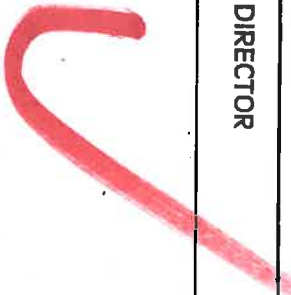


**DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF DIRECTOR**

**ACTION REFERRAL**

TO <i>Idell/s</i>	DATE <i>4-21-08</i>
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DIRECTOR'S USE ONLY		ACTION REQUESTED	
1. LOG NUMBER  <i>000543</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____	<input type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____	<input type="checkbox"/> FOIA DATE DUE _____
2. DATE SIGNED BY DIRECTOR  	<input checked="" type="checkbox"/> Necessary Action		

APPROVALS (Only when prepared for director's signature)	APPROVE	* DISAPPROVE (Note reason for disapproval and return to preparer.)	COMMENT
1.			
2.			
3.			
4.			

**RECEIVED**

APR 21 2008

Department of Health & Human Services  
OFFICE OF THE DIRECTOR

**JOHN F. BYRD, JR.**  
ATTORNEY AT LAW

P.O. Box 466, Edgefield, South Carolina 29824-0466  
307 Simkins St. (803) 637-3103  
FAX (803) 637-3677

April 16, 2008

To: Claimants for surplus  
From: John F. Byrd, Jr. - Special Referee

Re: LeSalle Bank vs Estate of Pauline Mitchell, et al. (Case # 2007-CP-41-144 Saluda County)

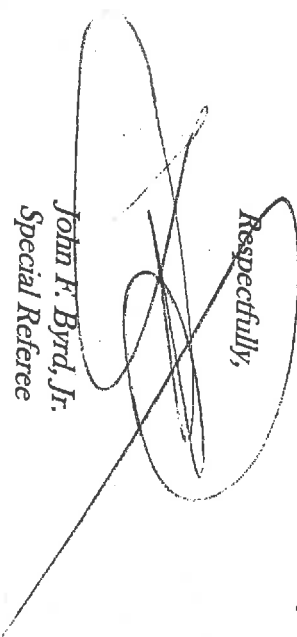
Dear Claimants:

Please be advised that on March 13, 2008 this Court, by foreclosure sale, sold the above property to a third party bidder for a purchase price of \$36,000.00. After costs and the mortgage were paid off a surplus remained of \$5,608.27.

Pursuant to Rule 71 (c) SCRCP, notice is being given to each of you of this surplus and if you are desirous of pursuing same please file your claim with me accordingly.

The Report on Sale and disbursement sheet were duly filed in Saluda County on March 25, 2008. A hearing will be held on Monday May 12, 2008 at 10:00 a.m. in my office to determine the priority of surplus claims.

Respectfully,

  
John F. Byrd, Jr.  
Special Referee

JFB,Jr./cv  
Enclosure (s)



Amount of bid	\$36,000.00
Interest on Bid (16 days	
@9% or \$8.44 per day)	135.04
Preparation of Deed	150.00
TOTAL FUNDS PAID by high bidder	\$36,285.04

DISBURSEMENTS OF FUNDS:	
1% Commission retained by the Court	\$ 360.00

Disbursements to the Plaintiff:	
Newspaper Fee - Notice of Sale	\$ 386.40
Interest on the bid	135.04
Deed preparation	150.00
Judgment Amount	29,345.33
TOTAL DISBURSEMENTS TO PLAINTIFF	\$30,016.77

TOTAL DISBURSEMENTS:	\$30,376.77
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AMOUNT OF SURPLUS	\$5,908.27 *
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All funds received having been disbursed, this case is hereby ended.

Saluda, South Carolina  
March 25, 2008.

John F. Byrd, Jr.

\* After this report the GAL bill for \$300.00 was deducted. Present surplus \$5,608.27

Your attention is called to Rule 71(c), SCRCP, which provides in part as follows:

"...any party to the action, or any person who had a lien on the mortgaged premises at the time of the sale, upon filing with the Special Referee a claim or entitlement to the surplus funds, may have a hearing to determine such entitlement. All such claims must be verified or supported by affidavit and must be filed with the Special Referee within forty five (45) days from the date of the filing of the Statement of Receipts and Disbursements provided in Rule 71(b). If a claim is not filed within the said forty five (45) day period, the same shall be considered abandoned and waived as to any surplus. The claim must contain the name of the claimant, the nature of the claim, the date the claim arose, and a calculation of the amount claimed. At the expiration of the claim filing period, the Special Referee shall set a hearing to accept proof of the claims filed. Only those who have filed a timely claim are entitled to notice of hearing. In the event no claims are filed against the surplus funds, the fund shall be paid over to the mortgagor or lienor entitled to the fund. If such mortgagor or lienor cannot be readily determined or located, the fund shall be disposed of as an abandoned fund in the manner provided by law..."

I am now filing a Report of the Sale and Disbursements with the Clerk of Court.

\*\*\*If you were the mortgagor or lienor in this action you may send your claim in the form of a letter to John F. Byrd, Jr., Special Referee, 307 Simkins Street, Edgefield, SC 29824 requesting any unclaimed surplus. Be sure to include a current mailing address so that you will receive notice of the hearing.

\*\*If you are a lien holder, Judgment creditor or any other interested party, please send your verified claim to John F. Byrd, Jr., Special Referee, 307 Simkins Street, Edgefield, SC 29824.

  
John F. Byrd, Jr.  
Special Referee

16 day of April, 2008