

THE SOUTH CAROLINA COURT OF APPEALS

Mary Boyd Brown, Respondent,

v.

Reconciliation Ministry-East, Appellant

Appellate Case No. 2013-001187

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SC Court of Appeals

Respondent's Memoranda

Respondent Mary Boyd Brown ("Respondent"), by and through her undersigned attorneys, is hereby filing a memorandum pursuant to the motions filed by Mr. Wendell Freeman purportedly on behalf of Reconciliation Ministry East (Appellant).

Why this appeal should not be dismissed because Appellant did not serve and file a notice of appeal from the Judgment of Foreclosure and Sale?

The appeal filed by Mr. Wendell Freeman purportedly on behalf of Reconciliation Ministry East should be dismissed due to the fact that Mr. Wendell Freeman is not a licensed attorney such that he is authorized to represent the Appellant and due to the fact that Appellant did not serve and file a timely notice of appeal from the Judgment of Foreclosure and Sale and the fact that Mr. Wendell Freeman.

In addition, Respondent would like to provide a brief history as additional grounds for why the Court should dismiss Mr. Wendell Freeman's purported appeal on behalf of Appellant. The appeal stems from a foreclosure action initially filed on February 10, 2012, which ultimately resulted in an Order of Judgment and Foreclosure filed on September 19, 2012 and the sale of the subject property on April 1, 2013, at which Respondent was the high bidder.

Pursuant to the results of the sale, a Master in Equity's Deed was issued to Mary Boyd Brown and recorded on May 14, 2013 with the Richland County Register of Deeds in Book 952 at page 3655.

Due to Mr. Wendell Freeman's refusal to vacate the subject property, Respondent filed a Petition for Writ of Assistance pursuant to which a hearing was held at which Mr. Wendell Freeman renewed his request in his Reply to the Petition for Writ of Assistance asking for forty five (45) days from the date of the Reply (April 22, 2013) to vacate the subject property. Respondent opposed the lengthy request to vacate due to the continued hardship that Mr. Wendell Freeman's delays in the case caused Respondent and due to the fact that Mr. Wendell Freeman knew for months that the subject property would have to be vacated such that he should have been adequately prepared.

The Honorable Joseph M. Strickland, Richland County Master in Equity, issued an Order for Writ of Assistance providing the date to vacate by June 3, 2013, which allowed forty two (42) days to vacate or only three (3) days less than what Mr. Wendell Freeman's request.

As the final date to vacate approached, Mr. Wendell Freeman filed a Request for an Extension of Time to Vacate. Respondent strongly opposed the request due to the fact that Respondent continues to be burdened by the actions and inactions of Mr. Wendell Freeman including legal fees, court costs, multiple notice of sale advertising expenses and the inability to derive any benefit from the subject property during the delayed proceedings.

In denying Mr. Wendell Freeman's Request, Judge Strickland's Order, a copy of which is attached hereto and incorporated herein by reference as Exhibit "A", cited the fact that Mr. Wendell Freeman was not authorized to represent the Appellant; no payment had been made on the Note and Mortgage since 2011; Mr. Wendell Freeman filed two bankruptcy petitions on behalf of the Appellant immediately prior to scheduled foreclosure sales, both of which said petitions were dismissed with an Order from the Honorable David R. Duncan, Chief Bankruptcy Judge, that Mr. Wendell Freeman could not file any additional petitions on behalf of Appellant; Mr. Wendell Freeman was the successful bidder at the initial foreclosure sale held February 4, 2013 only to fail to comply with the bid and be held in contempt of court; and Mr. Freeman asked for and was granted a significant number of days to vacate.

Due to all of the foregoing reasons, the appeal filed by Mr. Wendell Freeman purportedly on behalf of Reconciliation Ministry East should be dismissed.

Exhibit "A"

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Mary Boyd Brown,

Plaintiff,

vs.

Reconciliation Ministry-East,

Defendant.

IN THE COURT OF COMMON PLEAS

CASE # 2012-CP-40-01181

**ORDER DENYING
DEFENDANT'S REQUEST FOR AN
EXTENSION OF TIME TO VACATE**

THE PREMISES

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SC Court of Appeals

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JEANETTE W. BRIDGEMAN
P. S. S.

RICHLAND COUNTY
FILED

Pursuant to a hearing held on April 25, 2013, this Court issued an Order for Writ of Assistance filed May 8, 2013 providing that Defendant Reconciliation Ministry-East (the "Defendant") must vacate the subject property before 9:00 a.m. Monday, June 3, 2013.

Apostle Wendell Freeman, purportedly on behalf of the Defendant, filed a Reply to Order for Writ of Assistance and Request for an Extension of Time to Vacate the Premises on May 20, 2013. He sought an additional thirty five (35) days to vacate the subject property.

The Court hereby denies the Reply to Order for Writ of Assistance and Request for an Extension of Time to Vacate the Premises and upholds the Order for Writ of Assistance filed on May 8, 2013.

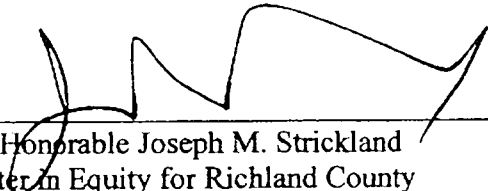
Apostle Wendell Freeman has continually appeared and file pleadings on behalf of the Defendant when he has been told by the Court on numerous occasions that he is not allowed to represent the Defendant. For this reason alone, the Reply to Order for Writ of Assistance and Request for an Extension of Time to Vacate the Premises is denied.

In addition, the Court finds that there are no grounds for an extension and that any additional extension to vacate would unduly burden the Plaintiff. Ms. Brown has already incurred additional legal fees, court costs, multiple notices of sale and advertising expenses. She is unable to derive any benefit from the subject property. The Defendant has not made a payment on the Note and Mortgage since 2011. Apostle Freeman filed

two bankruptcy petitions on behalf of the Defendant immediately prior to scheduled foreclosure sales. Apostle Freeman successfully bid on the subject property at the initial foreclosure sale but failed to pay 5% of the bid on the day of the sale or the bid within twenty days. Apostle Freeman has been flippant, evasive, and misleading in court appearances, including the contempt hearing related to his failure to comply with his successful bid. Finally, at the April 25, 2013 hearing, Apostle Freeman asked for and was granted a significant number of days for the Defendant to vacate.

For all of the reasons provided herein, the Court denies the Request for an Extension of Additional Time to Vacate the Premises and confirms the Order for Writ of Assistance setting a move out date June 3, 2013 at 9:00 a.m.

IT IS ORDERED



The Honorable Joseph M. Strickland
Master in Equity for Richland County

Columbia, South Carolina
May 31, 2013

June 6, 2013

www.richardsonplowden.com

VIA FACSIMILE (803-734-1496) AND HAND DELIVERY

Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

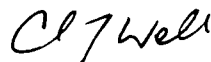
Re: Mary Boyd Brown v Reconciliation Ministry- East
Case No.: 13-001187
RPR File No.: 179-11059

Dear Ms. Kitchings:

Pursuant to your letter dated June 4, 2013, please find enclosed Plaintiff Mary Boyd Brown's written memoranda in response to your letter.

Should you have any questions or comments, please feel free to contact my office at (803) 253-8707.

Sincerely,



Charles J. Webb

Enclosures

cc: Alec Chaplin, Jr.
Wendell Freeman via U.S. mail and email

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