

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

99744
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APPEAL FROM CHARLESTON COUNTY

SEP 06 2023

Court of Common Pleas

SC Court of Appeals

Honorable Mikell R. Scarborough
Master in Equity for Charleston County

Case No. 2010-CP-10-6060

Appellate Case No. 2023-000819

U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trust, Respondent,

v.

Johnson D. Koola, First Citizens Bank and Trust Company, Inc. f/k/a/ First Citizens Bank and Trust Company of South Carolina, and Cambridge Lakes Condominium Homeowners Association, Inc., f/k/a Cambridge Lakes Horizontal Property Regime, Defendants,

Of whom Johnson D. Koola is the appellant.

NOTICE OF MOTION FILING – HOMESTEAD EXEMPTION

Appellant Johnson D. Koola files and serves **Notice of Motion Filing for review of the Order of the Master in Equity for Charleston County denying Motion for Homestead Exemption** filed on May 30, 2023 and denying Motion for Reconsideration of the Denial of the Homestead Exemption filed on August 24, 2023. Appellant received Notification of the August 24, 2023 Order from the Clerk of the Court on August 29, 2023.

Appellant informs this Court that the **Motion for Review of the Master in Equity Order denying Homestead Exemption** will be filed within ten days from the filing of this Notice.

Enclosed please find the following:


- (1) Proof of Service
- (2) A copy of the Order of the Master in Equity denying Motion for Homestead Exemption filed on May 30, 2023
- (3) A copy of the Form 4 Order denying Motion for Reconsideration of the Denial of the Homestead Exemption filed on August 24, 2023
- (4) Notice of Entry of Order by the Clerk of the Court pursuant to Rule 77, SCRCP
- (5) Filing fee of \$50.00 as USPO money order.

Appellant informs this Court that he had ordered and received the Transcript of the Motion Hearing Related to Denial of the Motion for Homestead Exemption in the Court of the Master in Equity, which is separate from the Order granting Summary Judgment to the respondent in the foreclosure case.

Appellant further informs this Court that he had written to the South Carolina Office of Court Administration informing the Office that the Transcript related to Denial of Motion for Homestead Exemption had been ordered and received.

Respectfully submitted,

September 5, 2023
Mt Pleasant, South Carolina


Johnson D. Koola
1587 Cambridge Lakes Dr
Mt Pleasant, South Carolina 29464
(843) 981-6226
Appellant, *pro se*

U S Bank Trust N A as trustee et al
PLAINTIFF(S)

Johnson D Koola et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

This matter came before the Court on Defendant Koola's Motion to Stay Foreclosure Sale and Set Supersedeas Bond and the Motion to Grant Homestead Exemption. Upon consideration, the Court DENIES the Motion to Grant Homestead Exemption as inapplicable in this mortgage foreclosure case and adopts the Plaintiff's return to the Motion as its basis, which includes waiver of the exemption in the mortgage.
As to the bond, the Court sets the supersedeas bond at \$75,000.00 pursuant to S.C. Code Section 18-9-170 which requires two sureties on the bond. Defendant must post bond with the Clerk of Court prior to the scheduled June 6, 2023 Foreclosure Sale at 11:00 a.m. Failure to timely post the bond will result in the property being sold at the June 6 foreclosure sale.

ORDER INFORMATION

This order ends does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 05/30/2023 .

First Citizens Bank And Trust Company Of South Carolina Etal
Johnson D Koola for Johnson D Koola
Eugene P. Corrigan, III for Cambridge Lakes Condominium Homeowners Association Inc Etal
Johnson D Koola for Johnson D Koola
Cambridge Lakes Horizontal Property Regime Etc

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

STATE OF SOUTH CAROLINA
COUNTY OF Charleston
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2010CP1006060

U S Bank Trust N A as trustee et al
PLAINTIFF(S)

Johnson D Koola et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
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- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

Upon consideration, the Court respectfully DENIES Defendant Koola's Motion to Waive the Supersedeas Bond, filed June 9, 2023, and respectfully DENIES Defendant Koola's Motion for Reconsideration of the Denial of the Homestead Exemption, filed June 9, 2023.

ORDER INFORMATION

This order ends does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 08/23/2023

Eugene P. Corrigan, III for Cambridge Lakes Condominium Homeowners Association Inc
Etal
Cambridge Lakes Horizontal Property Regime Etc
First Citizens Bank And Trust Company Of South Carolina Etal
Johnson D Koola for Johnson D Koola
Case Party Info Protected
Johnson D Koola for Johnson D Koola

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

JULIE J. ARMSTRONG

CLERK OF COURT, C.P. & G.S.
100 BROAD STREET, SUITE 106
CHARLESTON, SC 29401-2258

RETURN SERVICE REQUESTED



clerkofcourt.charlestoncounty.org

49



JOHNSON D KOOLA
PRO SE
1587 CAMBRIDGE LAKES DR
MT PLEASANT SC 29464-7300

NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRPC

Order/Deny Mot/Waive Supersedeas Bond, Deny Mot/Reconsider

CASE NO: 2010CP1006060

Bac Home Loans Servicing Lp Etc , plaintiff, et al VS Johnson D Koola , defendant, et al

This judgment was entered on the 24th day of August, 2023, and notice mailed first class on Friday, August 25, 2023, to all counsel of record and/or all parties entitled to receive notice.

You may view and download this document at <http://clerkofcourt.charlestoncounty.org> or obtain a copy in person at the Clerk of Court's Office during regular Charleston County business hours.

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U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trust, Respondent,

v.

Johnson D. Koola, First Citizens Bank and Trust Company, Inc. f/k/a/ First Citizens Bank and Trust Company of South Carolina, and Cambridge Lakes Condominium Homeowners Association, Inc., f/k/a Cambridge Lakes Horizontal Property Regime, Defendants,

Of whom Johnson D. Koola is the appellant.

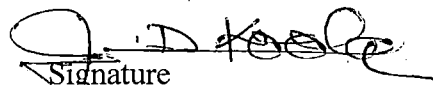
PROOF OF SERVICE

I certify that I have served Appellant's **Notice of Motion Filing – Homestead Exemption** – on the counsels of record for the respondent, addressed below, by depositing a copy of it in the United States Mail, postage prepaid, on September 5, 2023:

Attorney Thomas R. McPherson, III, Esquire, MCGUIRE WOODS, LLO, 201 North Tryon St., # 300, Charlotte, NC 28202 and

Scott and Corley, P.A., Attention: Attorney Kevin Ted Brown, Esquire, Attorney Angela R. Grant, Esquire, Attorney Allison Earlin Heffernan, Esquire, and Attorney Henry Guyton Murrell, Esquire, 2712 Middleburgh Drive, Suite 200, Columbia, SC 29204.

September 5, 2023



Signature

Johnson D. Koola

1587 Cambridge Lakes Dr

Mt. Pleasant, South Carolina 29464

Appellant, pro se

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PRIORITY MAIL

FROM:

J. Koola
1987 Cambridge Lakes Dr
Mt. Pleasant, SC 29464

TO:

THE CLERK OF THE COURT
THE SOUTH CAROLINA
COURT OF APPEALS
1220 SENATE ST
COLUMBIA, SC 29201

- DATE OF DELIVERY SPECIFIED*
- USPS TRACKING™ INCLUDED*
- INSURANCE INCLUDED*

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