

STATE OF SOUTH CAROLINA

COUNTY OF YORK

Karen K. Baber,

Plaintiff,

vs.

Summit Funding, Inc; Appraisal Innovations, LLC; Brian L. Blue; The Gillen Law Firm, PA; Michael F. Gillen; Allen Tate Co. Inc.; Colleen Coesens; Jonathan Garvey; Robert Ouzts; Connie Delaney; and Gloria Long-Robinson,

Defendants.

IN THE COURT OF COMMON PLEAS

C/A No.: 2018-CP-46-01592

NOTICE OF APPEARANCE PRO SE

RECEIVED

FEB 28 2023

SC Court of Appeals

Please take notice, that I, Karen K. Baber, have been unable to obtain new counsel because I lack the funds to do so. Accordingly, I am hereby entering my Notice of Appearance Pro Se.

In so doing, I ask this Court to recognize that my former retained counsel, Mr. Creighton B. Coleman, apparently relied upon his co-counsel Mr. Glenn Bowens to handle my appeal of this matter, but Mr. Bowens' initial brief was incredibly poorly written, and he failed to make proper arguments. Mr. Coleman did nothing to assist or to even file a Reply Brief to make my arguments showing why summary judgment should not have been granted against me.

I therefore ask the Court to simply review the record below and at my verified complaint and verified affidavits and the exhibits that I filed to verify that there were disputed issues of material fact on nearly every point upon which summary judgment was improperly granted, and that I also cited law showing that my claims were valid. That review will show that:

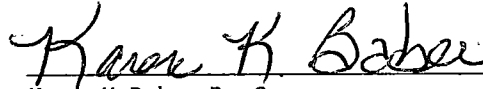
1. Summit Funding which was granted summary judgment on the grounds of Summit's violations of federal regulations requiring a CL-100 wood infestation report and home inspection report before an FHA-insured loan could be issued confers no private right of action to Baber; (b) Baber's claims were barred by a three-year statute of limitation; and (c) Summit did not breach its agreement with Baber.
2. Each ruling in favor of Summit Funding was in error because:
 - A. A condition of issuing my loan was that in meet FHA/HUD requirements. The lack of **any CL-100** wood infestation report, home inspection report, and an obviously fraudulent appraisal, failed to meet the conditions for an FHA-insured loan, and had

I been told there was no clean termite or home inspection report or a valid appraisal, I would have purchased another home.

- B. The lower court relied upon an email showing my alleged knowledge that there was no CL-100, but the record clearly disclosed that there were then subsequent emails where I was assured that my realtor had obtained the CL-100 and was bringing it to the closing and that the loan could not be issued to me without the CL;
 - C. Even though I met the three-year statute of limitations based on the later received emails, the statute did not run until after I discovered that the CL-100 report and the home inspection reports were not provided; and the 20-year statute found at South Carolina Code section 15-3-520 applied, not the three-year statute of limitation which is expressly deferred to 15-3-530(1).
 - D. Summit did breach the Agreement by issuing me a loan which it knew did not meet FHA/HUD requirements for my loan. Please see all the communications that I had with Summit employees assuring me that the loan could not have closed without a CL-100 and please review a Wisconsin Supreme Court case of *Winnebago Homes, Inc. v. Sheldon*, reported at 139 N.W.2d 606 at page 610; an Eleventh Circuit Court of Appeals case *Bates v. JPMorgan Chase Bank, NA* reported at 768 F.3d 1126 at page 1131.
3. The Tate Realty Defendants were granted summary judgment based upon a release that I provided in exchange for what turned out to be a payment of a few hundred dollars for what turned out to be a belated home warranty. The lower court failed to consider the fact that I was fraudulently induced to sign the release based upon the representation from Colleen Coesens that she would provide me with a copy of the CL-100 wood infestation report after I signed the release. She never did, because she could not – there was no CL-100 ever provided despite numerous representations that it had been.
 4. The Tate Realty Defendants were also granted summary judgment because I allegedly failed to timely respond to requests for admissions when I was representing myself pro se. I never received them, and had they been mailed I would have received them because I was home during the month they were allegedly sent due to illness and the mail was collected daily. When I was made aware of them, I answered them within a matter of days. The Tate Defendants suffered no prejudice from the delays and the lower court abused its discretion in not allowing my pro se responses to the requests for admissions to stand.
 5. The lower court also improperly dismissed my mutual mistake and fraud claims because I was not even allowed to take discovery to show that the Tate Defendants were aware of the numerous defects in the home I bought.

Please send all further communications to me at the address set forth below.

DATED this 24th day of February, 2023.

A handwritten signature in cursive script that reads "Karen K. Baber". The signature is written in black ink and is positioned above a horizontal line.

Karen K. Baber, Pro Se
255 Rolling Ridge Rd.
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Tel: 843-240-0083
Email: klkb1951@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I mailed or emailed copies of the foregoing Notice of Appearance Pro Se to the following:

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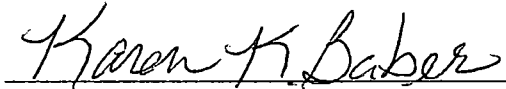
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FEB 28 2023

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Karen K. Baber

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COLUMBIA SC 29201



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