

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

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.

**MOTION TO STRIKE APPELLEE'S DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL WHICH ARE NONCOMPLIANT WITH SCACR**

Appellant Koola files Motion to Strike Appellee's Designation of Matter to be included in the Record on Appeal, which are non-compliant with Rule 209(b), 210(c) and 210(f), South Carolina Appellate Court Rules. Appellee's Designation of Matter to be included in the Record on Appeal contains 87 discrete Designations. The following Designations should be ordered stricken:

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1. Designations at 1, 33, 41, 54, 133, 137, 141, 149, 220, 226, and 229 are just *blank sheets carrying those numbers* which have no relevance in the Record on Appeal, which should be stricken.
2. Designations at 2, 18, 29, 58, 61, 80, 9, and 125 are *blank sheets just naming the particular Designations*, which should be stricken.
3. Designations at 3, 5, 10, 11, 12, 13, 14, and 16 are related to *Summons and Complaint filed in the foreclosure case filed in July 2010* which were rendered void when the plaintiff filed Amended Summons and Complaint in August/September 2010. These Designations should be stricken.
4. Designations at 19, 21, 27, 28 and 30 are related to Amended Summons and Complaint filed in August/September 2010. Appellant Koola did not contest the matter raised in the Amended Summons and Complaint. *Appellees' Brief has not discussed the material presented in the Amended Summons and Complaint and related Designations, and they have no probative value in the Appeal currently before this Court.* These Designations *may be stricken at the discretion of the Court.*
5. Designations at 34 is a *cover letter* and at 40 is a *certificate of service*. These Designations should be stricken.
6. Designation at 35 is Plaintiff's *Reply to Defendant's Amended Answer and Complaint* filed on *April 25, 2014*. Subject matter of this Designation is irrelevant in the current Appeal. The matter raised therein has not been presented in the Appellee's Brief and has no probative value. This Designation should be stricken.
7. Designation at 42 is a *Motion cover sheet* and at 43 *Order Substituting Plaintiff filed on September 25, 2019*. Koola had not contested the substitution of plaintiff. The matter

raised therein has not been presented in the Appellee's Brief and has no probative value.

This Designation should be stricken.


8. Designations at 45 and 84 are *duplicates of Assignment of Mortgage from Bank of America, N.A. to Green Tree Financial LLC* filed on May 16, 2013. The one at 84 should be stricken.
9. Designation sat 47 and 92 are *duplicates of Assignment of Mortgage from Ditech Financial LLC to MERS* filed on December 11, 2018. The one at 92 should be stricken.
10. Designations at 49 and 86 are *duplicates of Assignment of Mortgage from MERS to Green Tree Servicing LLC* filed on June 4, 2013. The one at 86 should be stricken.
11. Designations at 51 and 88 are *duplicates of Corrective Assignment of Mortgage*. The one at 88 should be stricken.
12. Designations at 46, 48, 50, 52, 79, 83, 85, 87, 89, 91, 132 are *Recorder's page* confirming the Assignment of Mortgage. Appellant Koola has not contested the Assignments of Mortgage. The Recorder's Page is superfluous and has no probative value. These should be stricken.
13. Designation at 53 is a *cover letter*, which should be stricken.
14. Designation at 94 is *Payment history*. Appellant Koola has not denied that he has defaulted on the Mortgage loan. Payment history is superfluous and should be stricken.
15. Designation at 126 is a *Letter from Green Tree Servicing, LLC*. This letter has not been presented to the Master in Equity's Court, and Appellee has not discussed this letter in its Brief and should be stricken.
16. Designation at 127 is *Payoff/Paydown Quote Information* which has not been presented in the Appellee's Brief and should be stricken.

17. Designation at 128-129 is *Account History* which has not been presented in the Appellee's Brief and should be stricken.
18. Designation at 130 is *Corporate Advance History* toward tax payment, etc. *Appellant Koola has not contested any Corporate Advances*. Designation at 130 should be stricken.
19. Designation at 131 is *Property Inspection History* which appellant Koola has not contested and should be stricken.
20. Designation at 136 is *Plaintiff's Notice of Motion and Motion for Summary Judgment* and at 137-139 is *Notice of hearing*. These facts have not been contested and presented in the Appellee's Brief and should be stricken.
21. Designation at 137-139 is *Notice of Hearing* and that at 140 *Certificate of Service*. These are uncontested matters and should be stricken.
22. Designations at 163, 291, 257, 288, and 294 are *Notice Recipients* naming the recipients who received notice from the Bankruptcy Court, which should be stricken.
23. Designations at 164 and 230 are *Duplicates of the Bankruptcy Court's Order dated 09/28/2018*. The one at 230 should be stricken.
24. Designation at 192 is Transcript. Appellee has filed a *copy of the Transcript where 4 pages are crammed into a single page*, which is not allowed by the Court Rule. This should be stricken. Further, in the Appellee's Brief, the Appellee has made reference to only one page, *page 33*, in the transcript. The Appellee should be allowed to file the cover page of the Transcript, *page 33* and the last page.
25. Designation at 208-219 is "Key Words Index to Transcript, which have no probative value and should be stricken.

26. Designation at 221-225 is *the Master in Equity's May 9, 2014 Order* which has no relevance in the current Appeal, and which has not been presented in the Appellee's Brief and should be stricken.
27. Designation at 227 and 228 is *the Master in Equity's Form 4 Order filed May 9, 2014* which has no relevance in the current Appeal, and which has not been presented in the Appellee's Brief and should be stricken.
28. Designation at 258 is *the Bankruptcy Court's Amended Order filed on 01/15/2019*, which has not been presented to the Master in Equity, and the Master in Equity has not made a judicial determination of this Order of the Bankruptcy Court and should be stricken.
29. Designation at 289 is *the Bankruptcy Court's February 13, 2019 Order*, which has not been presented in the Master in Equity, and the Master in Equity has not made judicial determination of the Order of the Bankruptcy Court and should be stricken.

Respectfully submitted,

December 19, 2023
Mt Pleasant, South Carolina


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

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v.

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Of whom Johnson D. Koola is the appellant.

PROOF OF SERVICE

I certify that I have served Appellant's "Motion to Strike Appellee's Designation of Matter to be included in the Record on Appeal which are noncompliant with SCACR" on the counsels of record for the Appellee, addressed below, by depositing a copy of it in the United States Mail, postage prepaid, on December 19, 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.

December 19, 2023
Mt. Pleasant, South Carolina



Signature
Johnson D. Koola
1587 Cambridge Lakes Dr
Mt. Pleasant, South Carolina 29464
Appellant, pro se

Johnson D. Koola
1587 Cambridge Lakes Dr
Mt Pleasant, SC 29464
(843) 981-6226
December 19, 2023

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SC Court of Appeals

The Clerk of the Court
The South Carolina Court of Appeals
1220 Senate Street
Columbia, SC29201

Subject: Motion to Strike Appellee's Designation of Matter to be included in the Record on
Appeal which are noncompliant with SCACR

Case No: 2023-000819

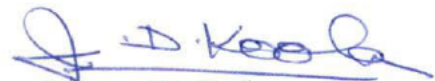
Honorable Clerk of the Court,

Appellant Johnson D. Koola files "Motion to Strike Appellee's Designation of Matter to be included in the Record on Appeal which are noncompliant with SCACR." Motion filing fee of \$50.00 is also enclosed. Kindly accept the Motion. An early action on the Motion is requested.

Respectfully submitted,

Mt Pleasant, South Carolina

December 19, 2023


Johnson D. Koola

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J KOOLA
SC Court of Appeals
1587 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

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