

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Kristi L. Harrington, Circuit Court Judge

Branch Banking and Trust Company.....Respondent

v.

Wilton H. Cain and Cassandra M. Cain.....Appellants

Appellant Case No. 2011-205089

Trail Court Case No. 2010CP0803514

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JUN 13 2013

SC Court of Appeals

APPELLANTS PETITION FOR REHEARING AND REMITTITUR UNDER RULE 221

The Appellants request a Rehearing on the Reinstatement of Appellants Appeal. The Appellants did not understand and was confused as to Respondents specific request. The Respondents were not seeking additional information, which was not already in their possession. They were not seeking information on an issue before the court.

In the Respondents request for the Supplements Record they made mention that Appellants in their filing made reference to the Judgment of Foreclosure and Sale and Notice of Sales - filed 6/30/11 and Order of Deficiency Judgment - filed 9/19/11.

Appellant reference was only that they occurred and not for judication they are facts accepted by Appellants. Appellants only question before the Court is the request for an appraisal after Deficiency Order.

Under Rule 212b there must be consent by all parties for Supplemental Records or after Argument commences a party may request the Record be Supplement Appellants must ask Court had argument in this case commenced when Respondent requested Record be supplemented.

The Appellants are lost for understanding the reason why the Respondents requested this specific Supplemental Record.

Appellants are confused is the Respondents Attorney/Law Firm the same Law Firm which initiated each of the requested filing in the Lower Court and made appearance on each, therefore Respondents/ Attorney are in full possession of not only copies but the original filing and Orders.

Appellant seek a Rehearing and Reinstatement of Appellants Appeal. Because Appellant views and the Appellant hopes the Courts view as well see the Respondents request as a frivolous and a delaying tactic hoping the Appellant as a non attorney makes an error.

The Appellants are amazed that the Respondent in their filing on March 14, 2013 in their Designation of Matter to be included an Appeal identified the same information they Requested on number 1 and number 3 of their filing (copy accompany).

We the Appellants ask the question did the Respondents file copies in their Record of Appeal/Brief/Filing. And If not Why?

On May 12, 2013, Appellant filed a motion for Reinstatement in accordance with Rule 260 and filed requested Supplemental Records. The Appellant request the Court to accept the May 12th filing as a request for a Rehearing as well as Reinstatement. The Appellant had no intent to abandon appeal. We the Appellants implore the Court to GRANT THE REHEARING AND REINSTATE THE APPEAL.

Appellants believe in Justice through the Court and will not speak to Respondents reasons. We the Appellants ask the Court to consider that dilatory practices bring the administration of Justice into disrepute. The Officers of the Court (attorneys) duty is to expedite litigation. A failure to expedite is not reasonable if the purpose for delay is to frustrate the Appellants who are not attorneys, but are citizens with full rights under the law and to prevent rightful redress or repose of citizen distress.



Wilton H. Cain

Cassandra M. Cain

843 553 4649

June 10, 2013

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Kristi L. Harrington, Circuit Court Judge

Case No. 2010-CP-08-3514

Branch Banking and Trust Company.....Respondent,

v.

Wilton H. Cain and Cassandra M. Cain.....Appellants.

RESPONDENT'S MOTION TO SUPPLEMENT RECORD ON APPEAL

Pursuant to Rule 212(b), SCACR, Respondent respectfully moves the Court for an Order to supplement the Record on Appeal, with the following:

1. Judgment of Foreclosure and Sale and Notice of Sale – filed 6/30/11; and
2. Order of Deficiency Judgment against Wilton H. Cain and Cassandra M. Durrah-Cain – filed 9/19/11

The Record of Appeal filed by the Appellants failed to include these items despite being listed in Respondent's Designation of Matter to Be Included in the Record on Appeal, which Respondent filed on March 14, 2012.

WHEREFORE, the Respondent prays the Court will issue an order supplementing the Record on Appeal, and for such other relief as the Court deems just, prudent, and proper.

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v.

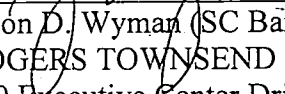
Wilton H. Cain and Cassandra M. Cain.....Appellants.

**DESIGNATION OF MATTER TO BE
INCLUDED ON APPEAL**

Respondent Branch Banking and Trust Company proposes the following matter for inclusion in the Record on Appeal:

1. Form 4 Order, Judgment of Foreclosure and Sale and Notice of Sale – filed 6/30/11
2. Petition and Proposed Order for Appraisal after Deficiency Judgment – filed 9/6/11
3. Order for Deficiency Judgment Against Wilton H. Cain and Cassandra M. Durrah-Cain – filed 9/19/11
4. Order Granting an Appraisal after Deficiency Judgment – filed 9/29/11
5. Form 4 Order Rescinding the Order Granting an Appraisal after Deficiency Judgment signed September 28, 2011 – filed 10/27/11
6. Motion to Reconsider / Appeal Order to Rescind Order of Appraisal/And Issue Order for Appraisal – Filed 11/1/11
7. Form 4 Order Denying Pro Se Defendant's Motion to Reconsider/Appeal Order to Rescind Order of Appraisal/And Issue Order for Appraisal – filed 11/9/11

I certify that this designation contains no matter which is irrelevant to this appeal.



Jason D. Wyman (SC Bar # 100271)
ROGERS TOWNSEND & THOMAS, PC
220 Executive Center Drive – Suite 109 (29210).



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
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May 31, 2013

The Honorable Mary P. Brown
PO Box 219
Moncks Corner SC 29461-0219

REMITTITUR

Re: Branch Banking v. Cain, Wilton
Lower Court Case No. 2010CP0803514
Appellate Case No. 2011-205089

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Wilton Cain and Cassandra Cain
Samuel C. Waters
Jason David Wyman

The South Carolina Court of Appeals

Branch Banking and Trust Company, Respondent,

v.

Wilton H. Cain and Cassandra Durrah-Cain, Appellants.

Appellate Case No. 2011-205089

The Honorable Kristi Lea Harrington
Berkeley County
Trial Court Case No. 2010CP0803514

ORDER

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Appellants have failed to serve and file a Supplemental Record on Appeal, as required by the order dated March 11, 2013. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

FILED

5/8/13 *GA*

cc:
Wilton Cain and Cassandra Cain

Samuel C. Waters
Jason David Wyman

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v.

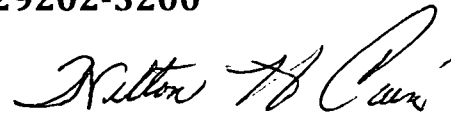
Wilton H. Cain and Cassandra M. Cain.....Appellants

Appellant Case No. 2011-205089

Trail Court Case No. 2010CP0803514

PROOF OF SERVICE

I CERTIFY THAT I HAVE SERVED THE APPELLANTS PETITION FOR REHEARING AND REMMITTAR CASE TRACKING NUMBER 2011-205089 ON RESPONDENTS BY DEPOSITING A COPY IN THE U.S. MAIL, POSTAGE PREPAID, ON JUNE 10TH 2013 ADDRESSED TO JASON D WYMAN (SC BAR #100271) ROGER TOWNSEND & THOMAS PC AT 220 EXECUTIVE CENTER DRIVE (29210) P.O. BOX 100200 COLUMBIA SC 29202-3200



**Wilton H. Cain and Cassandra M. Cain
2886 Palmer Drive
Charleston, South Carolina
843 553 4649**

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