

**REQUEST FOR SUPERCEDEDES**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

RECEIVED  
DEC 16 2013  
SC COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Mikell Scarborough, Master in Equity

Case No. 2009-10-6219

Wells Fargo Bank,

Respondent,

v.

John and Carls Singletay,

Appellant.

**REQUEST FOR SUPERCEDEDES**

John and Carla Singletary, hereby request a superceedes in the order of of the Honorable Mikel Scarborough dated December 5, 2013. Appellants have appealed the aforementioned order and requested the transcripts from the hearings. Several issues are in question regarding the proceedings and are as follows:

- 1 An expressed stay of mandate from the Federal Court after removal was presented to the Master in Equity and ignored. Defendants was forced against he will to enter the state courts twice while the stay was still in effect and defendants appeal to the United States Supreme Court is active in order to protect his interest in his property. A court hearing befor the Master in Equity was on Nov. 25, 2013 and Nov. and Dec. 4, 2013 both being prior to any appellant decision for en banc hearing. This procedural violation was prohibited by the mandatory stay from the federal court. These dates whether inadvertantly or purposfully were ommitted in the order of the Master in Equity as was the fact that the plaintiff Wells Fargo returned the appellants checks to the appellants in a trick and scheme to foreclose on a home that was not behind. In addition Wells fargo refused to accept any further payments they have admitted to perjury and has made the statement "Wells Fargo Loves to Hated Nigg\*ers and Hates to Love Nig\*ers" by and though their SC attorney as can be seen on the CNNi Report on the internet during their deposition. South Carolian's Appellate and Supreme Court has more judicial

integrity than to allow such miscarriages of justice to be carried out in their judiciary. No Challenge to the removal nor any remand with 30 days of removal was ever performed. The recent state court proceedings were prior to the any En banc rehearing at the federal court and appellant still has and will file the Cert appeal to the US Supreme Court. (see exhibit A)

2 Defective Jurisdiction based upon subject matter and personal has been violated

3 The venue is improper before the Master in Equity because the case is a contracti dispute to build not a mortgage foreclosure

4 Defective Service of Process by the Plaintiff has been challenged from the very start and defendants right to proper service of process has been overlooked by the courts in all proceedeings.

5 Defendant was denied their demand for a jury trial as this is a contract dispute  
6 Master in Equity two years after the case has been in federal court has without authority proceeded in an action effective removed to the federal courts and is ongoing in the federal courts on appeal with an express stay of mandate for all courts below to proceed no more. The effectuated removal bars any state action moving forward.

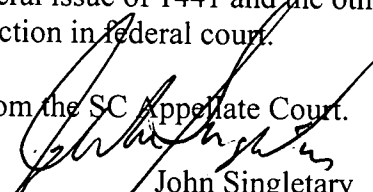
7 The SCRC precluded the plaintiff from moving forward with any foreclosure as persuant SCRC Rule 41 the plaintiff as brought the same case several times and dismissed the cased voluntarily on more than one occasion rendering any further action illegal.

8 Appellants have been denied due process and equal protection of the law and has been damaged by said violations. Improper service of process in all proceeding has resulted in procedural violations, the denial of choice of forum and the right to present any merits in the case has violated the substantive rights of the appellants, the equal protections to defend in legal action as all others have been granted singles appellants out and violates the equal protections of thelaw.

9 The very same case that was removed to the federal court under pendant jurisdiction 28 USC 1441 and is ongoing in the federal courts has been allowed by the Master to proceed in SC State Court creating a quagmire for the courts regarding priority in a federal issue of 1441 and the other federal questions presented in the cause of action in federal court.

Wherefore, Appellants request a supercedes from the SC Appellate Court.

December 13, 2013

  
John Singletary  
4321 Waterview Circle  
North Charleston, SC 29418  
Attorney Pro se for Appellants

John Singletary <john@singletaryphotography.com>

December 13, 2013 2:43 PM

To: Spencer Craig <SCraig@charlestoncounty.org>

Cc: Mac McQuillin <mmcquillin@hsblawfirm.com>, Mikell Scarborough <master@charlestoncounty.org>, carla@singletaryphotography.com, Howell Morrison <hmorrison@hsblawfirm.com>, Kathy Gulick <kgulick@hsblawfirm.com>, Robert Davis <ROBERT.DAVIS@rtt-law.com>

Bcc: John Singletary <john@singletaryphotography.com>

Re: Wachovia Mortgage v. Singletary and Wachovia Bank (Case No. 2009-CP-10-6219)

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REQUEST FOR SUPERCEDEES

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John and Carla Singletary, hereby request a superceedes in the order of of the Honorable Mikel Scarborough dated December 5, 2013. Appellants have called the aforementioned order and requested the transcripts from the hearings. Several issues are in question regarding the proceedings and are as follows:

- 1 An expressed stay of mandate from the Federal Court after removal was presented to the Master in Equity and ignored. Defendants was forced against he will to enter the state courts twice while the stay was still in effect and defendants appeal to the United States Supreme Court is active in order to protect his interest in his property. A court hearing before the Master in Equity was on Nov. 25, 2013 and Nov. and Dec. 4, 2013 both being prior to any appellant decision for en banc hearing. This procedural violation was prohibited by the mandatory stay from the federal court. These dates whether inadvertently or purposely were omitted in the order of the Master in Equity as was the fact that the plaintiff Wells Fargo returned the appellants checks to the appellants in a trick and scheme to foreclose on a home that was not behind. In addition Wells Fargo refused to accept any further payments they have admitted to perjury and has made the statement "Wells Fargo Loves Hated Nigg\*ers and Hates to Love Nig\*ers" by and through their SC attorney as can be seen on the CNNi Report on the internet during their deposition. South Carolian's Appellate and Supreme Court has more judicial integrity than to allow such miscarriages of justice to be carried out in their judiciary. No Challenge to the removal nor any remand with 30 days of removal was ever performed. The recent state court proceedings were prior to the any En banc rehearing at the federal court and appellant still has and will file the Cert appeal to the US Supreme Court. (see exhibit A)
- 2 Defective Jurisdiction based upon subject matter and personal has been violated
- 3 The venue is improper before the Master in Equity because the case is a contract dispute to build not a mortgage foreclosure
- 4 Defective Service of Process by the Plaintiff has been challenged from the very start and defendants right to proper service of process has been overlooked by the courts in all proceedings.
- 5 Defendant was denied their demand for a jury trial as this is a contract dispute
- 6 Master in Equity two years after the case has been in federal court has without authority proceeded in an action effectively removed to the federal courts and is ongoing in the federal courts on appeal with an express stay of mandate for all courts below to proceed no more. The effectual removal bars any state action moving forward.
- 7 The SCRC precluded the plaintiff from moving forward with any foreclosure as pursuant SCRC Rule 41 the plaintiff as brought the same case several times and dismissed the case voluntarily on more than one occasion rendering any further action illegal.
- 8 Appellants have been denied due process and equal protection of the law and has been damaged by said violations. Improper service of process in all proceedings has resulted in procedural violations, the denial of choice of forum and the right to present any merits in the case has violated the substantive rights of the appellants, the equal protections to defend in legal action as all others have been granted singles appellants out: violates the equal protections of the law.
- 9 The very same case that was removed to the federal court under pendant jurisdiction 28 USC 1441 and is ongoing in the federal courts has been allowed by the Master to proceed in SC State Court creating a quagmire for the courts regarding priority in a federal issue of 1441 and the other federal questions presented in the cause of action in federal court.

Wherefore, Appellants request a superceedes from the SC Appellate Court.

December 13, 2013

John Singletary

4321 Waterview Circle  
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Attorney Pro se for Appellants

Certificate of Service

I, John Singletary, hereby certify that a true and correct copy of this notice of appeal in the forgoing style and matter was dispatched with sufficient U.S. postage to defendant's attorney of record and other interested parties on Dec. 13-203

Respectfully Submitted

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On Dec 13, 2013, at 1:51 PM, John Singletary <[john@singletaryphotography.com](mailto:john@singletaryphotography.com)> wrote:

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

[In The Supreme Court]

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APPEAL FROM CHARLESTON COUNTY