

# **AFFIDAVIT AND VERIFIED PETITION FOR ORDER FOR APPRAISAL**

That Pursuant to South Carolina Code of Laws §§29-3-680 and 29-3-700 that the real estate subject to the Plaintiff's foreclosure action has been foreclosed upon by Roger M. Young, Master in Equity for Charleston County, with final sale held on \_\_\_\_\_, in which a deficiency judgment against the Defendant, \_\_\_\_\_, was sought; now comes the Defendant in this matter, and makes application within thirty (30) days after the sale of said mortgaged property, applying by verified petition to the Clerk of Court for Charleston County, which is the County in which the Decree and Order for Sale was taken, for an Order of Appraisal of said property which is hereby listed as follows:

Brief Legal Description of Real Estate:

PERSONALLY appeared before me, \_\_\_\_\_ who, being duly sworn, deposes and says as follows:

1. That Pursuant to §29-3-680 the Defendant \_\_\_\_\_ is timely requesting an order of appraisal in the above-filed action.

2. That pursuant to §29-3-710, the Court appoint \_\_\_\_\_

as one designated appraiser for the Petitioner.

3. That upon information and belief the mortgaged property was sold for a figure significantly beneath its appraised value and is thereby subject to §29-3-740 which states that the amount for which the property was sold beneath its appraised value should be deducted from the amount of any deficiency judgment.

4. That pursuant to §29-3-740, the return of the appraisers shall be filed and recorded by the Clerk of Court as a judgment of the Court.

5. That I will guarantee payment of all costs involved with the subsequent appraisals.

Affiant/Defendant

SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: \_\_\_\_\_

## Order for Appraisal

IT APPEARING to the Court that pursuant to South Carolina Code of Laws § 29-3-660 ET SEQ. , that an Affidavit and Verified Petition for Order of Appraisal executed by the Defendant, has been duly and properly filed in the above captioned matter with the Office of the Clerk of Court for Charleston County, a copy of said is attached hereto;

NOW, THEREFORE, on motion of Defendant, in accordance with South Carolina Code of Laws § 29-3-710, which allows for the appointment of three appraisers, one to be appointed by the Defendant, one to be appointed by the Plaintiff and one to be appointed by the Court,

IT IS ORDERED that

1. \_\_\_\_\_, be appointed Appraiser by the Defendant;
2. \_\_\_\_\_, be appointed Appraiser by the Plaintiff; and,
3. \_\_\_\_\_, be appointed Appraiser by this Honorable Court.

IT IS FURTHER ORDERED that pursuant to the South Carolina Code of Laws §29-3-740, the appraisers are to deliver a copy of said appraisal to the Office of the Clerk of Court for Charleston County within thirty (30) days; and,

IT IS FURTHER ORDERED that the deficiency judgment be stayed pending the outcome of the appraisal and the application of §29-3-740, and,

IT IS SO ORDERED.

Judge of the Ninth Judicial Circuit