

THE SOUTH CAROLINA COURT OF APPEALS

Roger L. Whaley, Appellant, Pro Se

Attachments - 2

v.

South Carolina Federal Credit Union and Bank of
America, Respondents.

RECEIVED

OCT 30 2013

Appellate Case No. 2012-213208
Presiding Lower Court Judge Maite D. Murphy
Dorchester County
Trial Court Case No. 2012-CP-1800539

SC Court of Appeals

RE: Appellant/Whaley's OBJECTION and DENYS ALL of South Carolina Federal Credit Union's Frivolous claims and request to this said Appeals Court in its LETTER date "October 22, 2013" addressed to S.C. Court of Appeals CLERK, "Jenny A. Kitchings" stating "...Mr. Whaley's 'Letter to Clerk a/k/a MOTION for JUDGMENT Against Respondent BANK OF AMERICA... Pursuant with SCRAP [sic] 208(a)(2), (4)&(b)(7)...It Appears!!! this Motion is DIRECTED AT ANOTHER PARTY...' - is filed FRIVOLOUSLY by Respondent SCFCU, Especially! when SCFCU's own! above LETTER! dated "October 23, 2013" QUOTED!!/or Clearly! WROTE! that Appellant Whaley's MOTION is! - "...Against Respondent BANK OF AMERICA";

Dear Clerk:

Accordingly, Plaintiff/Appellant Whaley writes this said response letter, OBJECTING and in Denial to ALL relevant claims in Respondent, South Carolina Federal Credit Union /a/k/a/ SCFCU's Frivolous claims written in its attached letter dated "October 22, 2013" REQUESTING for this said Appeals Court - "...to accept this letter as OUR BRIEF RETURN to the MOTION..." when SCFCU's said Letter - does not state, nor did not even quote! as to what alleged PART of Plaintiff/Appellant Whaley's filed "LETTER to Clerk/a/k/a MOTION ...Against RESPONDENT BANK of AMERICA...", could have possibly!! allegedly appeared!! to also included SCFCU in that! said Motion filed against Respondent Bank of America/a/k/a/BOA. Which makes Respondent SCFCU/or its said lawyer's request - "...to the EXTENT Mr. Whaley INTENDED the Motion be Directed TOWARDS Respondent South Carolina Federal Credit Union... please accept this LETTER as OUR BRIEF RETURN to the MOTION..." - which is moot!/or is a frivolous request by SCFCU, when, Respondent South Carolina Federal Credit Union ADMITS!! in its LETTER that SCFCU!! already!! - "...MOVED this honorable court for an EXTENSION of TIME in which to FILE OUR INITIAL BRIEF. This Court GRANTED the MOTION by Order filed September 27, 2013. Accordingly, Respondent South Carolina Federal Credit Union's INITIAL BRIEF is not due UNTIL November 4, 2013 - 13 DAYS from today."

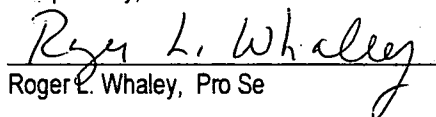
WHEREFORE, Respondent SCFCU can be assured, Appellant Whaley's said Motion is clearly written involving the Respondent Party/BOA, since Respondent SCFCU, did! not! quote! what part of Appellant's said Letter/a/k/a MOTION could have possibly targeted South Carolina Federal Credit Union, in that! said Motion.

"By copy of this letter is being served.." on ALL proper above named Respondents BOA and SCFCU.

Date: October 24, 2013

Respectfully,

To: Honorable Jenny A. Kitchings
Clerk, S.C. Court of Appeals; 1015 Sumter St, Columbia S.C. 29201


Roger L. Whaley, Pro Se

ATTACHED EXHIBITS - 2

October 22, 2013

Columbia
Direct Dial: (803) 576-3718
sbias@RichardsonPlowden.com

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

Re: Roger L. Whaley v. South Carolina Federal Credit Union
C/A No.: 2012-CP-1800539
Appellate Case # 2012-213208
Our File No. 7130-36

Dear Ms. Kitchings:

Respondent South Carolina Federal Credit Union is in receipt of Mr. Whaley's "Letter to Clerk a/k/a Motion for Judgment against Respondent Bank of America/or/Request to Remain [sic] That said Respondent Matter Back to Lower Trial Court with Instruction, to Enter Direct Judgment in Favor of Plaintiff/Appellant Roger Whaley Pursuant with SCRAP [sic] 208(a)(2), (4) & (7)," (hereinafter "Motion"). It appears this Motion is directed at another party. However, to the extent Mr. Whaley intended the Motion be directed towards Respondent South Carolina Federal Credit Union, please accept this letter as our brief Return to the Motion. This Motion is not proper as against Respondent South Carolina Federal Credit Union. Respondent South Carolina Federal Credit Union moved this honorable court for an extension of time in which to file our initial brief. This Court granted the Motion by Order filed September 27, 2013. Accordingly, Respondent South Carolina Federal Credit Union's Initial Brief is not due until November 4, 2013—13 days from today. Consequently, to the extent Appellant's motion is directed toward Respondent South Carolina Federal Credit Union the motion is premature, without merit, and should be denied as against us.

By copy of this letter we are serving *pro se* Appellant with this response.

Thank you for taking the time to review this letter and with kind regards, I am

Sincerely,



Sheila M. Bias
SC Bar # 100005

SMB/dfb

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OCT 30 2013

SC Court of Appeals

cc: Roger Whaley, Pro se
Jody Alan Bedenbaugh, Esquire
Erik Tison Norton, Esquire
Drew Hamilton Butler, Esquire

THE SOUTH CAROLINA COURT OF APPEALS

Roger L. Whaley, Appellant, Pro Se

v.

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*Appeals Order/9/27/13
*and Respondent SCFCU Letter 9/10/13

LETTER to CLERK/a/k/a/MOTION for Judgment against RESPONDENT BANK OF AMERICA/or/REQUEST to REMAIN THAT said RESPONDENT MATTER BACK to Lower Trial Court with INSTRUCTION, to ENTER Direct JUDGMENT IN FAVOR of Plaintiff/Appellant Roger Whaley Pursuant with SCRAP 208(a)(2),(4)&(7)¹

Dear Clerk:

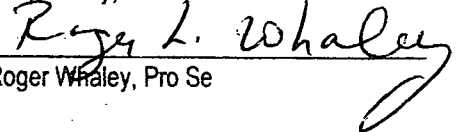
Pursuant with SCRAP Rule 208(a)(4)&(7), by the understanding of this Pro Se, Plaintiff/Appellant Whaley, can write a LETTER/a/k/a/or MOTION FOR JUDGMENT against Defendant/RESPONDENT-BANK OF AMERICA /or Request to REMAIN that said Defendant/Respondent/Bank of America's MATTER BACK to Lower Trial Court with INSTRUCTION for the lower trial court Judge to Enter DIRECT JUDGMENT in FAVOR of PLAINTIFF/Appellant Roger Whaley, as in indeed the Respondent BANK OF AMERICA, has not/and or CAN NOT Denied any!! of Appellant/Whaley's State of Facts/nor Arguments made in his Initial Brief/and/or Designation; as well as Respondent/Bank of America has FAILED to file its required Responsive Brief, pursuant with SCRAP 208(2), nor did Defendant/Respondent Bank of America, never! requested any kind of extension of time to file any Response, as is required by SCRAP Rule 7, just as the Defendant/ Respondent South Carolina Federal Credit Union.³

Therefore I, the Appellant, Roger Whaley is requesting this said APPEALS Court to Grant Plaintiff/Appellant/Whaley Motion for Judgment/and/or Requesting this Appeals Court Remain Respondent/ Bank of America's case matters Back before the said lower trial court with in SPECIAL INSTRUCTION to render Judgment in FAVOR of Plaintiff/Appellant Whaley, will not bias no party. But will indeed show that this said Appeals Court is not biased against the Plaintiff/Appellant Whaley, as a Pro Se, non-attorney.

Please find, attached also Plaintiff/Appellant Whaley's CASHIER'S CHECK for \$25.00, in case this said letter/or motion must be paid so to file in this said Appeals Court/or in order for this matter to receive such equal justice. If there is any other information needed, please do not hesitate to write this said Pro Se Appellant/Whaley.

September 30, 2013

Respectfully,



CC: Drew Hamilton Butler; Erik Tison Norton; Jody A. Bedenbaugh; Sheila M. Bias;

Roger Whaley, Pro Se

¹ SCRAP Rule (7) Supplemental Citations. When pertinent and significant authorities come to the attention of a party after his initial brief(s) has been served and filed, the party shall promptly advise the clerk of the appellate court, by letter, with a copy to all counsel, setting forth the citations. There shall be a reference either to the page of the brief or to an issue to which the citations pertain, but the letter shall, without argument, state the reasons for the supplemental citations. Any response shall be made promptly and shall be similarly limited.

² SCRAP Rule (4) Failure to File. Upon the failure of the appellant to file and serve his brief within the time prescribed, the clerk of the appellate court shall sign an order dismissing the appeal, and the appeal shall not be reinstated except as provided by Rule 250. Upon the failure of respondent to timely file a brief, the appellate court may take such action as it deems proper.

³ Which this said Appeals Court Clerk could ONLY GRANTED the EXTENSION of Defendant/Respondent "SC Federal Credit Union" request for "...a 30 day Extension in which to SERVE and FILE...(their/ONLY SCFCU's)...Initial Respondent's Brief and Designation of Matter" when SCFCU's LETTER dated "September 10, 2013" shows it only!! requested in its said LETTER for the Extension for 30 days ONLY from the "COUNSEL" for "Respondent SC Federal Credit Union".

October 23, 2013

Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Dear Mrs. Kitchings,

Please send me a stamped copy of this document with the received date in the enclosed self-addressed envelope.

Sincerely,

Roger L. Whaley

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OCT 30 2013
SC Court of Appeals