

COURT OF COMMON PLEAS
COUNTY OF GREENVILLE, STATE OF SOUTH CAROLINA

1 - 2009

ORDER REGARDING FORECLOSURE DEFICIENCY SALE OF MAY 6, 2009


2009 MAY 14 A 10:43

FILED: CLERK OF COURT
GREENVILLE, CO. S.C.

WHEREAS, judicial foreclosure sales begun, or originally opened, April 6, 2009, in which Plaintiff sought a deficiency, were to remain open until bidding was reopened on May 6, 2009; and

WHEREAS, pursuant to the Temporary Restraining Order ("TRO") issued on May 4, 2009 by the Chief Justice of the South Carolina Supreme Court, in the matter identified as *In Re: Federal National Mortgage Association ("Fannie Mae") Loans Subject to Foreclosure Sale*, this Court did not allow the reopening of deficiency bids in foreclosure sales begun, or originally opened on April 6, 2009; thus, these sales remain open; and

WHEREAS, the cases affected by the foregoing events are (hereinafter referred to as "Affected Cases"):

 Cranberry Financial LLC v. Ideal Investments, et al. 2007-CP-23-3646
MTGLQ Investors, L.P. v. Mary Joyce Williams, et al. 2007-CP-23-8490
Regions Bank v. Shaw Enterprises of the Upstate, Inc., et al. 2008-CP-23-6476
Vanderbilt Mortgage and Finance, Inc. v. Nathan Ross 2008-CP-23-5024
CIT Group/Consumer Finance, Inc. v. Sharon R. Santay, et al. 2008-CP-23-5606
Bank of America, N.A. v. Poinsett Development, LLC, et al. 2008-CP-23-5981
Bank of America, N.A. v. Poinsett Homes, LLC, et al. 2008-CP-23-5984
Huntington v. Alberto Ervey Hernandez, et al. 2008-CP-23-6397
RBS Citizens, N.A. v. Carlista S. Lyles, et al. 2008-CP-23-6416
Greer State Bank v. Byrnside Properties, LLC 2008-CP-23-6846
HSBC Bank USA, N.A. v. Barbara Y. Puckett, et al. 2008-CP-23-6871
Deutsche Bank National Trust Company
v. Joseph P. Taverna, et al. 2008-CP-23-6891
Bank of New York Mellon v. Lilian U. Salazar, et al. 2008-CP-23-6902
Deutsche Bank National Trust Company
v. Timothy J. Sims, et al. 2008-CP-23-7069
S.C. State Housing Finance & Development Authority
v. Timothy Bost 2008-CP-23-7687
Branch Banking and Trust Company v. Francee A. Brody 2008-CP-23-7709
Bank of America, N.A. v. Horace Ricky Foster, et al. 2008-CP-23-7786
Branch Banking and Trust Company v. Richard S. Dogan 2008-CP-23-7843
Branch Banking and Trust Company v. Richard S. Dogan 2008-CP-23-7893
First Citizens Bank and Trust Company, Inc. v. Peter Baldwin 2008-CP-23-7947
S. C. State Housing Finance & Development Authority
v. Anthony Chastine 2008-CP-23-8063
CitiMortgage v. T. Robert Evans, et al. 2008-CP-23-8085

Green Tree Servicing, LLC v. William E. McGrew, Jr., et al.	2008-CP-23-8144
Bank America Housing Services v. Curtis L. Sparks, et al.	2008-CP-23-8365
Greer State Bank v. Bethel Properties, LLC, et al.	2008-CP-23-8502
Greer State Bank v. Bethel Properties, LLC, et al.	2008-CP-23-8503
Wells Fargo Bank, N.A. v. Sue Kobuki, et al.	2008-CP-23-8704
First Citizens Bank and Trust Company, Inc. v. S. Nicole Watson	2008-CP-23-8730
First Citizens Bank and Trust Company, Inc. v. S. Nicole Watson	2008-CP-23-8731
Branch Banking and Trust Company v. Billy Weisner	2008-CP-23-8751
Bank of Travelers Rest v. Bethel Properties, LLC, et al.	2008-CP-23-8824
Lakeland Construction Finance, LLC v. AHO Homes, LLC, et al.	2008-CP-23-9017
Taylor Bean and Whitaker Mortgage Corp. v. Lakeitha Rice	2008-CP-23-9096
U. S. Bank National Association v. Kenny Jackson, et al.	2008-CP-23-9246
Citizens Building and Loan Association v. Philip M. Ross, et al.	2008-CP-23-9254
Cornerstone National Bank v. Asrey Properties and Investments, Inc., et al.	2008-CP-23-9270
Bank of America, N.A. v. Matthew E. Chambers	2008-CP-23-9425
South Carolina State Housing Finance and Development Authority v. Keith N. Gray	2008-CP-23-9629
SunTrust Bank v. Poinsett Holdings LLC	2008-CP-23-9791

WHEREAS, it is the desire of this Court to reopen bidding for the Affected Cases upon compliance by Plaintiffs in the Affected Cases with the TRO and upon the terms and conditions set forth in this Order.

Based upon the foregoing,

IT IS ORDERED that bidding remains open on the Affected Cases and bidding on the Affected Cases shall be reopened on June 3, 2009 at 11:00 A.M. in Court Room #5 of the Greenville County Courthouse, Greenville, South Carolina, and shall remain open until knocked down in the usual custom to the successful highest bidder.

IT IS FURTHER ORDERED that in the event Plaintiff in any Affected Case shall fail to comply with the TRO or any subsequent applicable Order of the South Carolina Supreme Court, if any, in effect at the time bidding is reopened, then bidding on Plaintiff's case shall not be reopened at that time, but bids shall remain open on such case until further Order of this Court.¹

¹ Pursuant to the TRO, Plaintiffs are required to serve their affidavit of modification/non-modification on all parties on or before May 15, 2009. In addition, this Court, in response to the TRO, has mandated that in foreclosure actions which are not modifiable, the plaintiff therein shall submit a proposed Order finding that the stay imposed by the TRO is lifted unless a counter affidavit is filed in which case the stay of the TRO shall be automatically reinstated. For the Affected Cases, the proposed order lifting the TRO required by this Court, along with the affidavit required by the TRO, shall be submitted to this Court no later than the end of the day on May 15, 2009. The short deadline is unavoidable.

IT IS FURTHER ORDERED that Notice of this Order, in the form attached hereto as Exhibit A, shall be published weekly in the *Greenville News* for a period of three (3) consecutive weeks prior to the re-opening of bids on Wednesday, June 3, 2009.

IT IS FURTHER ORDERED that the cost incurred in publishing the Notice shall ultimately be borne by Plaintiffs of the Affected Cases, to be pro-rated among Plaintiffs in each Affected Case for which bidding is re-opened pursuant to this Order. The Master-in-Equity's Office shall calculate each Plaintiff's pro-rata share and invoice Plaintiff following the re-opening of bids. Plaintiff shall pay its pro-rata share of the costs associated with publishing Notice immediately upon receipt of said invoice, but no later than five (5) days following receipt thereof. The Master-in-Equity shall not issue any deed for property sold upon the reopening of bids pursuant to this Order unless and until Plaintiff has paid in full its pro-rata portion of the costs of publication of this Notice.

IT IS FURTHER ORDERED that this Order and the Notice attached hereto as Exhibit A shall be provided by the Court to all counsel of record in the Affected Cases.

IT IS SO ORDERED.



Charles B. Simmons, Jr.
Judge

Greenville, South Carolina

May 13, 2009

Notice of Judicial Foreclosure Deficiency Sale

TAKE NOTICE, that this Notice is given pursuant to the Order of the Honorable Charles B. Simmons, Jr., Master-in-Equity for Greenville County, entered on May __, 2009, a copy of which is on file with, and can be viewed at, the office of the Clerk of Court for Greenville County ("Order").

This Court, in compliance with the Temporary Restraining Order ("TRO") issued on May 4, 2009 by The Chief Justice of the South Carolina Supreme Court, in the matter identified as *In Re: Federal National Mortgage Association ("Fannie Mae") Loans Subject to Foreclosure Sale*, did not allow the reopening of deficiency bids in foreclosure sales begun, or originally opened on April 6, 2009; thus, these sales remain open. The cases affected are listed below (hereinafter "Affected Cases").

Cranberry Financial LLC v. Ideal Investments, et al.	2007-CP-23-3646
MTGLQ Investors, L.P. v. Mary Joyce Williams, et al.	2007-CP-23-8490
Regions Bank v. Shaw Enterprises of the Upstate, Inc., et al.	2008-CP-23-6476
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Bank of America, N.A. v. Poinsett Homes, LLC, et al.	2008-CP-23-5984
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HSBC Bank USA, N.A. v. Barbara Y. Puckett, et al.	2008-CP-23-6871
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Bank of New York Mellon v. Lilian U. Salazar, et al.	2008-CP-23-6902
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CitiMortgage v. T. Robert Evans, et al.	2008-CP-23-8085
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Bank America Housing Services v. Curtis L. Sparks, et al.	2008-CP-23-8365
Greer State Bank v. Bethel Properties, LLC, et al.	2008-CP-23-8502
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Wells Fargo Bank, N.A. v. Sue Kobuki, et al.	2008-CP-23-8704
First Citizens Bank and Trust Company, Inc. v. S. Nicole Watson	2008-CP-23-8730
First Citizens Bank and Trust Company, Inc. v. S. Nicole Watson	2008-CP-23-8731

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Branch Banking and Trust Company v. Billy Weisner	2008-CP-23-8751
Bank of Travelers Rest v. Bethel Properties, LLC, et al.	2008-CP-23-8824
Lakeland Construction Finance, LLC v. AHO Homes, LLC, et al.	2008-CP-23-9017
Taylor Bean and Whitaker Mortgage Corp. v. Lakeitha Rice	2008-CP-23-9096
U. S. Bank National Association v. Kenny Jackson, et al.	2008-CP-23-9246
Citizens Building and Loan Association v. Philip M. Ross, et al.	2008-CP-23-9254
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SunTrust Bank v. Poinsett Holdings LLC	2008-CP-23-9791

IT IS HEREBY ORDERED that bidding remains open on the Affected Cases; bidding shall be reopened on June 3, 2009 at 11:00AM in Court Room #5 of the Greenville County Court House, and shall remain open until knocked down in the usual custom to the successful highest bidder.

IT IS FURTHER ORDERED that the plaintiff in each of the Affected Cases shall take all necessary steps to comply with the TRO, specifically the filing and serving of the affidavits required by the TRO, and this Court's Order. Bidding shall not be reopened in any case in which plaintiff has failed to comply with the TRO and this Court's Order.

Charles B. Simmons, Jr.
Master in Equity
Greenville County Courthouse
305 East North Street
Greenville, SC 29601
(864) 467-8556

Advertising Dates: May 15, 22 and 29, 2009

EXHIBIT A