

FILED
GREENVILLE CO. S. C.

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FEB 18 3 11 PM '76

DONNIE S. TANKERSLEIGH THE COURT OF COMMON PLEAS
R.M.C.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Raymond F. Lyles and
Betty Lyles,

Petitioners,

vs.

Drew G. Moschetto,

Respondent.

*Created
Donnie S. Tankersley
R.M.C.*

ORDER

76 CP-23

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GREENVILLE CO. S. C.
RACHEL W. TOLLEY
FEB 18 3 01 PM '76

This matter is before the Court on Verified Petition of the Petitioners wherein they alleged full and complete payment of the note and mortgage which they executed in favor of the Respondent, said note and mortgage having been executed August 31, 1972 with the mortgage recorded in Mortgage Book 1247 at Page 346. Petitioners allege that after the final installment was paid to Respondent they made and continued to make demands upon Respondent to have the mortgage marked "Paid, satisfied in full and cancelled" and further allege that these demands were made by certified mail but that the note and mortgage were never satisfied and returned to Petitioners.

Based upon the Verified Petition, this Court issued its Rule to Show Cause wherein the Respondent was directed to appear before this Court on Friday, February 6, 1976 at 9:30 a.m. in Chambers to show cause why the Court should not order the mortgage cancelled of record.

It appears from Affidavit of John Henry Bogan, dated December 22, 1975 that the Respondent was not to be found within the county. It further appears that Rachel W. Tolley, Clerk of the Court of Common Pleas issued her Order of Publication on December 3, 1975 wherein the Rule to Show Cause of this Court was ordered served by publication in view of the fact that Respondent could not be located and that his whereabouts were unknown.

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