

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Joseph M. Strickland (Master of Equity) Judge
(allegedly!) Special Circuit Court Judge¹

RECEIVED

JUL 03 2013

Tom K. Freeman, et al

Appellants
S.C. SUPREME COURT

v.

Bank of America

Respondent

RECORD ON APPEAL

Mrs. Ruth Kennedy, Pro Se Mrs. Terra K. Freeman, Pro Se
263 Blythe Creeke Drive 112 Vineyards Crossing Court
Blythewood, SC 29016 Columbia, SC 29229
Above Appellants...

Jody A. Bedenbaugh-c/o Erik T. Norton
SC Bar Numbers. 71176 & 73860
1320 Main Street/17th Floor
P.O. Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000
Added Attorneys for Bank of America

Dated: June 3rd, 2013

¹ These above said Appellants has already presented to this Supreme Court a copy of the Richland County Court's Administration Office records/DOCKET/and Case HISTORY SHEET, which DOES NOT SHOW nor! Support the name of Joseph M. Strickland as EVER being either a Replacement Special Circuit Court Judge, although already provided does show, Joseph M. Strickland is/and always has been listed to said lower trial court ONLY as being a Master of Equity JUDGE, with the lower trial court DOCKET SHEET RECORDS DOES NOT SHOW - the said Court Administration Officials EVER requested Joseph M. Strickland to be in this said case matter, as being an alleged SPECIAL CIRCUIT COURT JUDGE, as alleged ONLY! in SOME of Judge Strickland's signed ORDERS, that's also been provided to this said Supreme Court, or can RECALLED again to this Supreme Court-if necessary.

Witness, Master of Equity Judge Joseph M. Strickland's PUBLIC RECORDS with the SENATE COMMISSION Questions and Answers DOES SHOW and is ADMITTED by Judge Joseph M. Strickland - that his prior EMPLOYER was about the Defendant Bank of America's LAWYERS' Employer - "Robson Silver Hill & Scarborough, L.L.P." - which Judge Strickland's ADMITTED! said PERSONAL RELATIONS, allowed Judge JIM S. Strickland's always was also! as PERSON of INTEREST regarding the OUTCOME of the Plaintiffs' claims in the said lower court's case matter), which resulted in Judge Strickland's show! FAVORITE, Biased, which RESULTED in (the lower trial court's RECORDS/and/or provided DOCKET SHEET) shows Judge Strickland NEVER Officially placed ANY the said alleged SCHEDULED Hearing of March 30, 2012, nor November 1st, 2012 to be LEGALLY placed to be HEARD, in order for ALL parties to PROPERLY APPEAR, in which these said PRO SE PLAINTIFFS filed written PLEADINGS always showed and supported each of their request for the DISQUALIFICATION of the said lower trial court Judge Joseph M. Strickland, which SAME lower trial court RECORDS shows - Judge Joseph M. Strickland NEVER asked on his said DISQUALIFICATION - signed in NEITHER of his written ORDERS, (already provided copies to this said Supreme Court).

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT OF APPEALS
Appellate Case no: 2012-213516

Page 1 of 3
Attachment-5

APPEAL FROM the RICHLAND COUNTY
Court of Common Pleas
Joseph M. Strickland (alleged Substitute) Judge
Lower Case no. 2011-CP-40-08913

Terra K. Freeman and Ruth Kennedy, Pro Ses ¹

Plaintiff/Appellants

vs.

Bank of America, c/o Missy Graham, Office of Assistant
Manager and Jane Barfell, Personal Banker,

Defendant(s)/Respondent(s)

RECEIVED

JUL - 3 2013

S.C. Supreme Court

**MEMORANDUM with CITATION of AUTHORITIES
in SUPPORT of MOTION TO RESTATE**

Pursuant with SCACR 204(a)(c)(i), 207, and 257(b) these above said pro se are individually but jointly writing this said Memorandum with Citation of Authorities, regarding this Supreme Court's attached Order which appears to have again, filed in error, its Dismissal of Appellants' Petition for Appeals, most pursuant with "Beke v. Beke, 267 S.C. 120, 276 S.E.2d 295 (1981)", and Rule 221, SCACR, although this Supreme Court did not consider that both Appellants had their Appeal involved a "...FINAL JUDGMENT INVOLVING a Challenge on STATE or Federal Grounds to the Constitutionality of a STATE LAW..." pursuant with SCACR 203(a)(1)(A)(ii)²

SUPREME COURTS' OBVIOUS ERRORS in its Order June 19, 2013 do to the following:

1. Supreme court's 6/19/2013 Order admits these Appellants "appeals involves TWO ORDERS issued by the Circuit Court which granted a motion to dismiss dated APRIL 12, 2012." Regarding "The TRANSCRIPT of the MARCH 30, 2012 HEARING on this Motion INDICATES that NEITHER APPELLANT was PRESENT at THAT HEARING."; But yet this Supreme Court's court signed Letter dated "February 27, 2013" contradicts that "The HEARING SCHEDULED for MARCH 2012, the Court Reporter indicates that, while the Respondent Appeared through counsel, neither of you appeared. As a RESULT, NOTHING was apparently PUT ON the RECORD for THAT HEARING. Therefore, NO TRANSCRIPT is AVAILABLE for that (MARCH 2012) date". Which is Untrue.

¹ *HAYNES v. KERNER ET AL.*, No. 70-5025, SUPREME COURT OF THE UNITED STATES - says Cases on Pro Se Rights that "...Allegations such as those asserted by Petitioner, However heartfully pleaded are Sufficient..." Which states we do not hold ...Pro Se claims to the same Standards as an Attorney. "...Pittoner's pro se complaint... should not have been dismissed without affording him the opportunity to present evidence on his claims." 4 27 F.2d 71, *reversed and remanded*."

² 203(a)(1)(A)(ii) states "...Any final judgment involving a challenge on state or federal grounds to the constitutionality of a state law or county or municipal ordinance where the principal issue is one of the constitutionality of the law or ordinance;"

1a): This said Supreme Court's ORDER of 6/19/2013, shows further it ERRED/or Overruled intentionally OVERLOOKED, the fact that this Supreme Court ADMITTED/or acknowledged that it READ! the said lower trial court Judge Strickland's ORDER dated "APRIL 12, 2012" - which granted a motion to dismiss, although! this said Supreme Court NEVER ACKNOWLEDGED! that the said lower trial court's actual! read ORDER! of "APRIL 12, 2012" always INDICATED! also! that the said Appellant/Plaintiff(s) DID! APPEAR! at the alleged MARCH 30, 2012 lower Court Hearing;

1b): Appellant/Plaintiffs already PRODUCED Documented Evidence to this said Supreme Court (that's been OVERLOOKED/or in Error was not consider in this Supreme Court's ORDER dated 6-19-2013) which the said documented evidence showed to this said Supreme Court that the said Lower Trial Court's DOCKET/and/or Case HISTORY SHEET- NEVER showed the lower trial court Judge Strickland never placed Appellant/Plaintiffs filed State! Court! COMPLAINT to be actually heard within ANY! OPEN COURT HEARINGS, on the date MARCH 30, 2012, nor! on the date NOVEMBER 1, 2012³...

*(due to lower Court Judge Strickland's always known and ADMITTED to his personal biased interest and/or personal known INVOLVEMENTS with the Defendant/BANK of AMERICA's admitted involvements with Appellant/Plaintiffs named PAYEE/COG/and or COG's Agents Pugh, McQueen and Brunson, as well as the said lower trial court Judge Strickland's ADMITTED to been a former! HIRED EMPLOYEE with Defendant/ BOA's listed said Attorney(s) Nelson & Mullin's LAW FIRM - who ALSO! was known to ALWAYS! been involved with Appellant/Plaintiffs Cashiers Checks/or Money Orders named PAYEE/COG, regarding claims filed and FIRST!! RULED! in FINAL!! JUDGMENT(s) filed ONLY!! within a STATE! COURT!! Civil and Criminal proceedings that took place since the year 2007, SETTLED/RESOLVED/and DISMISSED, as well as GRANTED FULL RELIEF from SCAG/South Carolina ATTORNEY GENERAL Office Officials/Plaintiff(s) pair rendered STATE! COURT! ORDERS - Ruled ONLY in FAVOR! of Appellant/Plaintiffs named PAYEE/COG and COG's said PRO SE parties were heard/and or/RECEIVED FINAL!! State! Court! Orders ONLY within the said RICHLAND COUNTY STATE Court, in the YEAR 2007, which involved this said Appellant/Plaintiffs' PRO SE motion.)

2.

Being NOW faced but WILL also BE COMPLETED with proper signatures AND CERTIFIED MAILED in TODAY'S
MAR_7/3/2013

³ due to Appellant/Plaintiffs ALWAYS provided to this said Supreme Court showing documents of their FILED NOTICES for DISQUALIFICATION of the said lower trial court Judge Strickland, who NEVER! RULED!, nor never SIGNED! Not ORDERS! regarding his DISQUALIFICATION on the dates MARCH 30, 2012 nor NOVEMBER 1, 2012, when this said Supreme Court's ORDER alleged on 6-19-2013 - ADMITS! that Both Appellant/Plaintiffs filed their "... APPEALS INVOLVING THREE ORDERS! RENDERED! by the CIRCUIT COURT..." involving the said lower trial court ORDERS dated "APRIL 12, 2012" and "NOVEMBER 2, 2012"...

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Joseph M. Strickland (Master of Equity) Judge
(allegedly!) Special Circuit Court Judge

Terra K. Freeman, et al Appellants,

v.

Bank of America Respondent.

PROOF of SERVICE

I, the undersigned, Pro Se Appellant/Plaintiffs, do hereby certify that I have served all counsel in this action with a copy of the document(s)/or/MOTION TO REINSTATE hereinbelow specified by mailing, faxing or hand-delivered the same to ALL the following:

Mrs. Ruth Kennedy, Pro Se Mrs. Terra K. Freeman, Pro Se
263 Blythe Creeke Drive 112 Vincynards Crossing Court
Blythewood, SC 29016 Columbia, SC 29229
Above Appellants...

Jody A. Bedenbaugh-c/o Erik T. Norton
SC Bar Numbers. 71176 & 73860
1320 Main Street/17th Floor
P.O. Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000
Added Attorneys for Bank of America

Document(s) attached served:

Supreme Court's ORDER dated "June 19, 2013"
Supreme Court's LETTER dated "February 27, 2013"
Supreme Court's ORDER dated "February 6, 2013"

Total Attachments - 5

Dated: June 3rd, 2013

TERRA FREEMAN AND RUTH KENNEDY

SUPREME COURT CASE

2012-213516

ATTACHMENTS - 5

The Supreme Court of South Carolina

Terra K. Freeman and Ruth Kennedy, Appellants,

v.

Bank of America, c/o Missy Graham, Office of Assistant
Manager and Jane Barfell, Personal Banker, Respondent.

Appellate Case No. 2012-213516

ORDER

This appeal involves two orders issued by the circuit court.

The first order, which granted a motion to dismiss, is dated April 12, 2012. The transcript of the March 30, 2012, hearing on this motion indicates that neither appellant was present at that hearing.

The second order is dated November 2, 2012, and denies appellants' motion to vacate. This order recites that neither appellant was present for the hearing on the motion to vacate.

Since neither of the appellants appeared at the hearings giving rise to the orders under appeal, they may not appeal these orders. *Belue v. Belue*, 276 S.C. 120, 276 S.E.2d 295 (1981). Accordingly, this appeal is dismissed and the remittitur will be sent as provided by Rule 211, SCACR.

 C.J.
FOR THE COURT

Columbia, South Carolina

June 19, 2013

cc: Ms. Ruth Kennedy
Ms. Terra K Freeman
Jody Alan Bedenbaugh, Esquire
Erik Tison Norton, Esquire



The Supreme Court of South Carolina

DANIEL E. SHERRARD
CLERK OF COURT
WRENDA F. SHERRARD
CHIEF DEPUTY CLERK

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February 27, 2013

Ms. Ruth Kennedy
263 Blythe Creek Drive
Blythewood SC 29016

Ms. Terra K. Freeman
112 Vineyards Crossing Court
Columbia SC 29229

Re: Terra K. Freeman v. Bank of America
Appellate Case No. 2012-213516

Dear Ms. Kennedy and Ms. Freeman:

In response to your letter dated February 11, 2013, I have contacted the court reporter, **Ms. Robin Hutchins**, about what transcripts are available in this matter. She advises that two hearings were convened in this matter, one on March 30, 2012, and one on November 1, 2012.

As to the hearing scheduled for March 2012, the court reporter indicates that, while the respondent appeared through counsel, neither of you appeared. As a result, nothing was apparently put on the record for that hearing. Therefore, no transcript is available for that date.

As to the November 2012 hearing, the court reporter indicates that respondent appeared through counsel, but that neither of you appeared. The court reporter indicates that the transcript of this hearing has been mailed to you.

I ask that you please advise this Court of the date on which you received the transcript of the November 1, 2012, hearing. This date should be provided within ten (10) days of the date of this letter.

Further, it appears that the only transcript that is available in this matter is the hearing of November 1, 2012, and that transcript has been mailed to you. Therefore, the initial brief and designation of matter by the appellants will need to be served and filed within thirty days of the date of this letter or within thirty days of your receipt of the transcript of the November 1, 2012, hearing, whichever is later.

Finally, I ask that you confirm if the court reporter is correct that neither appellant appeared at either hearing. Further, if this is indeed the case, then I ask that you please explain why you have any right to appeal the orders issued in this matter. *Belue v. Belue*, 276 S.C. (2d) 276 S.E.2d 295 (1981). This additional information and explanation should be provided within ten (10) days of the date of this letter.

Very truly yours,



CLERK

cc: Jody Allen Bodinbaugh, Esquire
Erik Tyson Norton, Esquire

The Supreme Court of South Carolina

~~Thomas K. Fineman and Ruth Kennedy, Appellants,~~

v.

~~Bank of America, c/o Missy Graham, Office of Assistant
Manager and Jane Barfell, Personal Banker, Respondent.~~

~~Appellate Case No. 2012-213516~~

ORDER

By order dated January 2, 2013, this appeal was dismissed due to appellants' failure to provide the Court with correspondence showing the transcript had been ordered from the court reporter as required by Rule 207, SCACR. Appellants have filed a motion to vacate that order and to award costs. Respondent has filed a return in opposition to the motion. Appellants have filed a reply that is unresponsive to the issue currently under consideration by the Court, which is appellants' compliance with Rule 207.

We have considered appellants' motion as a motion to reinstate this appeal. Appellants' requests to vacate this Court's prior order and to award costs are denied. However, we hereby reinstate the appeal.

Appellants must take notice of and comply with the requirement in Rule 207 that they furnish all counsel of record, the Office of Court Administration, and the Clerk of this Court with copies of all correspondence exchanged with the court reporter(s) in the process of ordering the transcript(s) and making satisfactory arrangements with the court reporter(s), including arrangements for payment, for furnishing the transcript(s). Appellants are cautioned that further failure to comply with Rule 207 and the remainder of the South Carolina Appellate Court Rules could result in this appeal being dismissed with finality.


CJ.
FOR THE COURT

Columbia, South Carolina

February 6, 2003

cc:

Ms. Ruth Kennedy

Ms. Terra K Freeman

Jody Alan Badenhorgh, Esquire

Erik Tyson Norton, Esquire