

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals for the State of South Carolina

APPEAL FROM THE MASTER IN EQUITY  
CHARLESTON COUNTY  
NINTH JUDICIAL CIRCUIT

Mikell Scarborough, Judge

Case No. 2012-CP-10-2651

FILED  
2013 SEP -9 PM 3:18  
JULIE J. ARMSTRONG  
CLERK OF COURT  
BY \_\_\_\_\_  
69724

Frank Cook & Judith Cook,

Appellants,

v.

Bank of America, N.A.,

Respondent.

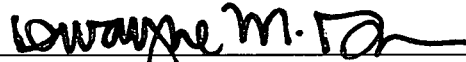
**NOTICE OF APPEAL**

Frank & Judith Cook, appeal the decision of the Honorable Mikell Scarborough dated July 31, 2013 and filed on August 2, 2013. The attached written notice of the entry of judgment was mailed to the Appellant on August 5, 2013. The basis for this motion is that Rule 53(b) provides for an Order of Reference when the parties consent or there is a default, neither of which has occurred in the present case. Appellants did not consent to the referral of this matter to the Master-in Equity in the present case, and requested trial by jury.

Respectfully submitted,

September 9, 2012

HAMPTON GREEN, LLC



Dwayne M. Green (S.C. Bar # 9559)

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Attorney for Appellant

Counsel of Record:

Teresa D. Van Vlake, Esquire  
H. Guyton Murrell, Esquire  
Korn Law Firm, P.A.  
Attorneys for Bank of America, N.A.

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SEP 11 2013

SC Court of Appeals

Notice of Appeal  
Bank of America, N.A., vs. Frank W. Cook, Judith H. Cook and Ian Blake  
2012-CP-10-2651

IN THE STATE OF SOUTH CAROLINA  
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PROOF OF SERVICE

I certify that I have served the Notice of Appeal on all attorneys of record, by depositing a copy of it in the United States Mail, postage prepaid, on September 9, 2013, addressed to the attorneys of record, H. Guyton Murrell and Teresa D. Van Vlake. I also have served Julie J. Armstrong, Charleston County Clerk of Court in the same manner at Charleston County Courthouse, 100 Broad Street, Charleston, SC 29403.

September 9, 2013

HAMPTON GREEN, LLC



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SEP 11 2013

SC Court of Appeals

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Dwayne M. Green  
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September 9, 2013

The Honorable Kenneth Richstad  
P.O. Box 11629  
1015 Sumter Street  
Columbia, SC 29211

Re: *Bank of America, N.A., vs. Frank Cook, et al.*  
*Civil Action No. 2012-CP-10-02651*

Dear Mr. Richstad:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

1. Proof of service of the notice of appeal on the respondents.
2. A copy of the order which is to be challenged on appeal.
3. A filing fee of \$100.00.

Should you have any questions or concerns, please do not hesitate to contact me.

With kind regards, I remain

Yours very truly,  
HAMPTON GREEN, LLC

  
Dwayne M. Green

DMG/nei  
Enc. – as stated

cc: H. Guyton Murrell, Esquire  
Teresa D. Van Flake, Esquire  
The Honorable Julie J. Armstrong

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SEP 11 2013

SC Court of Appeals