

No. 2024-001062

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

JANET L. NELUMS; CHRISOPHER NELUMS.

Plaintiff-Appellant

v.

DEUTSCHE BANK NATIONAL TRUST COMPANY.,

Defendants- Respondent,

RECEIVED

NOV 04 2024

SC Court of Appeals

ON APPEAL FROM RICHLAND COUNTY Court of Common Pleas
BEN N. MILLER III as Special Referee, Court of Common Pleas Judge
(Lower Court Case No. 2017CP4001687)

Submitted: June 13, 2024 Decided: May 13, 2024

**PLAINTIFF-APPELLANT'S JANET L. NELUMS; CHRISOPHER
NELUMS. REPLY BRIEF FOR THE APPELLANT'S
ORAL ARGUMENT REQUESTED**

Janet Louise Nelums

Chris Nelums

813 N. Highland Forest Dr,

Columbia, SC 29203-1929

(803) 730-6003

jnelums@gmail.com

chrisnelums@yahoo.com

Plaintiff-Appellant pro se litigants

November 4, 2024

TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE, Appellants pro se litigants, Janet Nelums &

Chris Nelums respectfully requests that the Court see e Jeffrey M. Tzerman as Special

Referee Order of Recusal - page 27, 28 as stated...

1. Plaintiff-Appellants herein are treating On September 12, 2024, Appellants filed their initial brief. On September 19, 2024, Respondent served and filed its motion to dismiss. On October 1, 2024, Appellants moved to amend their initial brief. No returns were filed. After careful consideration, we deny Respondent's motion to dismiss and alternative request to dispense with further briefing and affirm the order of the trial court. This court will consider the merits of this appeal after briefing is complete. Respondent's motion for sanctions is also denied.¹ for rehearing and invoke this Honorable Court's power and discretion, as well as the tenets of *Haines v. Kerner*, 404 U.S. 519 (1972), as well as this Court's federal question jurisdiction, diversity jurisdiction and supplemental jurisdiction as the basis for removal jurisdiction pursuant to Rule 15 10 and to 28 U.S.C. §1332 and 28 U.S.C. §1332 (a) and 28 U.S.C. §1367, and 28 U.S.C. § 1291.

2. Pursuant to the invocations above of this Honorable Court's power and discretion and invocation of the tenets of **Haines v. Kerner**, pursuant to **Rule 10**, " *THE STATE OF SOUTH CAROLINA In the Court of Appeals will be granted only for compelling reasons,*" 1. Plaintiff-Appellants herein present as compelling reasons the fact that the alleged "Defendants"/Respondent has been proven a fraud in this Instant Case in that Deutsche Bank National Trust Company, hereinafter DBNTC, is not an existing legitimate trust company, but a fiction being used in a scheme or artifice to defraud by a conspiracy of attorneys. Furthermore, said conspiracy of attorneys using "DBNTC" have served a verified fraudulent document via US Mail into this Instant Case and the South Carolina Courts have

honored said verified fraudulent document as if it were legitimate, while moving in Favor of "DBNTC" of their own volition, over legitimate and unanswered objections by Plaintiff-Appellants and void of any response from the alleged Respondent /Defendants. Pursuant to 28 U.S.C. §1331 in re: "questions pursuant To federal law," Plaintiff-Appellants have asserted below and, in this Plaintiff, - Appellants the deprivation of rights secured by the United States Constitution and protections pursuant to federal law.

3. Pursuant to **28 U.S.C. §1332 (a)** "Diversity Jurisdiction" exists when there is complete diversity of citizenship among the parties and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs. Herein this Instant Case the respondent, allegedly through its attorney served a non-resident plaintiff bond into this Instant Case on November 12, 2015, to May 13, 2024, at the STATE OF SOUTH CAROLINA COUNTY OF RICHLAND IN THE COURT OF COMMON PLEAS, therein evidencing the fact that "DBNTC" is not a "Citizen" of the State of SC wherein Plaintiff-Appellants herein are Citizens of the State of SC and wherein the subject property is held with an un-rebutted priority security interest of Appellants pro se litigants, Janet Nelums & Chris Nelums, pursuant to un-rebutted "Affidavit of Fact and Declaration of Secured Interest In Real Property," served this Instant Case on May 13, 2024, wherein said declaration Appellants pro se litigants, Janet Nelums & Chris Nelums, states their un-rebutted claim of value of secured interest in the subject property of this Instant Case at a value of \$125,237.31 at the time of serving said declaration.

Furthermore, the value of the Note of the subject property is \$\$125,237.31 and the lower court entered a "Uniform Final Judgment" on May 13, 2024, wherein said judgment states that "DBNTC" is "due," \$326,625.68 Furthermore pursuant to **28 U.S.C. §1332 (a)** the Respondent, "DBNTC's" "Citizenship" is unknown to Appellants in that the lawful registration of the Respondent has been denied Appellants by Respondent's attorneys and the SC Courts.

4. Pursuant to 28 U.S.C. §1367 in re: "Supplemental Jurisdiction" exists when the controversies are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution. Therefore, pursuant to Art III sec. 2 of the constitution and as previously stated, the Respondent is not a Citizen of the State of SC where the controversy has taken place and where the Petitioners are domiciled Citizens.

5. Furthermore, Pursuant to 28 U.S.C. §1367, in this Instant Case there exists relating claims of both State and Federal venue.

6. Furthermore, Pursuant to 28 U.S.C. § 1291, This Court has appellate jurisdiction pursuant to 28 U.S.C. § 1291.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. This case involves the **Fifth Amendment to the United State Constitution**, which provides, in relevant part, that, "... *No person shall Be.....deprived of life, liberty, or property, without due process of law;*"

2. This case involves the Seventh Amendment to the United

States Constitution, which provides, in relevant part, that, "*the right of trial by jury shall be preserved.*"

3. This case involves Article 1, sec.IO of the United States Constitution, which provides, in relevant part, that, "*No state shall enter into any...*" "*...law impairing the obligation of contracts.*"

4. This case involves **Article 6, of the United States Constitution**, which provides, in relevant part, that, "*This Constitution and the Laws of the United States which shall be made in Pursuance thereof, and all Treatise made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.*"

5. This case involves **USC Title 18 Chapter 63 sec. 1341**, which provides, in relevant part, that, "*Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by*

the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both."

6. This case involves *USC Chapter 75 Title 26 sec. 7201*, which provides, in relevant part, that, *"Any person who wilfully attempts in any manner to evade or defeat any tax imposed by this title or the payment thereof shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000 (\$500,000 in the case of a corporation), or imprisoned not more than 5 years, or both, together with the costs of prosecution."*

7. This case involves **HATE CRIME ACTS 18 U.S. CODES 249 (c) (4)(B) (C) (D) and (E)**, which provides, in relevant part, that, *"Whoever, whether or not acting under color of law wilfully causes bodily injury to any person..." "the term "bodily injury"" meaning "Physical pain; illness' impairment of the function of a bodily member, organ, or mental faculty or any other injury to the body, no matter how temporary."*

8. This case involves **Civil Rights Act of 1866**, which provides, in relevant part, an act to protect all persons in the United States in their Civil Rights and furnish the means for their vindication [vindication of their rights].

9. This case involves **Civil Rights Act of 1964**, which provides, in relevant part, no person in the United States shall, on the grounds of race, color, religion, sex, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

10. This case involves **USC Title 42 Sec. 1983**, which provides, in relevant part, that, *"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State... subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."*

11. This case involves **USC Title 42 Sec. 1985**, which provides, in relevant part, that, *"If two or more persons in any State or Territory conspire, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators."*

12. This case involves ***Cohens v. Virginia*, 19 U.S. (6Wheat) 264, 404, 5 L. Ed 257 (1821)**, which provides, in relevant part, that, the government of the state and its officers are constitutionally required, affirmed by oaths taken to uphold the Constitution and to serve the Citizens, who are the Sovereign, and not to defraud those, Citizens.

1. First and foremost, Plaintiff-Appellant herein move this Honorable Court to take imperative judicial notice of the fact that no lawful opposition will be served to this petition for **REPLY BRIEF FOR THE APPELLANT'S FOR ORAL ARGUMENT REQUESTED**, hereinafter " Plaintiff-Appellant," by any party with any certified lawfully delegated authority to represent any alleged interest of the respondent of this Instant Case, Deutsche Bank National Trust Company (DBNTC) pursuant to verification below at item.

STATEMENT OF ISSUES ON APPEAL

1. Did the circuit court have the authority under section 28 U.S.C. § 636(b)(1)(A)—i.e., authority to rule on; Fed. R. Civ. P. 72(b)(1) those that a magistrate judge may not decide without the parties' consent—“are dispositive a that the magistrate judge here lacked consent from the parties to rule on dispositive matters neither the Ben N. Miller, III SC Bar # :3977 (“special referee.”) lack subject-matter jurisdiction. See 28 U.S.C. § 636(b)(2), under 28 U.S.C. § 636(c)(1), 28 U.S.C. § 636(c)(2). is not authorize nor the district court otherwise complied with the requirements and 28 U.S.C. §§ 636(c)(1) & (c)(3). of the sections?
2. Did the circuit court Judge err Under 28 U.S.C. § 636(c)(4); by not vacating the transfer “for good cause shown on its own motion, or under extraordinary circumstances shown by any party.” 28 U.S.C. § 636(c)(4); see also Fed. R. Civ. P. 73(b)(3). But § 636(c)(4)?
3. Did the circuit court clerk of court err Under U.S.C. § 636(c)(2), and Rule 73(c).: by not sending the form AO 85A Notice, Consent, and Reference of a Dispositive Motion to a Magistrate Judge This notice provided that to consent to the jurisdiction of a special referee judge, a party must sign for the order of reference form and return it to the clerk's office
4. Appellants is not the object of the statute charged violated and when jurisdiction is challenged it must be proven. There is no evidence

of jurisdiction established in the record

5. Did DBNTC, SCOTT and CORLEY, NELSON MULLINS, Intentionally conceal, with deception, the menacing the Appellants with a screwdriver?

2. On May 13, 2024, at The STATE OF SOUTH CAROLINA COUNTY OF RICHLAND IN THE COURT OF COMMON PLEAS, Circuit Court case no.

2017CP4001687, " Plaintiff-Appellant," herein served a Verified Motion to Vacate Summary Judgment Due to Fraud Upon the Court, hereinafter Motion To Vacate. The first federal question raised therein is at page 8, and 9 of said motion regarding **USC Title 18 Chapter 63 sec. 1341, *frauds and swindles*** (argued below at all item). The lower court passed on this question by not answering it, and not allowing " Plaintiff-Appellant," to argue their motion which cited said question and thereby depriving " Plaintiff-Appellant," right to due process and trial by jury, both enunciated violations of the **United States Constitution Amendments 5 and 7** and relating to SC **Constitution Article 1. Sec. 9** and **Article 1. Sec. 22**. Both SC Constitutional articles relate to Federal Questions argued below regarding United States Constitution Amendments 5 and 7 at items 66 and 67. This denial of right to due process was brought to the attention of the **THE STATE OF SOUTH CAROLINA In the Court of Appeals,** hereinafter in " Plaintiff-Appellant," Initial Brief filed at the **THE STATE OF SOUTH CAROLINA In the Court of Appeals,** on June 13,

EXHIBIT-A

FORM 4

JUDGMENT IN A CIVIL CASE

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEASCASE NUMBER: 2017CP4001687

Deutsche Bank National Trust Company

Christopher Nelums

Home Equity Mortgage Loan Asset

Janet L Nelums

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for: ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant**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), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other _____
- ☐ **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.**ORDER INFORMATION**This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge _____

Judge Code 2161

Date _____

For Clerk of Court Office Use OnlyThis judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this 24 day of June, 2017 to attorneys of record or to parties (when appearing pro se) as follows:

Vance L. Brabham III

Jessica S. Corley

Robert A. Bernstein
Janet L. NelumsChristopher Nelums
Adrianne LaVonne Turner

Christopher Nelums

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court

Janette W. McBride

SCRCP Form 4C (10/2011)

RECEIVED

NOV 04 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Deutsche Bank National Trust Company, as
Trustee for Home Equity Mortgage Loan Asset-
Backed Trust, Series SPMD 2002-B, Home
Equity Mortgage Loan Asset-Backed
Certificates, Series SPMD 2002-B,

PLAINTIFF,

VS.

Christopher Nelums, Janet L. Nelums, Alfred
Riley, Elizabeth Riley, Best Distributing
Company, Highland Forest Community Club,
Coastal Concrete Southeast, LLC and Imperial
Warehouse Finance, Inc.,

DEFENDANT(S).

(151091 00064RCO)

IN THE COURT OF COMMON PLEAS

CASE NO. 2013-CP-40-03334

CONSENT ORDER TO RESTORE AND FOR
REFERENCE OF MATTER TO JEFFREY M.
TZERMAN

(Mortgage Foreclosure Action)

2017 FEB 27 AM 11:28
J. G. S.
BRIDGE

WHEREAS, this matter was previously stricken from the active docket by virtue of Rule 40(f),
SCRCP and upon consent of all answering parties; and

WHEREAS, Judge Joseph F. Strickland, Master in Equity for Richland County has refused himself
in this matter; and

WHEREAS, the parties have consented to reference of this matter to Jeffrey M. Tzerman as
Special Referee pursuant to Rule 53 and 71, SCRCP; therefore.

IT IS THEREFORE ORDERED that this action be, and the same hereby is, restored to the active
docket and referred to Jeffrey M. Tzerman as Special Referee, to take the testimony arising under the
pleadings and to make his/her findings of fact and conclusions of law, with authority to rule on all matters
related to this action, including but not limited to, the authority to enter a final judgment in the cause and
said Special Referee shall and must specifically retain jurisdiction to hear and shall and must hear on the
merits any issues after sale or judgment, including but not limited to issues involving appraisal proceedings
under Section 29-3-680, et. seq., and evictions as well as Rule 60 or Rule 61 Motions and/or similar
matters including but not limited to the sufficiency of the successful bid as well as the marketability of title
and/or matters relating to omitted lienholders or claimants, and with the further authority to sell the subject
property at public auction on some convenient sales day hereafter as ordered with any appeal therefrom
being directed and mandated to the

2017 MAR 22 PM 3:06
JEANETTE M. BRIDGE
C.P. & G.S.

South Carolina Court of Appeals

Columbia, South Carolina
2/23, 2016

~~Clerk of Court/Residing Judge~~
Richland County

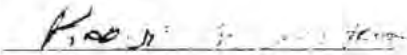
I SO CONSENT:

Jessica S. Corley, Esquire
Attorney for the Plaintiff
2712 Middleburg Drive, Suite 200
Columbia, SC 29204

I SO CONSENT:

Adrienne L. Turner, Esquire
Attorney for Christopher Nelums and Janet L. Nelums
P.O. Box 210638
Columbia, SC 29221

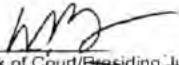
I SO CONSENT:



Robert Bernstein, Esquire
Attorney for Best Distributing Company
5418 B. Rivers Avenue
Charleston, SC 29413

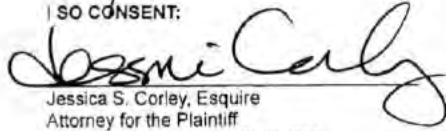
South Carolina Court of Appeals.

Columbia, South Carolina
2/23 2016


Clerk of Court/Presiding Judge
Richland County

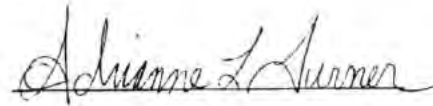
3-31-17

I SO CONSENT:



Jessica S. Corley, Esquire
Attorney for the Plaintiff
2712 Middleburg Drive, Suite 200
Columbia, SC 29204

I SO CONSENT:



Adrienne L. Turner, Esquire
Attorney for Christopher Nelums and Janet L. Nelums
P.O. Box 210638
Columbia, SC 29221

I SO CONSENT:

Robert Bernstein, Esquire
Attorney for Best Distributing Company
5418 B. Rivers Avenue
Charleston, SC 29413

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Deutsche Bank National Trust Company, as
Trustee for Home Equity Mortgage Loan Asset-
Backed Trust, Series SPMD 2002-B, Home
Equity Mortgage Loan Asset-Backed
Certificates, Series SPMD 2002-B,

PLAINTIFF,

VS.

Christopher Nelums, Janet L. Nelums, Alfred
Riley, Elizabeth Riley, Best Distributing
Company, Highland Forest Community Club,
Coastal Concrete Southeast, LLC and Imperial
Warehouse Finance, Inc.,

DEFENDANT(S).

(151091.00064RCO)

IN THE COURT OF COMMON PLEAS

CASE NO. 2013-CP-40-03334

CONSENT ORDER TO RESTORE AND
REFERENCE OF MATTER TO JEFFREY M.
TZERMAN

(Mortgage Foreclosure Action)

RICHLAND COUNTY
FILED
2017 MAR 22 PM 3:06
JEANNETTE W. MCBRIDE
C.C.P. CLERK
MAR 22 AM 10:28

WHEREAS, this matter was previously stricken from the active docket by virtue of Rule 40(j),
SCRCP and upon consent of all answering parties; and

WHEREAS, Judge Joseph F. Strickland, Master in Equity for Richland County has recused himself
in this matter; and

WHEREAS, the parties have consented to reference of this matter to Jeffrey M. Tzerman as
Special Referee pursuant to Rule 53 and 71, SCRCP; therefore,

IT IS THEREFORE ORDERED that this action be, and the same hereby is, restored to the active
docket and referred to Jeffrey M. Tzerman as Special Referee, to take the testimony arising under the
pleadings and to make his/her findings of fact and conclusions of law, with authority to rule on all matters
related to this action, including but not limited to, the authority to enter a final judgment in the cause and
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matters including but not limited to the sufficiency of the successful bid as well as the marketability of title
and/or matters relating to omitted lienholders or claimants; and with the further authority to sell the subject
property at public auction on some convenient sales day hereafter as ordered with any appeal therefrom
being directed and mandated to the

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Deutsche Bank National Trust Company, as
Trustee for Home Equity Mortgage Loan
Asset-Backed Trust, Series SPMD 2002-B,
Home Equity Mortgage Loan Asset-Backed
Certificates, Series SPMD 2002-B,

PLAINTIFF,

VS

Christopher Nelums, Janet L. Nelums, Alfred
Riley, Elizabeth Riley, Best Distributing
Company, Highland Forest Community Club,
Coastal Concrete Southeast, LLC and
Imperial Warehouse Finance, Inc.

DEFENDANT(S).

(151091.00064RCO)

IN THE COURT OF COMMON PLEAS

CASE NO. 2013-CP-40-03334

**CONSENT ORDER REMOVING CASE FROM
TRIAL DOCKET PURSUANT TO RULE 40(J) OF
THE SOUTH CAROLINA RULES OF CIVIL
PROCEDURE**

ON MOTION by the undersigned counsel for the Plaintiff, Deutsche Bank National Trust Company, as Trustee for Home Equity Mortgage Loan Asset-Backed Trust, Series SPMD 2002-B, Home Equity Mortgage Loan Asset-Backed Certificates, Series SPMD 2002-B, by and with the express consent of counsel for answering Defendants, Christopher Nelums, Janet L. Nelums, and Best Distributing Company, it appearing that these parties have agreed to the removal of the Complaint in the above-captioned case from the trial docket pursuant to Rule 40(j), SCRCP,

WHEREAS, upon information and belief, the consenting Defendant is the only party to have filed an Answer to the Complaint in this action,

IT FURTHER APPEARING that no prejudice will result to any party as a result of this removal,

THEREFORE, IT IS HEREBY ORDERED that this action be removed from the trial docket pursuant to Rule 40(j), SCRCP.

AND IT IS SO ORDERED.

Columbia, South Carolina

November 12, 2015


Presiding Circuit Court Judge for
Richland County

I SO MOVE:

SCOTT, LAW FIRM, P.A.

By: 

Ronald C. Scott, SC Bar #4996

Reginald P. Conley, SC Bar #69453

Angelia J. Grant, SC Bar #78334

Vance L. Brabham, III, SC Bar #71259

William S. Koehler, SC Bar #74835

J. Harrison Rushton, SC Bar #100406

Andrew M. Wilson, SC Bar #72553

Andrew M. Sullivan, SC Bar #100464

Jessica S. Conley, SC Bar #80470

ATTORNEYS FOR PLAINTIFF

2712 Middleburg Drive, Suite 200

Columbia, SC 29204

803-252-3340

11/14, 2015

I SO CONSENT:

By: _____
Adrianne L. Turner, Esquire
Attorney for Defendants Christopher and Janet L. Nelums
SC Bar # _____
P.O. Box 210638
Columbia, SC 29221

_____, 2015

I SO CONSENT:

By: Robert A. Bernstein
Robert Bernstein, Esquire
Attorney for Defendant Best Distributing Company
SC Bar # _____
5418 B. Rivers Avenue
Charleston, SC 29413

November 9, 2015

I SO CONSENT:

By: Adrianne L. Turner
Adrianne L. Turner, Esquire
Attorney for Defendants Christopher and Janet L. Nelums
SC Bar # 6840
P.O. Box 210638
Columbia, SC 29221

November 9, 2015

I SO CONSENT:

By: _____
Robert Bernstein, Esquire
Attorney for Defendant Best Distributing Company
SC Bar # _____
5418 B. Rivers Avenue
Charleston, SC 29413

_____, 2015

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Deutsche Bank National Trust Company, as
Trustee for Home Equity Mortgage Loan
Asset-Backed Trust, Series SPMD 2002-B,
Home Equity Mortgage Loan Asset-Backed
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VS

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Coastal Concrete Southeast, LLC and
Imperial Warehouse Finance, Inc.,

DEFENDANT(S)

(151091.00064RCO)

IN THE COURT OF COMMON PLEAS

CASE NO. 2013-CP-40-03334

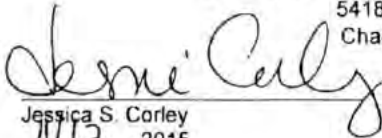
CERTIFICATE OF SERVICE BY MAIL

NOV 13 11:15

I, the undersigned attorney, for the law firm Scott and Corley, P.A., do hereby
certify that I have caused to be served a copy of the *Consent Order Removing Case
from Trial Docket Pursuant to Rule 40(J) of the South Carolina Rules of Civil Procedure*
upon the below counsel of record and parties by U.S. Mail, postage prepaid, on
November 12, 2015, at the following address(es):

Adrianne L. Turner, Esquire
Attorney for the Defendants Christopher and Janet Nelums
P.O. Box 210638
Columbia, SC 29221

Robert Bernstein, Esquire
Attorney for Defendant Best Distributing Company
5418 B. Rivers Avenue
Charleston, SC 29413


Jessica S. Corley
11/12, 2015

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Deutsche Bank National Trust Company, as Trustee for Home
Equity Mortgage Loan Asset-Backed Trust, Series SPMD
2002-B, Home Equity Mortgage Loan Asset-Backed
Certificates, Series SPMD 2002-B.

PLAINTIFF:

VS

Christopher Nelums, Janet L. Nelums, Alfred Riley, Elizabeth
Riley, Best Distributing Company, Highland Forest Community
Club, Coastal Concrete Southeast, LLC and Imperial
Warehouse Finance, Inc.

DEFENDANT(S)

IN THE COURT OF COMMON PLEAS

CASE NO. 2013-CP-40-03334

MOTION AND ORDER INFORMATION FORM
AND COVER SHEET

SUBMITTING PARTY: PLAINTIFF

Name, SC Bar No. and Address of Plaintiff's Attorney

Ronald C. Scott, SC Bar #4996 J. Harrison Rushton, SC Bar #100406
Reginald P. Corley, SC Bar #69453 Andrew M. Wilson, SC Bar #72553
Angela J. Grant, SC Bar #78334 Andrew M. Sullivan, SC Bar #100464
Vance L. Brabham, III, SC Bar #71250 Jessica S. Corley, SC Bar #80470
William S. Koehler, SC Bar #74935

ATTORNEYS FOR PLAINTIFF

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Name, SC Bar No. and Address of Defendant's Attorney

RECEIVED

NOV 12 2015

BY: *[Signature]*

- ☐ MOTION HEARING REQUESTED (attach written motion and complete Sections I and III)
☐ FORM MOTION, NO HEARING REQUESTED (Complete Sections II and III)
☐ PROPOSED ORDER/CONSENT ORDER (Complete Sections II and III)

SECTION I: HEARING INFORMATION

Nature of Motion

Estimated Time Needed

Court Reporter Needed: Yes/No

SECTION II: MOTION TYPE

☒ Written Motion attached

☐ Form Motion

I hereby move for relief of action by the court as set forth in the attached proposed order.

[Signature]
Signature of Attorney for Plaintiff/Defendant

11/12 2015
Date Submitted

SECTION III: MOTION FEE

☐ PAID - AMOUNT: \$25.00

☐ EXEMPT

Rule to Show Cause in Child or Spousal Support

Domestic Abuse or Abuse and Neglect

Indigent Status

Sexually Violent Predator Act

Motion for Stay in Bankruptcy

Motion for Publication

Proposed order submitted at request of the court, or

reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter

Other

Stage Agency v. Indigent Party

Post-Conviction Relief

Motion for Execution (Rule 69, SCRPC)

JUDGE'S SECTION

☐ Motion Fee to be paid upon filing of the attached order.

☐ Other

JUDGE CODE: DATE:

Judge Signature

Collected by *[Signature]*

CLERK'S VERIFICATION

DATE FILED *11-13-15*

☐ MOTION FEE COLLECTED: \$
☐ CONTESTED - AMOUNT DUE: \$

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2013CP4003334

Deutsche Bank National Trust Company

Christopher Nelums

Home Equity Mortgage Loan Asset

Janet L Nelums

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for: ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

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), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other _____
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy, ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other _____
- ☐ 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.

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order: _____

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge _____

Judge Code _____

Date _____

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this 13 November 2015 to attorneys of record or to parties (when appearing pro se) as follows:

Vance L. Brabham III

Robert A. Bernstein
Janet L. Nelums

Christopher Nelums
Adrianne LaVonne Turner

Christopher Nelums

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court _____

SCRCP Form 4C (10/2011)

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Deutsche Bank National Trust Company, as Trustee for Home
Equity Mortgage Loan Asset-Backed Trust, Series SPMD
2002-B, Home Equity Mortgage Loan Asset-Backed
Certificates, Series SPMD 2002-B.

PLAINTIFF,

VS

Christopher Nelums, Janet L. Nelums, Alfred Riley, Elizabeth
Riley, Best Distributing Company, Highland Forest Community
Club, Coastal Concrete Southeast, LLC and Imperial
Warehouse Finance, Inc.,

DEFENDANT(S)

IN THE COURT OF COMMON PLEAS

CASE NO. 2013-CP-40-03334

2017CP4001687

MOTION AND ORDER INFORMATION FORM
AND COVER SHEET

SUBMITTING PARTY: PLAINTIFF

Name, SC Bar No. and Address of Plaintiff's Attorney

Ronald C. Scott, SC Bar #4996
Reginald P. Corley, SC Bar #86453
Angelia J. Grant, SC Bar #78334
Jessica S. Corley, SC Bar #80470
Amson C. Haneman, SC Bar #85530

Matthew E. Rupert, SC Bar #100740
William P. Stork, SC Bar #100242
Louise M. Johnson, SC Bar #15586
Tasha B. Thompson, SC Bar #75415
Jane S. Ruschky, SC Bar #70472

Name, SC Bar No. and Address of Defendant's Attorney

ATTORNEYS FOR PLAINTIFF

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jessicac@scottandcorley.com
ceasiej@scottandcorley.com

☒ MOTION HEARING REQUESTED (attach written motion and complete Sections I and III)
☒ FORM MOTION, NO HEARING REQUESTED (Complete Sections II and III)
☐ PROPOSED ORDER/CONSENT ORDER (Complete Sections II and III)

SECTION I: HEARING INFORMATION

Nature of Motion: _____
Estimated Time Needed: _____ Court Reporter Needed: Yes/No

SECTION II: MOTION TYPE

☒ Written Motion attached - *personally filed*
☐ Form Motion -
I hereby move for relief of action by the court as set forth in the attached proposed order.

Reginald P. Corley
Signature of Attorney for Plaintiff/Defendant Date Submitted *2/22*, 2017

SECTION III: MOTION FEE

☒ PAID - AMOUNT: *\$200.00 personally paid w/ written motion*
☐ EXEMPT: _____
Rule to Show Cause in Child or Spousal Support
Domestic Abuse or Abuse and Neglect
Indigent Status
Sexually Violent Predator Act
Motion for Stay in Bankruptcy
Motion for Publication
Proposed order submitted at request of the court, or
reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter _____
Other _____

JUDGE'S SECTION

☐ Motion Fee to be paid upon filing of the attached order
☐ Other _____ JUDGE CODE _____ DATE _____

Judge Signature _____

CLERK'S VERIFICATION

Collected by *JM* DATE FILED *3-22-17*

☐ MOTION FEE COLLECTED \$ _____
☐ CONTESTED - AMOUNT DUE \$ _____

IT IS SO ORDERED


The Honorable Jeffrey M. Tzerman
Special Referee for Richland County

FILED - 2022 Nov 16 11:27 AM - RICHLAND - COMMON PLEAS - CASE

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

CASE NO. 2017-CP-40-01687

Deutsche Bank National Trust Company, as
Trustee for Home Equity Mortgage Loan
Asset-Backed Trust, Series SPMD 2002-B,
Home Equity Mortgage Loan Asset-Backed
Certificates, Series SPMD 2002-B under the
Pooling and Servicing agreement dated Sept
1, 2002,

ORDER OF RECUSAL

PLAINTIFF,

VS.

Janet L. Nelums a/k/a Janet Nelums;
Christopher Nelums; Imperial Warehouse
Finance, Inc.; and Best Distributing
Company,

DEFENDANT(S).

(151091.00064RCO)

The above referenced case is a foreclosure action that was scheduled for sale on Tuesday, September 6, 2022, but this Court canceled the sale when the Defendants filed their Motion and Memorandum in Support of Temporary Injunction and Appointment of Receiver and Rule to Show Cause to allow the Plaintiff to respond to the Motion and for the Motion to be adjudicated.

This Order is issued *sua sponte* in response to Defendants' Motion and Memorandum in Support of Temporary Injunction and Appointment of Receiver and Rule to Show Cause. I have carefully reviewed the Defendants' motion and note that it includes unsubstantiated allegations of wrongdoing by the Plaintiff, Plaintiff's counsel, prior holders of the loan in question, prior servicers of the loan, and this Court itself.

Since Defendants have accused this Court of wrongdoing, my hearing arguments and ruling upon this motion could raise the "appearance of impropriety" pursuant to Canon 2 of the Code of Judicial Conduct, contained within Rule 501 of the SC Rules of Professional

#1 Qmte

Responsibility. Having concluded that I am unable to hear this motion, I am recusing myself and returning jurisdiction to the Circuit Court.

IT IS SO ORDERED


The Honorable Jeffrey M. Tzerman
Special Referee for Richland County

#2

CERTIFICATE OF COMPLIANCE

This brief complies with the word limit of Local Rule 32.1(a)(4)(A) because, excluding the portions exempted by Fed. R. App. R. 32(f), this brief contains 2,768 words.

This brief also complies with the typeface requirements of Fed. R. App. P. 32 (a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman.

November 4, 2024

Respectfully submitted,

Janet Louise Nelums
Chris Nelums
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Columbia, SC 29203-1929
(803) 730-6003

jnelums@gmail.com

chrisnelums@yahoo.com

Plaintiff-Appellant pro se litigants

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SC Court of Appeals

2024

September 22, 2024

Respectfully submitted,

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(803) 730-6003
jnelums@gmail.com
chrisnelums@yahoo.com
Plaintiff-Appellant pro se litigants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was
filed into Action No. 2024-001062 and served on this 4th day of
November 2024, as indicated on Monday, November 4, 2024, was served
by Certified Registered which constitutes service on all parties.

The Honorable Kristi F. Curtis
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OFFICE: (803) 436-2152
FAX: (803) 774-2825
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SC Court of Appeals

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Richland County, Sheriff Leon Lott

in His Official Capacity as The Sheriff of

The Richland County Sheriffs Department

and Civil Process Division 5623 Two Notch

Road Columbia, S.C. 29223

phone: 803-576-3000.

fax: 803-576-319

Richland County, Sheriff Leon Lott

in His Official Capacity as The Sheriff of

The Richland County Sheriffs Department

ATTN: Sgt. Kyle Kovalchuk

5623 Two Notch Road

Columbia, S.C. 29223

phone: 803-576-3000.

fax: 803-576-319

Hon. Mr. Daniel McLeod Coble

ATTN: Chief Judge Richland County

1701 Main Street

Columbia, SC 29202.

Office: (803) 576-1773

dcoblej@sccourts.org