

Motion for RSC to Extinguish Interest of Omitted Lienholder

Your Petitioner, _____, would show unto this honorable Court as follows:

ONE: That your Petitioner is the Plaintiff in the within captioned foreclosure action, having initiated such action on _____ to foreclose a mortgage from _____ in the original principal amount of \$ _____ dated _____, and recorded in the R.M.C. Office for Charleston County on _____, in Book _____, at Page _____.

TWO: That _____ is the lawful owner of a mortgage attaching to the real property which is the subject of the within captioned foreclosure action, said mortgage having been given by _____, in the original principal amount of \$ _____, on _____, and recorded in the R.M.C. Office for Charleston County on _____, in Book _____, at Page _____.

THREE: That the mortgage held by _____ was subordinated to the mortgage held by _____ and hereinabove described by written Agreement dated _____, and recorded in the R.M.C. Office for Charleston County on _____, in Book _____, at Page _____.

FOUR: That _____ was inadvertently not named as a party Defendant in the within captioned foreclosure action and, consequently, had no notice of the within captioned foreclosure action, nor the foreclosure sale which occurred on _____.

FIVE: That the property which is the subject of the within captioned foreclosure action was purchased at foreclosure on _____ by one _____ for the sum of \$ _____, said sum being only slightly greater than the amount due to _____, in accordance with its mortgage instruments.

SIX: That there are no excess proceeds to be distributed to _____ or any other junior lienholders as a result of the foreclosure sale which occurred on _____.

SEVEN: That _____ would not have received any monies whatsoever from the foreclosure sale which occurred on _____ had the said _____ been properly named as a party Defendant in this action.

EIGHT: That, upon information and belief, _____ is entitled to the issuance of a Rule to Show Cause by this honorable Court requiring that the said _____ show cause, if any it can, why its mortgage interest attaching to the property which is the subject of the within captioned foreclosure action should not be extinguished as a result of the foreclosure sale which occurred on _____.

WHEREFORE, _____, the Petitioner herein, would request unto this

honorable Court that a Rule to Show Cause be issued requiring _____ to show cause, if any it can, why its mortgage lien interest attaching to the subject property should not be extinguished as a result of the foreclosure sale which occurred on _____, and further, for such other and further relief as this honorable Court deems just and proper.