

DANIEL L. JUNK

Pro se Appellant

September 13, 2013

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

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SEP 18 2013

SC Court of Appeals

Re: *CitiMortgage, Inc. v. Junk and Junk v. CitiMortgage, Inc., et al.*
Consolidated Case Tracking No. 2012-210910.

Dear Ms. Kitchings,

Pursuant to this Court's Order filed on August 9, 2013 ("Order"), *pro se* Appellant Daniel L. Junk respectfully submits this status update in the above referenced appeal. Debtors-in-possession ("DIP")/Appellants' Chapter 11 bankruptcy action remains pending, Case No. 13-55139, in the United States Bankruptcy Court, Southern District of Ohio, Eastern Division, before the Honorable John E. Hoffman. As of the date of this update, CitiMortgage, Inc. ("CitiMortgage") has yet to file a proof of claim in the bankruptcy action. The last day to file a proof of claim in the bankruptcy action is November 4, 2013.

On July 17, 2013, DIP filed an Amended Application to Employ Brunner Quinn as Special Counsel ("BQ Application"). On August 2, 2013, Respondent CitiMortgage filed a Notice of Appearance in DIP's Ch. 11 case through Ohio counsel Lerner, Sampson & Rothfuss.¹ That same day CitiMortgage filed Creditor CitiMortgage Inc.'s Opposition to Amended Application for Authority to Employ Brunner Quinn as Special Counsel ("Opposition"). On August 5, 2013, pursuant to 11 U.S.C. § 341, the hearing for the meeting of creditors was held. DIP filed its Reply to the Opposition on August 8, 2013. A hearing on the BQ Application and a status conference are set to be heard before the Hon. John E. Hoffman on September 30, 2013.

Despite the fact that CitiMortgage advocated to this Court that Appellants' case is not stayed in South Carolina by the bankruptcy action, stating that DIP "must" hire special counsel to continue the instant appeal, CitiMortgage opposes DIP hiring such counsel in the bankruptcy action. Notably in its Opposition filed in the Ohio Court and contrary to its claims filed against Appellants in South Carolina, CitiMortgage has yet to claim ownership or to be a holder in due

¹ Lerner Sampson & Rothfuss is a notorious and nationally renowned "foreclosure mill" with multiple law suits against it pending, including multiple class actions, for wrongful foreclosure, among other causes of action, related to its debt collection practices. Recently, the United States Court of Appeals for the Sixth Circuit found Lerner Sampson & Rothfuss in violation of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 *et seq.*, for filing a foreclosure action based on a false claim of ownership by its client Washington Mutual, the purported mortgagee in the foreclosure action. *See Wallace v. Washington Mut. Bank, F.A.*, 683 F.3d 323 (6th Cir. 2012).

course of the purported debt at issue in the instant appeal. In its Opposition, CitiMortgage merely claims it is a “holder” and servicer of the purported debt. Additionally, CitiMortgage has made the knowingly false claim in its Opposition that Appellants have abandoned the property and that the property is being maintained by CitiMortgage at its expense.

Sincerely,



Daniel L. Junk,
Pro se Appellant

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