

**LEXINGTON MIE (SPENCE) DEFAULT HEARING INFORMATION (MAY 2020 Pandemic)**

HEARING DATE: \_\_\_\_\_

CASE NAME & CAPTION: \_\_\_\_\_

PLAINTIFF FIRM/ATTORNEY: \_\_\_\_\_ Contact Info/ \_\_\_\_\_ -

DEFENDANT FIRM/ ATTORNEY: \_\_\_\_\_ /GAL: \_\_\_\_\_ /Answer \_\_\_\_\_

**PLEASE READ THIS IMPORTANT INFORMATION AND ASK ANY QUESTIONS WHEN YOUR HEARING BEGINS:**

1. **FORECLOSURE PROCEDURE**: You are at a default foreclosure hearing because you have been served and have not filed an Answer. We will review the alleged debt amount, the proposed Sales Date, post-hearing communication, and other important information. Please go to Lexington County Website Master-in-Equity Department for additional FAQs, Attorney References, and other Assistance Information.

2. **RECORD/ORDER REVIEW**: Since the Plaintiff is required to file all proposed exhibits and documents several days prior to hearing, the Court has reviewed all the filings, the Plaintiff/Lender Debt Affidavit and the Attorney Fee Affidavit. All the filings and affidavits are on line. You can access them by entering your case number on the County Website Online Services then Judicial Index Search.

3. **LOAN MODIFICATION/ CARE ACT**: We will discuss your loan status during your hearing. Please take careful notes.

4. **2011 ADMIN. ORDER**. After today, ALL COMMUNICATIONS MUST BE EMAIL BETWEEN YOU, THE PLAINTIFF ATTORNEY AND THE LENDER/SERVICER/BANK. NO MORE PHONE CALLS! The Plaintiff Attorney is responsible to resolve any communication problems you may have with the Lender. The attorney cannot help you unless the attorney knows of the problem; therefore per 2011 Order cc the Attorney on every email communication with the Bank.

5. **COURT AND PARTY COMMUNICATION**: Neither party can contact the court about the substantive disputed matters in this case. You must send an email to both the Court and the Plaintiff attorney. The court is prohibited from responding to single party phone calls, letters, etc. Everyone must be copied by email messages!

6. **STATUS EMAIL/ SALES DATES**: We will discuss sales dates and status emails. Normally Plaintiff will send an email to all parties and court a week before the proposed sale stating (a) no contact from owner-sell property (b) still working on it-don't sell property (c) great news- matter resolved! Will be sending a Dismissal.

7. **PROPERTY SALE INFORMATION**: We will tell you at hearing when and where the sale will be. It is a public auction. After the sale, it normally takes a week or so before either the Third Party Bidder gets a deed or the Lender gets a deed. If you have not vacated by the Sales Date, you may wish to contact the Court at (803) 785-8291, give them your case number and date of sale and get the contact information for the successful bidder. If the Lender was the successful bidder, then just contact the Plaintiff lawyer who came to hearing. IF third party, MIE Office can provide name and phone number. This call is permissible since it is only ministerial and not contested information.

8. **CONFIRM YOUR MAILING ADDRESS WITH MIE COURT TO PROTECT ANY RIGHTS TO A POSSIBLE SURPLUS FUNDS CLAIM**. During the call above (7) please ask the MIE Court if a Surplus was generated and give MIE Court your correct mailing information so you can receive Notice of Surplus Funds Hearing, State Law mandates that Plaintiff/Lender is only entitled to their debt. Any surplus would go to timely/proper claims filed by other creditors such as 2<sup>nd</sup> mortgage, IRS, SC Revenue or a judgment creditor, with the balance going to owner. If not claimed, these funds paid through Order to Clerk of Court who will send to State as abandoned property if not timely claimed by you.

9. **COUNTY WEBSITE/MIE DEPARTMENT**: Our Website has various helpful FAQs about foreclosures, your day in Court, Attorney Resources, and a list of groups providing food, shelter, counsel, etc. to folks in need.

10. **Other**: \_\_\_\_\_  
Deficiency Judgment Waived/Demanded/USA RIGHT OF REDEMPTION/HOA OR 2<sup>nd</sup> MTG/ Multiple Tracts

Sales Date: \_\_\_\_\_ or \_\_\_\_\_