff.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

COURT OF COMMON PLEAS

Case # _____

vs.

Plaintiff(s)

Defendant(s)

ORDER VACATING JUDICIAL SALE
AND FORFEITING BID DEPOSIT

This matter was referred to the Master-In-Equity Court by an Order of Reference pursuant to Section Rule 53 (SCRCP).

The property subject of this action was sold at the Judicial Sale of (sale date) For a high bid of \$ _____ to _____, who deposited \$ _____ with the court on the day of the sale. _____ Has not complied with their bid in the time set out in the Notice of Sale. As a result, this deposit was forfeited.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED THE (sale date) Judicial Sale of the subject property is hereby vacated and the court shall disburse the forfeited deposit first to the County of Lexington for the 1% Bid Fee due (\$ _____) and then the balance (\$ _____) to _____ as attorneys for plaintiff to be applied toward plaintiff's judgment.

Please be sure you put the date and signature line NOT "signature page to follow"

Date: _____
Lexington, South Carolina

Judge James O. Spence
Master In Equity for Lexington County

Note:

This order is to be e-mailed as a word document to the MIE office and NOT e-filed as Judge Spence will "ink" sign this order and the MIE office will e-file once they have cut a check.

Miscellaneous

Documents that need a hearing/other date such as:

- Rule to Show Cause—Other than Supplemental Proceeding RTSC see Order of Reference procedures
- Order of Continuance
- Writ Order put out date
- Trial Scheduling Order

The Law Firm will need to email the MIE office for a hearing/set out date prior to e-filing the document.

*****You should NEVER e-file a document with a blank for the date. If you do, the Clerk of Court staff will reject the filing.*****



Documents that are Mailed to the MIE court staff

Attention Order of Reference clerk:

Attn. Leslie or Joy

❖ Checks for Order of Reference	❖ Checks for 1% Bid Fee
❖ Judge Spence's checklist	❖ Deeds
❖ NEF for Order of Reference	❖ Satisfaction/Lien Release
	❖ Report on Sale
	❖ Assignment of Bid
	❖ Deficiency Order/Form 4



Documents that are emailed to MIE court staff

Default Foreclosure Hearing Documents in WORD format:

- Masters Report/Judgment & Form 4
- Notice of Sale

Misty Alewine at mmalewine@lexingtoncounty.sc.gov – **Brock & Scott, Riley Pope & Laney AND Rogers Townsend Law Firms**

Joy Davidson at jfdavidson@lexingtoncounty.sc.gov – **Hutchens Law Firm**

Leslie Shealy at lshealy@lexingtoncounty.sc.gov – **ALL OTHER FIRMS**

To Judge Spence at jspence@lexingtoncounty.sc.gov:

- Orders from a contested hearing where attorneys on both sides are submitting proposed Orders.

To Leslie (lshealy@lexingtoncounty.sc.gov) or Joy (jfdavidson@lexingtoncounty.sc.gov):

- Order vacating sale and forfeiting or refunding deposit



Documents that are E-Filed

- All other documents as instructed by court staff
- Default foreclosure cases to include:
 - Aff. of Debt
 - Aff. of Atty. Fees
 - Note/Mtg.
 - Business Record
 - Etc.

NOTE:

1. For any document that requires a date you **MUST** email Leslie, Joy or Misty for the date **PRIOR** to e-filing. **NEVER** file a document with a blank or the Clerk of Court staff will reject the document to be e-filed. These include:

Trial Scheduling Order

Order of Arrest

Writ/Eviction Order

Rule to Show Cause

2. **DO NOT** e-file Proposed Orders prior to the hearing. These will be filed after the hearing with instructions from Judge Spence.