

**THE STATE OF SOUTH CAROLINA
COURT OF APPEALS**

ON APPEAL FROM LEXINGTON COUNTY COURT OF COMMON PLEAS

James O. Spence, Master in Equity

Case No. 2012-CP-32-2742

South Carolina Court of Appeals

Case No. _____

Wells Fargo Bank, N.A.,

Appellee,

v.

Charles E. Huff III and Deborah M.
Huff,

Appellants.

AMENDED NOTICE OF APPEAL

Charles E. Huff III and Deborah M. Huff previously filed their notice of appeal regarding the written order of the Honorable James O. Spence, Master of Equity [hereinafter, "the Master"] of the Lexington County Court of Common Pleas, which judgment was entered October 10, 2013.

Subsequent to the perfection of that appeal, the Master James O. Spence has issued several post judgment orders relating to both substantive and collateral matters in an apparent attempt to execute that judgment without any interference or supervision of appellate authority. Those orders had no factual basis in the record but were instead merely "rubber-stamped" by Judge Spence after being submitted to him by the respondent Appellee's counsel that was (is) desperately attempting to circumvent the appellate process with the Master's assistance and collaboration.

Specifically, in addition to the issues raised by the previous filing of the original Notice of Appeal, the Huff's give notice of their appeal of the refusal of Judge Spence on October 16, 2013, to set an appeal bond as he was required to do under S.C. Code Ann. § 18-9-170 et seq. Notwithstanding the Master's refusal to set an undertaking amount, that undertaking with two sureties was timely filed concurrent with the filing of the original Notice of Appeal. The refusal of the trial court judge to set a limitation of the undertaking amount under these circumstances should be deemed to be viewed as an implicit recognition by the trial court that the requirement for such a setting of a bond limitation has been dispensed with pursuant to S.C. Code Ann. § 18-9-190.

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Additionally, subsequent to the perfection of the appeal established by filing of the original Notice of Appeal and the required Undertaking on Appeal, the Master, James O. Spence disregarded that stay and entered orders that were stayed by the appeal. This order was signed on October 17th (by "the Master") and filed on October 18, 2013. (attached hereto as Exhibit A) To the Huff's knowledge, no motion was filed requesting that order and the respondent Appellee's attorneys never informed the Huff's that this order was ever submitted. The Huffs were not aware of that order until after it had been signed and filed.

The action against the Huff's was stayed by operation of law under S.C. Code Ann. § 18-9-180 that provides:

Whenever the defendant executes the bond . . . , it shall stay all further proceedings in the court below upon the judgment appealed from or upon the matter embraced therein.

Those orders that were entered in violation of the stay include an order compelling the Huff's to permit the inspection and sale of the real property that is the subject of the present action.

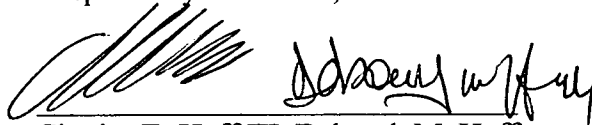
In furtherance of this conspiracy to circumvent the appellate process, after receiving notice of the pending appeal, the respondent Appellee's counsel secretly obtained a master deed from "the Master" conveying the subject real property to a third party and had that deed filed with the Lexington County Registrar of Deeds on October 11, 2013, this being done without the knowledge of the Huff's.

Lastly, the respondent Appellee's counsel submitted a proposed order and then an affidavit first claiming that the Master had awarded him and several other parties' attorney fees when the trial court had not done so. To the defendant's knowledge, the Master has not yet ruled or entered an order based on the respondent's request.

The conduct of the Master of Equity in this case, James O. Spence, demonstrates a wholesale bias and lack of due process, objectivity, and lack of accountability in the administration of the case.

October 21, 2013

Respectfully submitted,



Charles E. Huff III; Deborah M. Huff
1006 Eau Claire Drive
Chapin SC 29036
Appellants
803 807-3299

CERTIFICATE OF SERVICE

Amended Appeal and Fee Waiver Request

The undersigned certifies that a copy of the ~~foregoing~~ *CA* was served upon the following as indicated below. The above and foregoing was mailed to each of those listed by mailing first class U.S. Mail on the 21st day of October 2013.


Charles Huff

Scott Law Firm, P.A.
2712 Middleburg Drive, Suite 200
Columbia SC 29204
Attorneys for Appellee Wells Fargo Bank, N.A.

Skipper Properties, LLC
James H. Skipper at
618 Sunset Boulevard, West
Columbia, SC 29169

E. Randall Mosteller
170 Killian Point Cir
Chapin, SC 29036

Della Mosteller
245 Harvest View Rd
Chapin, SC 29036

A. David Ruple
120 North Lake Drive
Lexington, South Carolina 29072

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