

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS

PLAINTIFF, vs. DEFENDANT(S)

AFFIDAVIT OF ATTORNEY FEES

C/A NO:

Personally appeared before me, the undersigned, attorney for the Plaintiff, who first being duly sworn, deposes and says as follows:

1. I am an attorney for the Plaintiff in the above referenced matter.
2. This case is an action to foreclose a mortgage on real property located in Lexington County, South Carolina. The subject mortgage specifically provides that the Plaintiff is entitled to the recovery of attorneys' fees and costs associated with the collection of sums due under the promissory Note and Mortgage and other applicable loan documents.

3. I was retained by the Plaintiff to conduct this foreclosure action pursuant to:

(a) A contractual rate of compensation providing for a flat attorneys' fee in the amount of \$

OR

(b) An hourly rate of \$ per hour, with the expected expended time (Example) is 9-12 hours at \$ per hour. *** Modify this sentence to clearly state if (a) contract rate or (b) hourly rate with similar language used as example above.

4. Under Dedes v. Strickland, 414 S.E.2d. 134 (S.C. 1992), the Supreme Court of South Carolina has set forth the factors to be considered in an award of attorney's fees in real property actions. These factors include nature, extent, and difficulty of the legal services rendered, the time and labor necessarily devoted to the case, the professional standing of counsel, the contingency of compensation, the customary fees charged in the locality for similar services, and the beneficial result obtained. These factors, as applied in this case, are as follows:

- a. Nature, Extent, and Difficulty of the Legal Services Rendered. As stated earlier, this is an action to foreclose a mortgage on real property. The ordinary case may

involve such complex issues of real property law including title search matters, potential lien priorities, sufficient debt affidavits, reformation and mobile home and other matters. The Master, who requires a Record with exhibits and a Judgment Order to be prepared by Plaintiff's counsel, held a hearing. Accordingly, the factual and legal issues presented were complex and detailed in nature, the extent of the work performed was necessary to adequately prepare and try these matters, and the matters decided were of legal and factual difficulty.

- b. Time and Labor Necessarily Devoted to the Case. As stated above, this case involved difficult issues of both legal and factual natures. Accordingly, the time and labor devoted to this case were necessary to properly prepare and try this case.
- c. Professional Standing of Counsel. The attorneys representing the Plaintiff in this case are licensed members of the South Carolina State Bar. Collectively, they have several years' experience in practice in South Carolina. The practice of Plaintiff's attorneys consists of foreclosure cases, collection cases, real property closing transactions, real property litigation, land title questions and other land related litigation. More specifically, Plaintiff's attorneys have collectively been involved in thousands of mortgage foreclosure cases. Accordingly, I submit that Plaintiff's attorneys have high professional standing in general and in this area of practices.
- d. Contingency of Compensation. As recited above, compensation in this case is based on a flat-fee rate of \$ or an Hourly rate of \$
- e. Customary Fee Charged on the Locality for Similar Services. I am aware from discussions with clients, other attorneys in the Foreclosure Bar in the Midlands region of South Carolina, and from my general familiarity with the legal profession that the fees charged for services similarly to those in this case are from \$ to \$ per case. As stated earlier, my flat-fee rate or hourly rate is within this range in this case. Accordingly, this rate is the fee customarily charged in this locality for similar services.
- f. Beneficial Results Obtained. This attorney obtained beneficial results for the Plaintiff in this action by securing a Judgment enforcing Plaintiff's mortgage rights with regard to the subject real property. Accordingly, it is submitted that beneficial results were obtained by this firm on the Plaintiffs' behalf.

5. After due consideration of the nature, extent, and difficulty of the legal services rendered, the time and labor necessarily devoted to the case, the professional standing of counsel, the contingency of compensation, the customary fee charged in the locality for similar services, and the beneficial result obtained, I respectfully submit that an award of attorney's fees to the full extent set forth in this Affidavit is appropriate; therefore, Plaintiffs are entitled to recover \$ _____ in attorney's fees.

6. The costs in this matter total \$ _____. These costs include filing fees, reference fees, service costs, and other miscellaneous costs. The costs are reasonable and necessary to pursue this action and are not, I believe, excessive given the nature, extent and difficulty of the legal services in this case, the time and labor devoted to this case, and the beneficial result obtained.

7. Accordingly, the total attorney's fees and costs sought in this case and allowable under the terms of the Note and Mortgage total \$ _____.

FURTHER AFFIANT SAYETH NOT.

ATTORNEY NAME/INFORMATION

SWORN TO AND SUBSCRIBED before me
this _____ day of _____, 20_____
_____ (L.S.)

NOTARY PUBLIC FOR SOUTH CAROLINA

Notary Printed Name: _____

My Commission Expires: _____