

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
CASE NO.: 2022-CP-23-06882

HMC Assets, LLC solely in its
capacity as Separate Trustee of CAM
XI Trust,
Plaintiff,

**MASTER'S ORDER AND JUDGMENT OF
FORECLOSURE AND SALE**
Deficiency Judgment Waived

v.

Trisha Jane Watson; Craig Jason Watson;
Ronald M. Watson; Secretary of Housing
and Urban Development; The United States
of America, acting by and through its
agency the Internal Revenue Service,
Defendants.

McMichael Taylor Gray, LLC
Attorney for Plaintiff

Pursuant to Rule 53 of the South Carolina Rules of Civil Procedure (hereinafter "SCRCP"), the above-entitled action was referred to the undersigned Master in Equity to make appropriate findings of fact and conclusions of law, with authority to enter a final Judgment in the action. Any appeal from the decision of the Master in Equity shall be directly to the Supreme Court of South Carolina or the South Carolina Court of Appeals.

Pursuant to the said reference, a hearing was held September 6, 2023, attended by the attorneys of record, the testimony was taken, which is reported herewith, and from the testimony and evidence, I find and conclude as follows:

FINDINGS OF FACT:

1. The Lis Pendens was filed on December 28, 2022.
2. The Summons and Complaint were filed on December 28, 2022.
3. Service was made upon the Defendants named in this Order as is shown by the proofs of service filed herein.
4. Robert M. Sneed, Esquire, filed an answer on behalf of Defendant The United States of America, acting by and through its agency the Internal Revenue Service.
5. Defendants Trisha Jane Watson, Craig Jason Watson and Ronald M. Watson are in default as shown by the Affidavit filed herein.
6. According to an Affidavit filed herein, no Defendant is in the military service of the United

States of America, as contemplated under The Servicemembers Civil Relief Act, and any amendments thereto.

7. All Defendants were notified of the time, date and place of the hearing in this matter.
8. Plaintiff has fully complied with the South Carolina Supreme Court Administrative Order 2011-05-02-01.
9. For value received, Patsy Jane Watson made, executed and delivered a Closed-End Home Equity Conversion Mortgage, dated September 11, 2009, promising thereby to pay to the order of Bank of America, N.A., the sum of \$180,000.00, with interest at the rate of 5.56% per annum. Other terms and conditions are stated in the Note, which is of record herein.
10. To better secure the payment of the Note described above, Patsy Jane Watson made, executed and delivered to Bank of America, N.A., Home Equity Conversion Mortgage in writing, dated September 11, 2009, covering real property in Greenville County. The Mortgage was recorded on September 21, 2009, and is of record in the Office of the Register of Deeds for Greenville County in Book MO 5056, Page 2945.
11. By an Assignment of Mortgage dated September 19, 2012, Bank of America, N.A. assigned the Mortgage to Champion Mortgage Company. Said assignment was recorded in the Office of the Register of Deeds for Greenville County on September 20, 2012, in Book MO 5179, Page 1641.
12. By an Assignment of Mortgage dated December 2, 2015, Nationstar Mortgage LLC dba Champion Mortgage Company assigned the Mortgage to Bank of America, N.A. Said assignment was recorded in the Office of the Register of Deeds for Greenville County on December 11, 2015, in Book MO5320, Page 3150.
13. By an Assignment of Mortgage dated January 27, 2016, Bank of America, N.A. assigned the Mortgage to Secretary of Housing and Urban Development. Said assignment was recorded in the Office of the Register of Deeds for Greenville County on February 17, 2016, in Book MO 5327, Page 1285.
14. By an Assignment of Mortgage dated October 3, 2022, Secretary of Housing and Urban Development assigned the Mortgage to Restora, LLC. Said assignment was recorded in the Office of the Register of Deeds for Greenville County on October 12, 2022, in Book MO 5711 Page 5696.
15. By an Assignment of Mortgage dated October 3, 2022, Restora, LLC assigned the Mortgage to HMC Assets, LLC solely in its capacity as Separate Trustee of CAM XI Trust.

Said assignment was recorded in the Office of the Register of Deeds for Greenville County on October 12, 2022, in Book MO 5711 Page 5697.

16. The Plaintiff is informed and believes that the Mortgage constitutes a valid first mortgage lien on the subject Property.
17. Plaintiff has the legal right to enforce the negotiable instrument secured by the Mortgage and is the real party in interest as defined by Rule 17(a) of the South Carolina Rules of Civil Procedure.
18. Any notice required by the terms of the Mortgage or by state and federal statutes was given to the applicable Defendants prior to the commencement of this action.
19. Patsy Jane Watson has defaulted on the terms of the Mortgage by failing to have at least one borrower occupy the Property as his/her primary residence, due to death, and the Plaintiff, as holder of the Note and Mortgage, has and does hereby elect to exercise its right under the Note and the Mortgage and to declare the entire balance of principal and interest due thereunder, now due and payable at once and has placed the Note and Mortgage in the hands of its attorney of record herein for collection.
20. Having considered the nature, extent and difficulty of the services rendered (the field of mortgage foreclosures being a specialized area of practice); the time involved in reviewing the various loan documents, performing the title search, preparing the pleadings and preparing for and attending hearings; the professional standing of the Plaintiff's attorneys; the fee customarily charged in this jurisdiction for similar services; and the beneficial results obtained for the Plaintiff, I find that the sum of \$2,835.00 is a reasonable attorney's fee for the Plaintiff's attorneys for services performed through the date of this hearing, under the terms of the Note and Mortgage.
21. The amount due and owing on the Note and Mortgage, with interest at the rate provided in the Note, and other costs and expenses of collection through the date of this hearing, including attorney's fees, secured by the Note and Mortgage, is as follows:

Principal Balance Due	\$186,787.66
Interest Due through 6/23/2023	\$8,106.38
Current Rate 5.56%, Per Diem \$28.8483	
Interest from 6/24/2023 through 9/6/2023	\$2,134.77
Property Inspections	\$92.50
Foreclosure Costs through hearing	\$1,038.82
Foreclosure Attorney's Fees through the hearing	\$2,835.00
TOTAL DEBT OWED	\$200,995.13

Total Debt secured by Note and Mortgage, including interest to date shown \$200,995.13. Interest for the period from the date shown in (b) above through the date of this judgment, at above stated rate, to be added to the above stated "Total Debt" to comprise the amount of the judgment debt entered herein, and interest after the date of judgment at a current rate of 5.56%, pursuant to the terms of the Note and Mortgage on the judgment debt should be added to such judgment debt to comprise the amount of the Total Debt secured by the Mortgage through the date to which such interest is computed.

22. The Plaintiff is seeking foreclosure of its Mortgage and has, in the Complaint or subsequently thereto in writing, expressly waived the right to a personal or deficiency Judgment pursuant to Rule 71(b), SCRPC.
23. The following Defendants claim, or may claim liens upon or interests in the subject property; and in the event there is a surplus from the sale of the subject property, the validity, priority and amount of any such lien claims will be determined at a hearing subsequent to the sale, in accordance with Rule 71(c), SCRPC. Said Defendants and such claims or liens are as follows:
 - a) Defendants Secretary of Housing and Urban Development holds a mortgage given by Patsy Jane Watson in the amount of \$180,000.00, dated September 11, 2009, and recorded in the Office of the Register of Deeds for Greenville County on September 21, 2009, in Book MO 5056, Page 2956. Said interest is subject, subordinate and inferior to the lien of the Plaintiff's mortgage.
 - b) Defendant The United States of America, acting by and through its agency the Internal Revenue Service holds several tax liens against Craig Watson. The first tax lien in the amount of \$36,868.51 bearing lien number 138846415 was recorded in Office of the Register of Deeds for Greenville County on January 21, 2015, in Book MI 97, Page 1361. The second tax lien in the amount of \$12,809.50 bearing lien number 220557816 was recorded in Office of the Register of Deeds for Greenville County on July 20, 2016, in Book MI 0115, Page 0262. The third tax lien in the amount of \$6043.32 bearing lien number 344035907 was recorded in Office of the Register of Deeds for Greenville County on February 14, 2007, in Book MI 15, Page 1309 Said interest is subject, subordinate and inferior to the lien of the Plaintiff's mortgage.

CONCLUSIONS OF LAW: I, therefore, conclude as follows:

24. That the Plaintiff should have judgment of foreclosure of its Mortgage; and the mortgaged property should be ordered sold at public auction after due advertisement.
25. That there is due to the Plaintiff on its note and mortgage the sum of \$200,995.13, representing the Total Debt due to the Plaintiff as set out in Paragraph 21, above, together with interest thereon at the rate provided in the note to the date hereof.

IT IS, THEREFORE ORDERED, ADJUDGED AND DECREED:

26. That the Plaintiff is in full compliance with South Carolina Supreme Court Administrative Order 2011-05-02-01.
27. That the Defendants liable for the aforesaid Total Debt shall, prior to the date and time of the sale of the subject property, pay to the Plaintiff the amount of the Total Debt.
28. That on default of payment prior to the date and time of the sale, the subject property, shall be sold at public auction, at the Greenville County Courthouse according to the following terms:
 - A. FOR CASH: The undersigned Master in Equity shall require a deposit of 5% on the amount of the bid (in cash or equivalent) the same to be applied on the purchase price only upon compliance with the bid, but in case of non-compliance within twenty (20) days the same to be forfeited and applied to the costs and then to the Total Debt.
 - B. Interest on the balance of the bid shall be paid to the day of compliance at the rate of 5.56%.
 - D. The sale shall be subject to taxes and assessments, existing easements and restrictions of record, and any other senior encumbrances.
 - E. Purchaser to pay for any statutory commission on sale from the proceeds of the final bid amount.
 - F. Purchaser to pay for the deed and the cost of recording the deed.
 - G. Purchaser shall be entitled to possession of the premises only after Purchaser fully complies with the bid amount and a deed is issued by the Master in Equity.
29. That a personal or deficiency Judgment being waived, the bidding will **not** remain open for thirty (30) days and bidding will be final on the date of sale, but compliance with the bid may be made immediately.
30. That the undersigned Master in Equity will, by advertisement according to law, give notice

of the time and place of sale and the terms thereof; and that he will execute to the purchaser, or purchasers, a deed to the premises sold. Upon such sale being made, should the successful bidder, or his assignee, fail to comply with the terms thereof within twenty (20) days after the date of sale, then the undersigned Master in Equity may re-advertise the premises for sale on the next, or some other subsequent sales day, at the risk of the highest bidder.

31. That in the event an agent of Plaintiff does not appear at the time of sale, the subject property shall be withdrawn from sale and sold at the next available sales date upon the terms and conditions as set forth in the Judgment of Foreclosure and Sale or such terms as may be set forth in a supplemental order.
32. That, if the Plaintiff is the successful bidder at said sale, for a sum not exceeding the amount of costs, expenses and the Total Debt in full, the Plaintiff may pay to the undersigned Master in Equity only the amount of the costs and expenses, crediting the balance of the bid on the Total Debt.
33. That the undersigned Master in Equity shall apply the proceeds of the sale as follows:
FIRST: To the payment of the amount of the costs and expenses of this action;
NEXT: To the payment of the amount of the Total Debt and interest (including attorney' fees); and
NEXT: Any surplus will be held pending further Order of this Court pursuant to Rule 71(c), SCRPC.
34. In the event the successful bidder is other than the Defendants in possession of the subject property, the Sheriff of Greenville County is hereby directed to eject and remove from the premises the occupants of the property sold, together with any and all personal property located thereon, and to put the successful bidder, or his assigns, in full, quiet and peaceable possession.
35. In the event the successful bidder is other than the Defendants in possession of the subject property and the occupants have voluntarily vacated the property or have been ejected from the property leaving furnishings, fixtures and items not subject to Plaintiff's Mortgage in said property, the Purchaser is authorized to remove from the property all furnishings, fixtures and items not subject to the lien of Plaintiff's Mortgage. The personal property, being deemed abandoned, shall be removed by the Purchaser or its agents from the subject property by placing said personal property on the public street or highway or by any other

means.

36. That each Defendant named herein, and all persons whomsoever claiming under him, them or it, be forever barred and foreclosed of all right, title, interest and equity of redemption in the said mortgaged premises so sold, or any part thereof.
37. That the deed of conveyance made pursuant to this judgment and said sale shall contain the names of only the Plaintiff, the Defendants Trisha Jane Watson, Craig Jason Watson and Ronald M. Watson, who were the title-holders of the mortgaged property at the time of the filing of the Lis Pendens, and that the Register of Deeds is hereby authorized to omit from the indices pertaining to such conveyance the names of all parties not contained in said deed.
38. That the undersigned Master in Equity shall retain Jurisdiction to do all necessary acts incident to this foreclosure, including, but not limited to, the issuance of a Writ of Assistance, disposing of any surplus funds pursuant to Rule 71(c), SCRPC.
39. That after the Order Confirming Sale and Disbursements has been issued and filed, the undersigned Master in Equity shall direct the Register of Deeds to release of record the lien being foreclosed, which lien is described in Paragraph 10 of the Findings of Fact hereinabove.
40. That after the Order Confirming Sale and Disbursements has been issued and filed, the undersigned Master in Equity shall direct the Register of Deeds and Clerk of Court to release the liens described in Paragraph 23 of the Findings of Fact hereinabove from the title of the subject property.
41. That the following is a description of the premises herein ordered to be sold:

All that certain piece, parcel or lot of land situate, lying, and being in Greenville County, State of South Carolina, Chick Springs Township, located near Pleasant Grove Baptist Church and being the greater portion of Lot No. 17 on a plat of property of John H. Greer, By H.S. Brockman, dated July 16, 1957, and recorded in the Office of the ROD for Greenville County in Plat Book PP, Page 121 and also being shown on a survey for Lowell and Thomas by John A. Simmons dated April 25, 1963.

Subsequently, Patsy Jane Watson died on November 8, 2019. Probate was open in case # 2019ES2302817, Greenville County, SC Probate Court and a Deed of Distribution was executed on March 27, 2022, and recorded on March 28, 2022, in Book DE 2652 Page 4304 conveying the above referenced property to Trisha Jane Watson, Craig Jason Watson, and Ronald M. Watson.

**Property Address: 109 Oak Forest Drive, Greer South Carolina 29650
TMS#: 0535010104501**

AND IT IS SO ORDERED.

JUDGE'S ELECTRONIC
SIGNATURE PAGE TO FOLLOW.

If applicable, describe the property, including tax map information and address, referenced in the order:

All that certain piece, parcel or lot of land situate, lying, and being in Greenville County, State of South Carolina, Chick Springs Township, located near Pleasant Grove Baptist Church and being the greater portion of Lot No. 17 on a plat of property of John H. Greer, By H.S. Brockman, dated July 16, 1957, and recorded in the Office of the ROD for Greenville County in Plat Book PP, Page 121 and also being shown on a survey for Lowell and Thomas by John A. Simmons dated April 25, 1963.

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 TMS#: 0535010104501.

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 2023 and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 2023 to attorneys of record or to parties (when appearing pro se) as follows:

McMichael Taylor Gray, LLC
 3550 Engineering Drive, Suite 260
 Peachtree Corners, GA 30092

Trisha Jane Watson
 105 James Road
 Greer, SC 29650

Craig Jason Watson
 151 Tymberbrook Drive
 Lyman, SC 29365

Ronald M. Watson
 450 Cox Road
 Greer, SC 29651

United States of America
 Attn: Attorney General
 U.S. Department of Housing and Urban
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 451 7th St SW
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United States of America

Attn: U.S. Attorney
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Defendant(s)

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.



Greenville Common Pleas

Case Caption: HMC Assets LLC , plaintiff, et al vs. Trisha Jane Watson , defendant,
et al
Case Number: 2022CP2306882
Type: Master/Order/Foreclosure & Sale and Form 4

And It Is So Ordered!

s/ Judge Charles B. Simmons, Jr. (3023)