

IN THE STATE OF SOUTH CAROLINA
COURT OF APPEALS

FROM RICHLAND COUNTY MASTER IN EQUITY

Honorable Joseph Strickland, Judge

Case No.: 2012-213210

Federal National Mortgage Association..... RESPONDENT

v.

Rlee Johnson, Ford Motor Credit Company, Epting Distributors ,..... APPELLANT

Of whom Rlee Johnson is Appellant.

INITIAL REPLY BRIEF OF APPELLANT

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TABLE OF AUTHORITIES

CASES

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None

OTHER REFERENCES

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ISSUES PRESENTED FOR REVIEW

- I. Whether the Appellant was properly notified of the Hearing on the Merits;
- II. Whether the Trial Judge erred in failing to grant Appellant's Motion to Re-consider; and
- III. Whether the Appellant was likely to prevail at the Hearing on the Merits.

STATEMENT OF THE CASE

The Statement of the Case was set out in the Initial Brief of the Appellant. The Appellant denies that this case was properly initiated as set forth in his initial brief as he was never properly served the Summons and Complaint though he did make appearances at various points in the proceedings.

FACTUAL AND PROCEDURAL BACKGROUND

The Factual and Procedural background were set out in the Initial Brief of the Appellant.

SUMMARY OF ARGUMENTS

This matter is before the South Carolina Court of Appeals pursuant to Appellant's appeal of the Master in Equity's order granting the Appellee's request for foreclosure and denying the Appellant's Motion to Re-open the case. The Appellant believes that he was not given proper notice of the hearing on the merits in the case, that he had justifiable grounds for not attending the supplemental hearing and that the Master in Equity erred in failing to reopen the case in light of the fact that he was likely to prevail on the merits of his case.

ARGUMENTS

- I. The Appeal should not be dismissed because the Appellant did cite authority as needed.

The case should not be dismissed for failure to cite authority because the Appellant did cite authority where relevant. However, the Appellant's arguments are largely factual arguments and not arguments as to misapplication of law since the Appellant was never given a chance to have his case presented to the Master in Equity.

- II. The Appeal should not be dismissed because the Appellant never had a chance to make a record or assert any matter on the record.

- III. The Appellants argument do not fail on the merits.

A. The Appellant was not properly notified of the hearing. The inability of the parties to communicate is the crux of the problem. Notices were sent to the property address where the Appellant's mother lived while the Appellant was in Indiana. The Appellant correctly stated in his modification application that he lived in the property address upon his return to South Carolina.

B. The Master in Equity was wrong to deny the Appellant's Motion to Reconsider. The Appellant was not represented by an attorney. The Master could have allowed the Appellant to make a proffer of the evidence he wanted the master to consider. However, the master directed the parties to talk and denied the reconsideration when the parties could not agree so the Appellant never got to present any evidence to the Court.

C. The Appellant would have prevailed at a hearing on the merits. The Appellant is a Viet Nam Veteran with enough income from the VA to pay his mortgage.

He qualified for a home modification but and thought he was in one and did not understand why the property was being foreclosed on. He feels that he would have prevailed on the merits.

CONCLUSION

The Appellant respectfully request that this Court remand the case to the Master in Equity for a hearing on the merits in which the Appellant is allowed to present his case against the foreclosure of his home.

Respectfully submitted,

Johnny E. Watson,
Attorney for Rlee Johnson
Viet-Nam Veteran Homeowner

Dated: July 4, 2013
Columbia, South Carolina