

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Honorable Marvin H. Dukes, III, Master in Equity

Case No. 2009-CP-07-04301

Daniel L. Junk and Christine H.  
Junk,

v.

Mortgage Electronic Registration  
Systems, Inc., and John Does 1-  
5,000,

Respondents.

Case No. 2009-CP-07-05088

CitiMortgage, Inc.,

v.

Daniel Junk a/k/a Daniel L. Junk and  
Christine H. Junk and Oldfield Community  
Association,

Respondent,

Defendants,

Of Whom Daniel L. Junk and Christine H.  
Junk are,

Appellants,

-and-

Daniel L. Junk and Christine H. Junk,

Counterclaim Appellants,

v.

CitiMortgage, Inc.

Counterclaim Respondent.

-and-

Daniel L. Junk and Christine H. Junk,

Third-party Appellants,

RECEIVED

MAY 03 2013

SC Court of Appeals

v.

Riley Pope & Laney, LLC , Heidi Carey, Esq.,  
Roy Laney, Esq., T. Lowndes Pope, Esq.,  
Bayview Loan Servicing, LLC, MERSCORP, Inc.,  
Mortgage Electronic Registration Systems, Inc.,  
Citi Master Servicing, Citigroup Global Markets  
Realty Corp., Citigroup Mortgage Loan Trust, Inc.,  
John Does 1-5,000, Jennifer Oakes, Robert G.  
Hall, Security Connections, Inc., Krystal Hall,  
Danielle Sterling, ABC Appraisal Group, Inc.,  
Mark A. Ruplinger, Linda Heller, Harry Jones,  
Colonial Coast Title Agency, Inc., Lawyers Title  
Insurance Corporation, Corelogic, Inc. and American  
Home Mortgage Holdings, Inc.

**RECEIVED**  
MAY 03 2013  
**SC Court of Appeals**

Third-party Respondents.

---

**Return to the Motion to Accept Designation of Matters  
to be Included in the Record on Appeal**

---

Pursuant to Rules 209 and 240 of the South Carolina Appellate Court Rules, Appellants, Counterclaim Appellants and Third-party Appellants Daniel L. Junk and Christine H. Junk (“the Junks”) respectfully submit their Return to the to Accept Designation of Matters to be Included in the Record on Appeal (“Motion to Accept”).

The Junks do not oppose Respondents being allowed to file out of time; however, the instant motion is misleading the Court and the Junks request this Court to require Respondents to further amend their Designation of Matters before allowing Respondents to file out of time by striking items #48, #50 and #51 within the Amended Designation of Matters. Respondents openly admit items #48, #50 and #51 are not a part of the record below.<sup>1</sup> Respondents’ refusal to

---

<sup>1</sup> See Exhibit “A” attached hereto – Letter from the Junks to Brian Patrick Crotty, Esq. dated April 9, 2013, stating the Junks cannot locate designated item #s 48, 50, 51 and 57 in the record below, and requesting Respondents’ direct the Junks to the location of these items within the record, and if unable to do so, requesting Respondents to amend their initial Designation of Matters to exclude item #s 48, 50, 51 and 57 as they are not properly before the Court under Rules 209(b) and 201(c), SCACR. See also, Exhibit “B” attached hereto – Letter from Brian Patrick Crotty, Esq., dated April 11, 2013, agreeing to amend Respondents’ Designation of Matters to exclude *only* item # 57, and admitting item #s 48, 50, and 51 are not in the record, and therefore, not properly before the Court under Rules

remove items #48, #50 and #51 from their Amended Designation of Matters will result in further and unnecessary motion practice before this Court if allowed to stand as is presently submitted by Respondents.

Respondents' request to the Court to accept the amended Designation of Matters containing items not properly before the Court and in contravention of this Court's Rules is frivolous. Respondents are aware that their willful non-compliance with the Junks' April 9, 2013, request will result in additional motion practice prior to perfecting the instant appeal, Exhibit "A", ¶2, and the Motion to Accept should be denied by this Court so long as the Amended Designation contains non-relevant and frivolous items in contravention of Rules 209(b) and 210(c), SCACR.

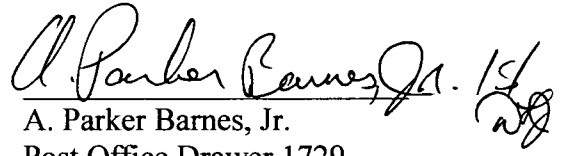
Wherefore, the Junks respectfully request that the current deadlines to perfect the pending appeal be held in abeyance pending consideration of this Motion by the Court, and that this Court order Respondents to strike item #s 48, 50 and 51 of Respondents' Amended Designation of Matters, and directing Respondents to file a further Amended Designation of Matters that does not contain any item not contained in the record below, and accept the filing out of time of a further Amended Designation of Matters once completed, containing *only* items contained in the record below in order to avoid further motion practice related to Rules 209(b) and 210(c) and 222, of the SCACR.

{Signature page to follow}

---

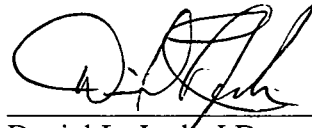
209(b) and 210(c), SCACR, yet demanding the Junks include those items in the Record on Appeal in contravention the rules of this Court.

A.PARKER BARNES, JR., P.A.



A. Parker Barnes, Jr.  
Post Office Drawer 1729  
500 Carteret Street  
Beaufort, South Carolina 29901  
(843) 522-2600  
Counsel for Appellant Christine Junk

DANIEL L. JUNK, PRO SE



Daniel L. Junk, J.D.  
*Pro Se Appellant*  
35 North Fourth Street  
Columbus, OH 43221  
(614) 648-5062

Signed on behalf of A. Parker Barnes, Jr.  
with permission.

Columbus, Ohio  
May 2, 2013

DANIEL L. JUNK, J.D.

*Pro Se* Appellant

Exhibit  
A

April 9, 2013

VIA EMAIL AND U.S. MAIL

Brian Patrick Crotty, Esquire  
Nelson Mullins Riley & Scarborough, LLP  
P.O. Box 11070  
Columbia, SC 29211

Re: Respondents' Joint Designation of Matters to be Included in the Record on Appeal  
Junk v. MERS et al., Case Tracking No. 2012-210910

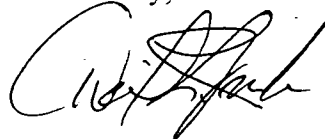
Dear Mr. Crotty,

I write in regard to certain matters designated by Respondents in their Designation of Matters to be Included in the Record on Appeal dated and certified on February 21, 2013. After a diligent search of the record as filed with the Circuit Court, I cannot locate in the record the following designated matters: #s 48, 50, 51, and 57. If you would kindly direct me to the record where these designated documents can be found I would appreciate it. If you cannot locate said designated documents in the record below, these documents are not properly before the Court in this appeal, and said designations are not properly to be included under Rules 209(b) and 210(c), of the South Carolina Appellate Court Rules.

If you cannot direct me to the location of the above designated documents within the record below, you are hereby requested to amend Respondents' Designation of the Matters to be Included in the Record on Appeal. Should you be unable to locate said documents in the record below and decide against the requested amendment, I will have no choice but to move the Court to strike the Respondents' designation and/or move for sanctions under Rule 222, of the South Carolina Appellate Court Rules.

Should you have any questions or need to speak with me about this issue, please feel free to call or email me for the sake of time. I look forward to your timely response.

Sincerely,



Daniel L. Junk,  
*Pro se* Appellant

cc: A. Parker Barnes, Jr.  
500 Carteret Street  
Beaufort, SC 29901

Sean Michael Bolchoz, Esquire  
Hale & Bolchoz, LLC  
P.O. Box 22561  
Hilton Head Island, SC 29925-2561

Demetri K. Koutrakos, Esquire  
Callison Tighe & Robinson, LLC  
P.O. Box 1390  
Columbia, SC 29202-1390

Elizabeth Van Doren Gray, Esquire  
Tina M. Cundari, Esquire  
Sowell Gray Stepp & Laffitte, LLC  
PO Box 11449  
Columbia, SC 29211

Hamilton Osborne, Jr.  
HAYNSWORTH SINKLER BOYD, P.A.  
1201 Main Street, 22nd Floor  
Columbia, SC 29201-3226

James G. Long, III  
Nexsen Pruet, LLC  
P.O. Box 2426  
Columbia, SC 29202

John Thomas Lay, Esquire  
Childs Cantey Thrasher, Esquire  
Gallivan White & Boyd P A  
PO Box 7368  
Columbia, SC 29202

Susan Taylor Wall, Esquire  
Amanda C. Williams, Esquire  
McNair Law Firm, P.A.  
PO Box 1431  
Charleston, SC 29402

O. Hamlin O'Kelley, III, Esquire  
Maria E. Kiehling, Esquire  
Buist, Byars & Taylor, LLC  
652 Coleman Blvd., Ste. 200  
Mt. Pleasant, SC 29464

# Nelson Mullins

Nelson Mullins Riley & Scarborough LLP  
Attorneys and Counselors at Law  
1320 Main Street / 17th Floor / Columbia, SC 29201  
Tel: 803.799.2000 Fax: 803.255.9040  
www.nelsonmullins.com

Brian P. Crotty  
(Admitted in PA & SC)  
Tel: 803.255.9422  
Fax: 803.255.9040  
brian.crotty@nelsonmullins.com

Exhibit  
B

April 11, 2013

## Via U.S. Mail

Daniel L. Junk  
181 Old Field Way  
Okatie, SC 29909

Daniel L. Junk  
2827 Chateau Circle S.  
Upper Arlington, OH 43212

RE: CitiMortgage, Inc. v. Daniel L. Junk, et al.  
Civil Action No. 2009-CP-07-05088  
Order on Appeal: February 22, 2012 (“Order Granting Motion to Dismiss  
Third-Party Complaint”)  
Court of Appeals Tracking No. 2012-210910

and

CitiMortgage, Inc. v. Daniel Junk a/k/a Daniel L. Junk, Christina H. Junk and  
Oldfield Community Association  
Civil Action No. 2009-CP-07-5088  
Order on Appeal: April 23, 2012 (“Order Granting CitiMortgage’s Motion to  
Dismiss Counterclaims”)

and

CitiMortgage, Inc. v. Daniel Junk a/k/a Daniel L. Junk, Christina H. Junk and  
Oldfield Community Association  
Civil Action No. 2009-CP-07-05088  
Order on Appeal: May 3, 2012 (“Form 4 Order Denying Junk’s Motion for  
Default Judgment”)

Junk  
April 11, 2013  
Page 2

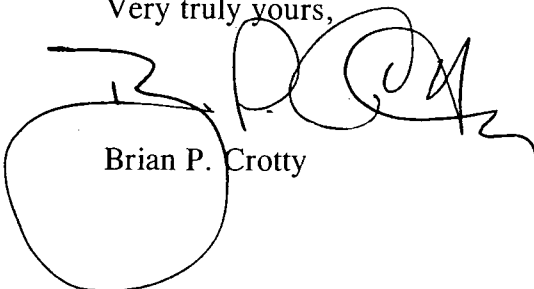
Mr. Junk:

This letter responds to your letter dated April 9, 2013, regarding the Record on Appeal. As an initial matter, an amended Designation of Matters removing item number 57 has been filed and served on you in accordance with the appellate rules.

The e-mails identified our Designation of Matters as number 48, 50, and 51 constitute communications between the parties and the Master. These communications were presented to the master and address an issue you raised in your Initial Appellants' Brief. The designated e-mails directly relate to this issue and show the communications on this issue between the Master and all parties. Thus, the e-mails are proper for inclusion in the Record on Appeal per Rules 209(b) and 210(c) of the Appellate Court Rules.

Because these communications were presented to the Master, our designated e-mails must be included in the Record on Appeal per your obligation to do so under the appellate rules. See Rule 210(c), SCACR ("The Record on Appeal shall include all matters designated to be included by any party under Rule 209 . . . .") (emphasis added). We expect you to comply with the mandatory requirement. To assist you with compilation of the Record on Appeal, we have attached copies of the e-mails designated at numbers 48, 50, and 51 in our Designation of Matters to this letter for inclusion.

Very truly yours,

  
Brian P. Crotty

BPC:mja

Enclosures

cc: A. Parker Barnes, Jr.  
James Y. Becker  
Andrew E. Colvin  
John T. Lay  
Childs Cantey Thrasher  
Sean Michael Bolchoz  
Demetri "Jim" K. Koutrakos  
Elizabeth Van Boren Gray  
Tina Cundari  
Susan Taylor Wall  
Hamilton Osborne, Jr.

## Diane Argabright

---

**From:** Becker, James <jbecker@hsblawfirm.com>  
**Sent:** Friday, February 10, 2012 3:17 PM  
**To:** Dukes, Marvin; Dan Junk; apbarnes@Parkerbarneslaw.com  
**Cc:** McLeod, Heather; Brian Crotty; Laurie Jennings; Roxanne Daniel; jkelly@parkerbarneslaw.com; zengland@Parkerbarneslaw.com; Charlotte Ariail; Williams, Amanda; Sean Bolchoz; Meredith Lazarski; acolvin@nexsenpruet.com; tcundari@sowellgray.com; egray@sowellgray.com; mlaliberte@sowellgray.com; wjordan@sowellgray.com; JimKoutrakos@callisontighe.com; jlay@gwblawfirm.com; dgillyard@gwblawfirm.com; Wall, Susan; Hamlin.OKelley@buistbyars.com; Charlotte Ariail  
**Subject:** CitiMortgage vs. Daniel Junk, et al.; 09-5088; proposed order dismissing third party complaint, etc.  
**Attachments:** Columbia-1605848-v4-Proposed Order (CoreLogic) Dismissing Third Party Complaint, etc..DOC  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**RE:** *CitiMortgage, Inc. v. Daniel L. Junk, et al.*  
Case No. 2009-CP-07-05088  
HSB File No. 35855.0001

Dear Judge Dukes:

Per your request, attached is a proposed order dismissing the third party complaint, etc., which has been reviewed and approved by counsel for the Plaintiff and all Third Party Defendants. I have copied Mr. Junk and Mr. Barnes on this e-mail.

**James Y. Becker, Esq.**

**Haynsworth Sinkler Boyd, P.A.** | 1201 Main Street, 22nd Floor | Columbia, South Carolina 29201-3232

d: 803.540.7706 | f: 803.765.1243 [jbecker@hsblawfirm.com](mailto:jbecker@hsblawfirm.com) | [www.hsblawfirm.com](http://www.hsblawfirm.com)

Please consider the environment before printing this email.

---

**From:** Dukes, Marvin [mailto:mdukes@bcgov.net]  
**Sent:** Thursday, January 19, 2012 11:32 AM  
**To:** Dan Junk; Williams, Amanda  
**Cc:** McLeod, Heather; Brian Crotty; Laurie Jennings; Roxanne Daniel; apbarnes@Parkerbarneslaw.com; jkelly@parkerbarneslaw.com; zengland@Parkerbarneslaw.com; Becker, James; Ariail, Charlotte; Sean Bolchoz; Meredith Lazarski; acolvin@nexsenpruet.com; tcundari@sowellgray.com; egray@sowellgray.com; mlaliberte@sowellgray.com; wjordan@sowellgray.com; JimKoutrakos@callisontighe.com; jlay@gwblawfirm.com; dgillyard@gwblawfirm.com; Wall, Susan; Hamlin O'Kelley, III (Hamlin.OKelley@buistbyars.com)  
**Subject:** RE: Bayview Loan Servicing LLC, et al. vs. Daniel Junk, et al.; 09-5088

Thanks to all for your comments. Please prepare one Order which incorporates the fact that the movants met the standard for lifting default, that no prejudice was asserted (other than brief passage of time, which I find not to rise to prejudice), but that dismissal, which is appropriate for all Third party defendants, moots the issue entirely.

Marvin H. Dukes, III  
Master-in-Equity for Beaufort County  
Beaufort County Courthouse

102 Ribaut Road, Room 212  
Post Office Drawer 1228  
Beaufort, SC 29901  
Office: 843.255.5710  
Fax: 843.255.9505

Neither this office, nor its staff gives legal, financial or other advice. Any information obtained from this office or it's staff, regardless of form, should not be taken as legal or financial advice. Persons seeking to purchase properties from foreclosures or other sales should obtain independent advice as to value, sufficiency of title, tax consequences, other liens, and all other matters related to said purchase. Persons involved in litigation should obtain counsel and may not rely on any information obtained from this office as legal advice. Do not rely on this office for legal advice- always obtain independent legal advice.

---

**From:** Dan Junk [mailto:djunkman@mac.com]  
**Sent:** Thursday, January 19, 2012 8:57 AM  
**To:** Williams, Amanda  
**Cc:** McLeod, Heather; Brian Crotty; Laurie Jennings; Roxanne Daniel; apbarnes@Parkerbarneslaw.com; jkelly@parkerbarneslaw.com; zengland@Parkerbarneslaw.com; Jamie Becker; Charlotte Ariail; Sean Bolchoz; Meredith Lazarski; acolvin@nexsenpruet.com; tcundari@sowellgray.com; egray@sowellgray.com; mlaliberte@sowellgray.com; wjordan@sowellgray.com; JimKoutrakos@callisontighe.com; jlay@gwblawfirm.com; dgillyard@gwblawfirm.com; Wall, Susan; Hamlin O'Kelley, III (Hamlin.OKelley@buistbyars.com); Dukes, Marvin  
**Subject:** Re: Bayview Loan Servicing LLC, et al. vs. Daniel Junk, et al.; 09-5088

Dear Judge Dukes

I object to the parties that were in default being included in the third party complaint dismissal. Neither of those parties has a right to relief beyond a lifting of the entry of default. I respectfully request the relief from default be a separate order for each party granted such relief.

Sincerely

Dan Junk  
843-290-8469

This message and any file transmitted with it may contain confidential information which may be subject to the attorney-client privilege, attorney work product privilege or is otherwise protected against unauthorized use. The information contained in this message and any file transmitted with it is transmitted in this form based on a reasonable expectation of privacy consistent with ABA Formal Opinion No. 99-413. Any disclosure, distribution, copying or use of the information by anyone other than the intended recipient, regardless of address or routing, is strictly prohibited. If you have received this message in error, please advise the sender by immediate reply and delete the original message. Personal messages express views solely of the sender.

Sent from my iPhone

On Jan 18, 2012, at 6:02 PM, "Williams, Amanda" <AWilliams@mcnair.net> wrote:

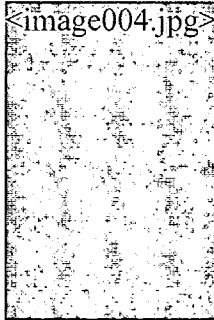
Judge Dukes,

Upon further reflection, we will work with third party defense counsel to address the issue of the default in the Order dismissing the Third Party Complaint. Because the issue of the default is rendered moot by your ruling dismissing the Third Party Complaint, we do not think it is necessary to draft a

separate Order. Rather, we will include language in the Order Dismissing the Third Party Complaint consistent with your ruling at yesterday's hearing. Thank you.

Best Regards,  
Amanda Williams

<image001.png>



**Amanda C. Williams**  
Associate  
awilliams@mcnair.net | 843 973 6875 Direct

**McNair Law Firm, P.A.**  
**Charleston Office** 100 Calhoun Street | Suite 400 | Charleston, SC 29401  
843 723 7831 Main | 843 722 3227 Fax  
**Mailing** Post Office Box 1431 | Charleston, SC 29402  
**VCard** | **Bio URL** | **Web site**

---

**From:** Williams, Amanda

**Sent:** Wednesday, January 18, 2012 4:28 PM

**To:** 'McLeod, Heather'; Brian Crotty; Laurie Jennings; Roxanne Daniel; [apbarnes@Parkerbarneslaw.com](mailto:apbarnes@Parkerbarneslaw.com); [jkelly@parkerbarneslaw.com](mailto:jkelly@parkerbarneslaw.com); [zengland@Parkerbarneslaw.com](mailto:zengland@Parkerbarneslaw.com); Jamie Becker; Charlotte Arial; Sean Bolchoz; Meredith Lazarski; [acolvin@nexsenpruet.com](mailto:acolvin@nexsenpruet.com); [tcundari@sowellgray.com](mailto:tcundari@sowellgray.com); [egrays@sowellgray.com](mailto:egrays@sowellgray.com); [mlaliberte@sowellgray.com](mailto:mlaliberte@sowellgray.com); [wjordan@sowellgray.com](mailto:wjordan@sowellgray.com); [djunkman@mac.com](mailto:djunkman@mac.com); [JimKoutrakos@callisontighe.com](mailto:JimKoutrakos@callisontighe.com); [jlay@gwblawfirm.com](mailto:jlay@gwblawfirm.com); [dgillyard@gwblawfirm.com](mailto:dgillyard@gwblawfirm.com); Wall, Susan; Hamlin O'Kelley, III ([Hamlin.OKelley@buistbyars.com](mailto:Hamlin.OKelley@buistbyars.com))

**Cc:** Dukes, Marvin

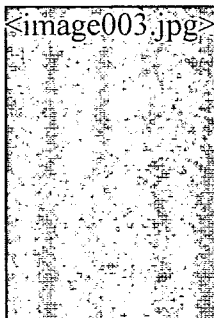
**Subject:** RE: Bayview Loan Servicing LLC, et al. vs. Daniel Junk, et al.; 09-5088

Judge Dukes,

We have received and thank you for your email. In order to protect the record, we would appreciate the Court signing a separate Order setting aside the entry of default as to our clients, Linda Heller and Harry Jones, as per Your Honor's ruling yesterday, since your ruling dismissing the Third Party Complaint was determined after Mr. Junk filed his certificate of default against our clients. We will be happy to prepare the Order and send it to all counsel and to the Court for review and approval within the next several days. Thank you for your consideration.

Best Regards,  
Amanda Williams

<image001.png>



**Amanda C. Williams**  
Associate  
awilliams@mcnair.net | 843 973 6875 Direct

**McNair Law Firm, P.A.**  
**Charleston Office** 100 Calhoun Street | Suite 400 | Charleston, SC 29401  
843 723 7831 Main | 843 722 3227 Fax  
**Mailing** Post Office Box 1431 | Charleston, SC 29402  
**VCard** | **Bio URL** | **Web site**

---

**From:** McLeod, Heather [<mailto:hmcleod@bcgov.net>]

**Sent:** Wednesday, January 18, 2012 1:56 PM

**To:** Brian Crotty; Laurie Jennings; Roxanne Daniel; [apbarnes@Parkerbarneslaw.com](mailto:apbarnes@Parkerbarneslaw.com); [jkelly@parkerbarneslaw.com](mailto:jkelly@parkerbarneslaw.com); [zengland@Parkerbarneslaw.com](mailto:zengland@Parkerbarneslaw.com); Jamie Becker; Charlotte Ariail; Sean Bolchoz; Meredith Lazarski; [acolvin@nexsenpruet.com](mailto:acolvin@nexsenpruet.com); [tcundari@sowellgray.com](mailto:tcundari@sowellgray.com); [egrays@sowellgray.com](mailto:egrays@sowellgray.com); [mlaliberte@sowellgray.com](mailto:mlaliberte@sowellgray.com); [wjordan@sowellgray.com](mailto:wjordan@sowellgray.com); [djunkman@mac.com](mailto:djunkman@mac.com); [JimKoutrakos@callisontighe.com](mailto:JimKoutrakos@callisontighe.com); [jlay@gwblawfirm.com](mailto:jlay@gwblawfirm.com); [dgillyard@gwblawfirm.com](mailto:dgillyard@gwblawfirm.com); Wall, Susan; Williams, Amanda; Hamlin O'Kelley, III ([Hamlin.OKelley@buistbyars.com](mailto:Hamlin.OKelley@buistbyars.com))  
**Cc:** Dukes, Marvin  
**Subject:** Bayview Loan Servicing LLC, et al. vs. Daniel Junk, et al.; 09-5088  
**Importance:** High

To All:

Please see the below from Judge Dukes, in regards to the above-mentioned case. Please advise if you have any questions.

*To all,*

*There is no theory under which the third party defendants would be liable to the Junks for the debt asserted to be owed by the Plaintiff. The third party complaint is improper and is dismissed.*

*Further, combining these issues would be confusing and inefficient as the third party complaint is much like a malicious prosecution claim that requires a threshold finding of wrongdoing to proceed.*

*I would appreciate it if the third party defendants could collaborate on an Order stating the same, for the reasons articulated in arguments and briefs.*

*I believe that the relief from default issues are rendered moot by this ruling, but if someone disagrees, please let me know.*

*Any remaining and outstanding motions or parts thereof, together with anything timely filed and served will be heard during our February 23<sup>rd</sup> hearing time.*

*Best,*

*Marvin H. Dukes, III*

*Master-in-Equity for Beaufort County*

**Please contact us immediately if you have waited for a ruling in a case or motion for more than 30 days.**

**Thanking You in Advance,**

**Heather R. H. McLeod,  
Judicial Assistant to  
Hon. Marvin H. Dukes, III  
Beaufort County Master In Equity  
And Special Circuit Court Judge  
P. (843) 255-5710  
F. (843) 255-9505  
[hmcleod@bcgov.net](mailto:hmcleod@bcgov.net)**

**Beaufort County Courthouse  
102 Ribaut Rd., 2nd Floor, Room 212  
Beaufort, SC 29902  
Post Office Drawer 1228**

## Beaufort, SC 29901

**Disclaimer: Neither this office, nor its staff gives legal, financial or other advice. Any information obtained from this office or it's staff, regardless of form, should not be taken as legal or financial advice. Persons seeking to purchase properties from foreclosures or other sales should obtain independent advice as to value, sufficiency of title, tax consequences, other liens, and all other matters related to said purchase. Persons involved in litigation should obtain counsel and may not rely on any information obtained from this office as legal advice. Do not rely on this office for legal advice- always obtain independent legal advice.**

CIRCULAR 230 DISCLOSURE: To ensure compliance with requirements imposed by the IRS, we inform you that any US Federal Tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (I) avoiding penalties under the internal revenue code or (II) promoting, marketing or recommending to another party any transaction or matter addressed herein. This advice may not be forwarded (other than within the taxpayer to which it has been sent) without our express written consent. To read more about this disclosure, please see [http://www.mcnaair.net/D1D330/portalresource/IRS\\_Circular\\_230.pdf](http://www.mcnaair.net/D1D330/portalresource/IRS_Circular_230.pdf)

PRIVILEGE AND CONFIDENTIALITY NOTICE: This communication (including any attachments) is being sent by or on behalf of a lawyer or law firm and may contain confidential or legally privileged information. The sender does not intend to waive any privilege, including the attorney-client privilege, that may attach to this communication. If you are not the intended recipient, you are not authorized to intercept, read, print, retain, copy, forward or disseminate this communication. If you have received this communication in error, please notify the sender immediately by email and delete this communication and all copies.

---

**CONFIDENTIALITY NOTICE:** *This e-mail and any files transmitted with it are confidential and may contain information which is legally privileged or otherwise exempt from disclosure. They are intended solely for the use of the individual or entity to whom this e-mail is addressed. If you are not one of the named recipients or otherwise have reason to believe that you have received this message in error, please immediately notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited.*

**IRS CIRCULAR 230 NOTICE:** *Internal Revenue Service regulations generally provide that, for the purpose of avoiding federal tax penalties, a taxpayer may rely only on formal written advice meeting specific requirements. Any tax advice in this message, or in any attachment to this message, does not meet those requirements. Accordingly, any such tax advice was not intended or written to be used, and it cannot be used, for the purpose of avoiding federal tax penalties that may be imposed on you or for the purpose of promoting, marketing or recommending to another party any tax-related matters.*

## Diane Argabright

---

**From:** Brian Crotty  
**Sent:** Wednesday, April 11, 2012 11:37 AM  
**To:** mdukes@bcgov.net; McLeod, Heather  
**Cc:** Dan Junk; apbarnes@Parkerbarneslaw.com; acolvin@nexsenpruet.com; Diane Argabright; Rush Smith  
**Subject:** CitiMortgage v. Junk, C/A No 2009-CP-07-05088 - CitiMortgage's Supplemental Memo in Support of Motion to Dismiss and Proposed Order  
**Attachments:** 26019.01531 CitiMortgage's Supplemental Memo in Support of Motion to Dismiss Counterclaims and f.pdf; Proposed Order Granting Motion to Dismiss Counterclaims - 4811-3131-7007 v 2.docx

Judge Dukes,

At the last hearing in this matter the Court heard CitiMortgage's motion to dismiss the Junks' counterclaims. At the end of the hearing you asked for the parties to supplement the existing briefing on the issue of the statute of limitations and whether the Junks' claims were time barred.

Attached please find CitiMortgage's supplemental memorandum in support of its motion to dismiss the counterclaims. This supplemental memo was sent for filing today.

In the event that the Court finds in favor of CitiMortgage on its motion to dismiss, I have also attached a proposed order to that effect in word format.

I have a copy of the transcript from the last hearing and can provide that transcript to the Court if you wish.

By copy of this e-mail to the remaining counsel of record in this matter, I am informing them of this communication with the Court and am complying with the requirements of Rule 5(b)(3), SCRCP regarding proposed orders.

Thank you for your consideration of this matter. Please let me know if you have any problems opening these documents.

Brian Crotty | 803-255-9422 | [brian.crotty@nelsonmullins.com](mailto:brian.crotty@nelsonmullins.com) Nelson Mullins Riley & Scarborough, LLP  
1320 Main Street, 17th Floor  
Columbia, SC 29201

## **Diane Argabright**

---

**From:** McLeod, Heather <hmcleod@bcgov.net>  
**Sent:** Tuesday, April 24, 2012 11:34 AM  
**To:** Dan Junk  
**Cc:** Brian Crotty; apbarnes@Parkerbarneslaw.com; acolvin@nexsenpruet.com; Diane Argabright; Rush Smith  
**Subject:** RE: CitiMortgage v. Junk, C/A No 2009-CP-07-05088 - CitiMortgage's Supplemental Memo in Support of Motion to Dismiss and Proposed Order

Judge Dukes asks you to please prepare the Order and email in Word format to him, copying all parties.

**Please contact us immediately if you have waited for a ruling in a case or motion for more than 30 days.**

**Thanking You in Advance,**

**Heather R. H. McLeod,  
Judicial Assistant to  
Hon. Marvin H. Dukes, III  
Beaufort County Master In Equity  
And Special Circuit Court Judge  
P. (843) 255-5710  
F. (843) 255-9505  
[hmcleod@bcgov.net](mailto:hmcleod@bcgov.net)**

**Beaufort County Courthouse  
102 Ribaut Rd., 2nd Floor, Room 212  
Beaufort, SC 29902  
Post Office Drawer 1228  
Beaufort, SC 29901**

**Disclaimer: Neither this office, nor its staff gives legal, financial or other advice. Any information obtained from this office or its staff, regardless of form, should not be taken as legal or financial advice. Persons seeking to purchase properties from foreclosures or other sales should obtain independent advice as to value, sufficiency of title, tax consequences, other liens, and all other matters related to said purchase. Persons involved in litigation should obtain counsel and may not rely on any information obtained from this office as legal advice. Do not rely on this office for legal advice- always obtain independent legal advice.**

---

**From:** Dan Junk [<mailto:djunkman@mac.com>]  
**Sent:** Tuesday, April 24, 2012 11:29 AM  
**To:** McLeod, Heather  
**Cc:** Brian Crotty; apbarnes@Parkerbarneslaw.com; acolvin@nexsenpruet.com; Diane Argabright; Rush Smith  
**Subject:** Re: CitiMortgage v. Junk, C/A No 2009-CP-07-05088 - CitiMortgage's Supplemental Memo in Support of Motion to Dismiss and Proposed Order

Heather

Can I please get Judge Dukes to issue the order denying the motion for default judgment against American Home Mortgage Holdings Inc? This motion was denied at the 2/23/12 hearing and has been subject of past requests and emails requesting same. Kindly let me know when we can expect that order. Thank you.

Dan Junk  
843-290-8469

This message and any file transmitted with it may contain confidential information which may be subject to the attorney-client privilege, attorney work product privilege or is otherwise protected against unauthorized use. The information contained in this message and any file transmitted with it is transmitted in this form based on a reasonable expectation of privacy consistent with ABA Formal Opinion No. 99-413. Any disclosure, distribution, copying or use of the information by anyone other than the intended recipient, regardless of address or routing, is strictly prohibited. If you have received this message in error, please advise the sender by immediate reply and delete the original message. Personal messages express views solely of the sender.

Sent from my iPhone

On Apr 24, 2012, at 11:21 AM, "McLeod, Heather" <[hmcleod@bcgov.net](mailto:hmcleod@bcgov.net)> wrote:

**To whom it may Concern:**

**Please see attached copy of signed/filed Order, in regards to above case. Please note that this office does not serve any documents on any party. The appropriate party pursuant to SCRPC 5(a) should serve copies of this Order:**

**(a) Service: When Required. Unless otherwise ordered by the court because of numerous defendants or other reasons, all (1) written orders (&)... other similar papers shall be served upon each of the parties of record. No service need be made on parties in default for failure to appear, except that pleadings asserting new or additional claims for relief against them shall be served upon them in the manner provided for serving of summons in Rule 4, and notice of any trial or hearing on unliquidated damages shall also be given to parties in default.**

**Please contact us immediately if you have waited for a ruling in a case or motion for more than 30 days.**

**Thanking You in Advance,**

**Heather R. H. McLeod,  
Judicial Assistant to  
Hon. Marvin H. Dukes, III  
Beaufort County Master In Equity  
And Special Circuit Court Judge  
P. (843) 255-5710  
F. (843) 255-9505  
[hmcleod@bcgov.net](mailto:hmcleod@bcgov.net)**

**Beaufort County Courthouse  
102 Ribaut Rd., 2nd Floor, Room 212  
Beaufort, SC 29902  
Post Office Drawer 1228  
Beaufort, SC 29901**

**Disclaimer: Neither this office, nor its staff gives legal, financial or other advice. Any information obtained from this office or it's staff, regardless of form, should not be taken as legal or financial advice. Persons seeking to purchase properties from foreclosures or other sales should obtain independent advice as to value,**

sufficiency of title, tax consequences, other liens, and all other matters related to said purchase. Persons involved in litigation should obtain counsel and may not rely on any information obtained from this office as legal advice. Do not rely on this office for legal advice- always obtain independent legal advice.

<09-5088.pdf>

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Honorable Marvin H. Dukes, III, Master in Equity

---

Case No. 2009-CP-07-04301

Case No. 2009-CP-07-05088

---

Daniel L. Junk and Christine H. Junk, Appellants,

v.

Mortgage Electronic Registration Systems, Inc., and John Does 1-5,000, Respondents.

---

CitiMortgage, Inc., Respondent,

v.

Daniel Junk a/k/a Daniel L. Junk and Christine H. Junk and Oldfield Community Association, Defendants,

Of Whom Daniel L. Junk and Christine H. Junk are, Appellants,

---

Daniel L. Junk and Christine H. Junk, Counterclaim Appellants,

v.

CitiMortgage, Inc. Counterclaim Respondent.

---

Daniel L. Junk and Christine H. Junk, Third-party Appellants,

v.

Riley Pope & Laney, LLC , Heidi Carey, Esq.,  
Roy Laney, Esq., T. Lowndes Pope, Esq.,

## PROOF OF SERVICE

**Document(s) Served:** Appellants' Initial Reply Brief.

**Persons Served:**

Brian Patrick Crotty, Esquire  
Nelson Mullins Riley & Scarborough, LLP  
P.O. Box 11070  
Columbia, SC 29211

James G. Long, III  
Nexsen Pruet, LLC  
P.O. Box 2426  
Columbia, SC 29202

Sean Michael Bolchoz, Esquire  
Bolchoz Law Firm, PA  
P.O. Box 828  
Bluffton, SC 29910

John Thomas Lay, Esquire  
Childs Cantey Thrasher, Esquire  
Gallivan White & Boyd P A  
PO Box 7368  
Columbia, SC 29202

Demetri K. Koutrakos, Esquire  
Callison Tighe & Robinson, LLC  
P.O. Box 1390  
Columbia, SC 29202-1390

Susan Taylor Wall, Esquire  
Amanda C. Williams, Esquire  
McNair Law Firm, P.A.  
PO Box 1431  
Charleston, SC 29402

Elizabeth Van Doren Gray, Esquire  
Tina M. Cundari, Esquire  
Sowell Gray Stepp & Laffitte, LLC  
PO Box 11449  
Columbia, SC 29211

O. Hamlin O'Kelley, III, Esquire  
Maria E. Kiehling, Esquire  
Buist, Byars & Taylor, LLC  
652 Coleman Blvd., Ste. 200  
Mt. Pleasant, SC 29464

Hamilton Osborne, Jr.  
HAYNSWORTH SINKLER BOYD, P.A.  
1201 Main Street, 22nd Floor  
Columbia, SC 29201-3226

Bayview Loan Servicing, LLC, MERSCORP, Inc.,  
Mortgage Electronic Registration Systems, Inc.,  
Citi Master Servicing, Citigroup Global Markets  
Realty Corp., Citigroup Mortgage Loan Trust, Inc.,  
John Does 1-5,000, Jennifer Oakes, Robert G.  
Hall, Security Connections, Inc., Krystal Hall,  
Danielle Sterling, ABC Appraisal Group, Inc.,  
Mark A. Ruplinger, Linda Heller, Harry Jones,  
Colonial Coast Title Agency, Inc., Lawyers Title  
Insurance Corporation, Corelogic, Inc. and American  
Home Mortgage Holdings, Inc.

Third-party Respondents.

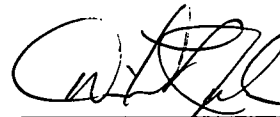
---

PROOF OF SERVICE

---

I certify that I have served the Appellants', Counterclaim Appellants' and Third-party Appellants' Return to the Motion to Accept Designation of Matters to be Included in the Record on Appeal dated May 2, 2013, on counsel listed below by depositing a copy of it in the United States Mail, postage prepaid, on May 2, 2013.

May 2, 2013



---

Daniel L. Junk, J.D.  
*Pro Se* Appellant, Counterclaim  
Appellant and Third-party Appellant  
35 North Fourth Street  
Suite 200  
Columbus, OH 43215  
(614) 648-5062

{Service list on following page}