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Jan 23 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Perry H. Gravely, Circuit Court Judge
Charles B. Simmons, Jr., Master in Equity Judge

Case No. 2024-002207

Wells Fargo Bank, N. A. Plaintiff – Respondent

v.

Michelle Hodges, Individually and as Personal Representative
of the Estate of Ruth Ladson Witherspoon; Stanley Witherspoon;
SC Housing Corp.; and Twin Creeks Homeowners Association,
Inc. Defendants,

Of Whom Michelle Hodges, in her Individual capacity,
is the Appellant.

NOTICE AND MOTION FOR LEAVE TO
PROVIDE TRANSCRIPT REQUEST OUT OF TIME

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TO: MR. JASON D. WYMAN, ATTORNEY FOR PLAINTIFF:

PLEASE TAKE NOTICE that Appellant, proceeding pro se gives notice and hereby moves

this Honorable Court for leave to file the request for the transcript and have satisfactory arrangements to have the transcript by January 27, 2025, 21 days out of time, pursuant to Rule 240, 270, 206 SCACR. Appellant filed 2 notices of Appeal both timely, however Appellant is relying on the Notice of Appeal filed on December 27, 2024 because it was signed, properly served and clocked by the County Court. After receiving final news from the Court that there would be a foreclosure and sale of Appellant's property, Appellant has not been able to think as usual..

INTRODUCTION

At the closing of the final hearing Appellant was told that there would be a foreclosure and sale of her house and that she could file for a stay, Appellant made a note to herself to file the initial brief and order transcript within 30 days of receipt of the final order. Then Appellant began focusing on obtaining a stay in the county court and this past Monday, appellant began to read up on the Appellate court rules and found under rule 207 that she had not timely ordered the transcript and had been focusing on the stay. Appellant immediately sent an email to Plaintiff's attorneys, stating that she missed the dead line to order the transcript by focusing on the stay and requested that Appellant and Plaintiff provide the court with a joint agreed upon statement. Appellant then checked her previous appeal and discovered that she had ordered the transcript immediately and went back to read rule 208 and discovered that she misread the rule which lead her to believe that she had 30 days to focus on the stay before having to request the transcript. Right after the hearing, is when Appellant made the said note to herself to file the initial brief and

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request the transcript and Appellant has been very nervous and has made several procedural errors since then including filing the notice of appeal without signing it. Appellant has not heard back from Plaintiff's attorney regarding an agreed upon statement.

LAW

Under Rule 607, SCACR -

Appellant began contact with Ms. Cendroski yesterday (January 21, 2025) and under Rule 607, SCACR, the court reporter has 5 days to respond to a request for a transcript request. Appellant believes she will have satisfactory arrangements with Ms. Cendroski by January 27, 2025 and will be able to provide to this Honorable Court a date in which the transcript can be expected.

Under Rule 240(a), SCACR -

"This rule governs all motions or petitions filed in the appellate court, including but not limited to: motions for extension of time.....".

EXCUSABLE NEGLIGENCE

1) Excusable neglect justifies an extension of time, See Strickland v. Consolidated energy prod. co. 274

S. C. 554 (1980) 265 S. E. 2d 682.

2) Misinterpretation of the rules of civil procedure is considered excusable neglect, See Top Value

Home, Inc. v. Harden 460 S. E. 2d 427 (1995).

3) And relief on the grounds of excusable neglect can be had before judgment, See Lee v. Peek 240 S. C. 203 (1962) 125 S. E. 2d 353.

CONCLUSION

Wherefore Appellant has fully set forth the grounds for granting this motion, Appellant

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respectually requests that this Honorable Court grant this motion for the foregoing reasons.

 January 22, 2025

Michelle Hodges Pro Se Appellant
michellehodges938@gmail.com
PO Box 95
Mauldin, SC 29662
864-692-3748

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Inc. Defendants,

Of Whom Michelle Hodges, in her Individual capacity,
is the Appellant.

EXHIBIT "A"

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Michelle Hodges <michellehodges938@gmail.com>

Wells Fargo v. Michelle Hodges et al 2017CP2308016

1 message

Michelle Hodges <michellehodges938@gmail.com>

Tue, Jan 21, 2025 at 7:24 AM

To: "Cendroski, Julie" <jcendroski@greenvillecounty.org>, transcripts@sccourts.org

Hello Ms. Cendrowski and S. C. Court Administration

attached is a cover letter and request for a transcript regarding the above referenced case.

Thank you, for your assistance in this matter.

Michelle Hodges
Appellant
PO Box 95
Mauldin, SC 29662
864-692-3748

 **COVER LETTER AND TRANSCRIPT REQUEST (2) - Copy.pdf**
995K

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MICHELLE HODGES
michellehdoges938@gmail.com
PO BOX 95
MAULDIN, SC 29662
864-692-3748

January 20, 2025

Ms. Julie Cendrosky
Greenville County Courthouse
305 E. North St
#313
Greenville, SC 29601

RE: Wells Fargo Bank, N.A. v. Michelle Hodges et al
Circuit Court Case No. 2017CP2308016
Court of Appeals Case No. 2024-002207

Dear: Ms. Cendrosky

I am Michelle Hodges, proceeding pro se in the above referenced case.

Pursuant to S. C. Appellate Court rule 207(a)(1), I am requesting the transcript, and providing a copy of this request to S. C. Court Administration, per the instructions contained in form SCCA800 attached.

The transcript is being requested for the final hearing held on November 21, 2024, at 2:00 pm before Master in Equity, Judge Simmons, for an appeal. I am requesting that the transcript be sent via email, in reference to S. C. Supreme Court Order 2023-03-15-01, whereby the fees have been eliminated. If anything has changed and there would be a fee, please send me an email regarding fees, before preparing the transcript. I am requested an expedited copy and I think that is \$7.00, if not please advise.

I have a question, per our email conversation, wherein you stated that all exhibits would be reflected in the public index, but a list instead has been provided and I don't recall Wells Fargo providing a 2/16/2017 letter, do you have a copy?

A copy of the transcript should also be sent via email to Plaintiff's Counsel list below:

Ms. Elizabeth Brown
Ms. Genevieve S. Johnson
Mr. Michael Nourie
Robertson, Anschutz, Schneid,
Crane & Partners, PLLC
651 Brookfield Parkway,
Suite 103

Mr. S. Sterling Laney, III, Esquire
Mr. Jason D. Wyman
Womble Bond Dickinson
550 South Main ST
#400
Greenville, SC 29601

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790 B

Greenville, SC 29607

Thank you, for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Michelle Hodges". The signature is written in a cursive style and is positioned above the typed name.

Michelle Hodges, Pro Se

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South Carolina Judicial Branch

TRANSCRIPT REQUEST FORM

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter/Transcriptionist and to South Carolina Court Administration at transcripts@sccourts.org. If WebEx or DCRP were used to capture the record, please indicate below and send the form to transcripts@sccourts.org.

Requestor's Information			
Full Name <i>Michelle Hodges</i>	Law Firm/Agency <i>Pro Se</i>	Phone Number <i>804-692-3748</i>	
Email Address <i>michelle.hodges938@gmail.com</i>		Mailing Address <i>(P.O. Box 95-Mauldin SC 29662)</i>	
Is the requestor a party in the case? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If no, does the requestor represent a party? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of party			
Transcript Information			
Docket Number <i>2017CP2308016</i>	Full Case Caption (i.e. State v. John Doe or John Smith v. Jane Smith) <i>WELLS Fargo Bank NA v Michelle Hodges et al</i>	Circuit <input checked="" type="checkbox"/>	Family <input type="checkbox"/>
Date(s) of Proceeding <i>11/21/24 2:00p.m</i>	County <i>Greenville</i>	Appeal pending <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Death Penalty <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Presiding Judge <i>Simmons Master In Equity</i>	Special Circumstances <i>NO</i> Is the hearing to be transcribed one of the following: <input type="checkbox"/> Termination of parental rights <input type="checkbox"/> Adoption		
Opposing Counsel(s) (name and email address) <i>JASON A. WYMAN (Jason.wyman@wbd-us.com)</i>	Delivery timeframe (check Rule 607 for current page rates) <input type="checkbox"/> Quote <i>by EMAIL</i> <input type="checkbox"/> Rough Draft <input type="checkbox"/> Overnight delivery <i>(no fee)</i> <input type="checkbox"/> Daily delivery <input checked="" type="checkbox"/> Expedited delivery (7 days) Due on/before: <input type="checkbox"/> Regular delivery (60 days)		
Court Reporter(s) <i>Julie Cendrowski</i>	<input type="checkbox"/> WebEx <input type="checkbox"/> DCRP	Delivery Method (additional fees may apply) <input checked="" type="checkbox"/> PDF / Email <input type="checkbox"/> Hard Copy/Priority Mail (\$50 + shipping) <input type="checkbox"/> PDF & Hard Copy/Priority Mail (\$50 + shipping)	
Portion of proceeding to be transcribed <input checked="" type="checkbox"/> Entire hearing <input type="checkbox"/> Voir dire by juror <input type="checkbox"/> Jury selection <input type="checkbox"/> Plaintiff's opening statement <input type="checkbox"/> Defendant's opening statement <input type="checkbox"/> Plaintiff's closing arguments <input type="checkbox"/> Defendant's closing arguments <input type="checkbox"/> Entire direct examination <input type="checkbox"/> Entire cross examination <input type="checkbox"/> Entire redirect <input type="checkbox"/> Examination of witness (W) by attorney (A) W: _____ A: _____ <input type="checkbox"/> Ruling of the court		Responsible Payor <input type="checkbox"/> Private / Self <i>NO FEE (EMAIL)</i> <input type="checkbox"/> Court Appointed Counsel Appeals Attorney Email <input type="checkbox"/> Other	
Next Hearing Date			

Requestor's Signature: *Michelle Hodges* Date: *1/20/2025*
 (Typed name will serve as signature)

NOTE: Requests will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party, regardless of indigent status. Please promptly submit your payment in the method of payment requested, in order for the transcript to be produced. In some cases, a deposit may be required before the transcript can be placed in the production queue. You may also request a quote before deciding to order. *If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.*

If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter or transcriptionist.

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is the Appellant.

PROOF OF SERVICE OF
TRANSCRIPT REQUEST

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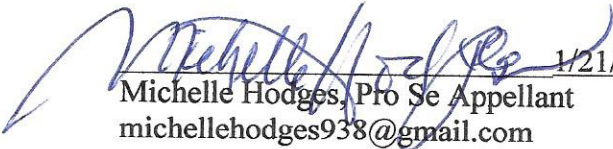
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CERTIFICATION FOR PROOF OF SERVICE
OF TRANSCRIPT REQUEST

The undersigned certifies on January 21, 2025, she caused a copy of the transcript request to be sent to Ms. Cendrowski (Court Reporter) and the S. C. Court Administration, via email. And the undersigned further certifies that she served the Transcript Request via email and U. S. Mail with the correct first class postage prepaid on Plaintiff's attorneys of record, as follows:

Ms. Elizabeth Brown
Ms. Genevieve S. Johnson
Mr. Michael Nourie
Robertson, Anschutz, Schneid,
Crane & Partners, PLLC
651 Brookfield Parkway,
Suite 103
Greenville, SC 29607

Mr. S. Sterling Laney, III, Esquire
Mr. Jason D. Wyman
Womble Bond Dickinson
550 South Main ST
#400
Greenville, SC 29601


1/21/2025
Michelle Hodges, Pro Se Appellant
michellehodges938@gmail.com
PO Box 95
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NOTICE AND MOTION FOR LEAVE TO
ORDER TRANSCRIPT OUT OF TIME

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CERTIFICATION FOR PROOF OF SERVICE
OF NOTICE AND MOTION FOR FOR LEAVE TO ORDER TRANSCRIPT OUT OF TME

Appellant certifies on January 22, 2025, she served the above mentione motion via email on

Plaintiff's Counsel below:

Ms. Elizabeth Brown
Ms. Genevieve S. Johnson
Mr. Michael Nourie
Robertson, Anschutz, Schneid,
Crane & Partners, PLLC
651 Brookfield Parkway,
Suite 103
Greenville, SC 29607

Mr. S. Sterling Laney, III, Esquire
Mr. Jason D. Wyman
Womble Bond Dickinson
550 South Main ST
#400
Greenville, SC 29601


1/22/2025
Michelle Hodges, Pro Se Appellant
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