

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM YORK COUNTY
Court of Common Pleas

Charles S Bradford, Master and Special Referee

Case No. 2014-000346

Wells Fargo Bank na

Respondent

V.

Alice L Roseboro

Appellant

AGREEMENT TO SUBMIT LESS THAT THE ENTIRE TRANSCRIPT

I appellant hereby give true affirmation that I only requested the first 5 pages and the last 5 pages of the following portions of the proceedings from the court reporter. At this time a motion to proceed without pay by affidavit is still pending before the court of appeals. The undersigned agree that the following portions of the proceedings will be submitted to the court are omitted from the court reporter records.

- (1) Selection and swearing of the jury; omitted
- (2) Admission of the first five pages appellant requested
- (3) Admission of the last five pages appellant requested

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SC Court of Appeals

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF YORK) CASE NO.: 2012-CP-46-1328

WELLS FARGO)
) EXCERPTS OF
vs.) TRANSCRIPT OF RECORD
)
ALICE ROSEBORO)

September 17, 2013
York, South Carolina

BEFORE THE HONORABLE S. Jackson Kimball

APPEARANCES:

Alice Roseboro, Pro Se

Tommy Lydon, Esquire
Columbia, South Carolina

SHIRLEY BROOM
16TH Circuit Court Reporter

E-X-H-I-B-I-T-S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
NO	EXHIBITS		

I-N-D-E-X

NO TESTIMONY TAKEN

1 THE COURT - Okay, I need to get organized in what
2 all I've got to hear, because there's a good bit of
3 paperwork that I tried to go through. I have one thing I
4 know, the Plaintiff's Motion for Summary Judgment. Is that
5 right, Mr. Lydon.

6 MR. LYDON - That's correct, Your Honor.

7 MS. ROSEBORO - You took the Motion to Compel from
8 February 20th.

9 THE COURT - Well, if you'll let me finish, Ms.
10 Roseboro. I have also a Defendant's Motion to Compel and I
11 also had something that I have interpreted at as Motion to
12 Continue this hearing. Is that right, Ms. Roseboro?

13 MS. ROSEBORO - Yes, I need -- I want to
14 reschedule this.

15 THE COURT - Ma'am?

16 MS. ROSEBORO - I wanted to -- continue ---

17 THE COURT - Ma'am?

18 MS. ROSEBORO - What day is that continuancy
19 hearing? The Motion to Compel -- is that a Motion to
20 Compel from February, February 20th?

21 THE COURT - Listen to me. Let's deal with this
22 Motion for a continuance first. Do you have an outstanding

1 Motion to Continue to postpone this hearing? That's the
2 first question.

3 MS. ROSEBORO - I gave you -- hold on a minute.

4 THE COURT - You know, this is my interpretation -
5 --

6 MS. ROSEBORO - Can I see that?

7 THE COURT - Ma'am, it's your document.

8 MS. ROSEBORO - What date is that stamped?

9 THE COURT - I'm looking at a document that's
10 filed August the 26th, 2013, says Affidavit in Opposition to
11 Motion for Order of Reference and Motion for Summary
12 Judgment.

13 MS. ROSEBORO - That -- yes, ---

14 THE COURT - That I understand.

15 MS. ROSEBORO - --- yes, got you.

16 THE COURT - And Affidavit to Proceed Without Pay
17 asking extension of time while being sent for approval.
18 That I don't understand.

19 MS. ROSEBORO - Because that -- when I turned that
20 in, they said it had to be approved and ---

21 THE COURT - Your Application to Proceed In Forma
22 Pauperis?

23 MS. ROSEBORO - Yes, yes. Yes, they said the
24 Judge was out of the town the first time and they had to be
25 approved and ---

1 THE COURT - Well, I -- Mr. Lydon, didn't I see
2 something where that was denied or are you ---

3 MS. ROSEBORO - No, I got a thing that there was
4 approved. But I wanted that postponed, because I got a
5 Motion to Compel from February the 20th that was never
6 addressed and I felt that wasn't fair -- that wasn't fair
7 because I paid twenty-five dollars, too, and the Motion to
8 Compel him to show proof of ownership of my mortgage, that
9 was February the 20th and it was never put on the docket and
10 I didn't feel it was right to put his document that he done
11 on August ahead of mines, that he done in August and paid
12 on mines and mines was put in on February the 20th. I mean
13 it looks like it was ignored and I didn't think that was
14 fair.

15 THE COURT - It's very difficult for me to
16 reconstruct the procedural history of this case because of
17 the numerous filings, some of which are redundant and some
18 of which are after rulings that are already made.

19 MS. ROSEBORO - Well, I don't know what they gave
20 you, but the February the 20th was never -- was never
21 addressed so ---

22 THE COURT - I heard on March the 15th - no, wait a
23 minute. There was a -- let me back up. Mr. Lydon, do you
24 have any sense of the dates of all these things?

1 MR. LYDON - I'm kind of in the same boat you're
2 in, Your Honor. There have been multiple filings, kind of
3 alleging the same things and asking for the same relief,
4 but it's my understanding that there's a Motion to Compel
5 that has been filed a couple of times ---

6 THE COURT - That's what I thought.

7 MR. LYDON - -- that needs to be heard and ---

8 MS. ROSEBORO - The Motion to Compel ---

9 THE COURT - Ms. Roseboro, we're going to talk one
10 at a time.

11 MR. LYDON - I believe she filed -- she did file
12 one maybe back in February and then she filed it ---

13 MS. ROSEBORO - Yes, because I didn't get no
14 answer back in February.

15 MR. LYDON - --- again in August. So I think --
16 it's basically the same Motion, but there is a Motion to
17 Compel that she's filed that needs to be heard.

18 THE COURT - All right.

19 Ms. ROSEBORO - The one from February.

20 THE COURT - Now, what I denied in March, I heard
21 -- what's puzzling me is I heard a Motion in March -- your
22 Motion, Ms. Roseboro, to amend the Answer and I denied
23 that. No, the Motion was withdrawn after we discussed it.

24 MS. ROSEBORO - That was -- there was confusion on
25 that and you did ---

1 THE COURT - Well, why did I not -- did we not
2 hear the Motion to Compel back then?

3 MS. ROSEBORO - No. No.

4 MS. LYDON - I don't think it was on the docket at
5 the time, Your Honor, and we had a pretty full courtroom.

6 MS. ROSEBORO - No, it wasn't, and was confusion
7 and I got confused, because I didn't have the paperwork
8 with me and I tried to send it again with a continuance,
9 that's what you denied.

10 THE COURT - All right, well, then the first thing
11 I'm going to do is I'm going to hear your Motion to Compel
12 since his Motion for Summary Judgment may be dependent on
13 that. So I'll hear your Motion to Compel, Ms. Roseboro.
14 You go first. (Pause) I'm going to pull all this out and
15 try to find a copy of it myself.

16 MS. ROSEBORO - Okay.

17 THE COURT - Mr. Lydon, do you happen to have a
18 copy of that Motion handy?

19 MS. ROSEBORO - I've got the original one. I got
20 it right here if you want to see it.

21 THE COURT - Well, no, I need a copy of it so just
22 hang on a minute. Hang on a minute. I'm sure it's in here
23 somewhere.

24 (END OF EXCERPT)

1 THE COURT - He's not withdrawing anything.

2 MS. ROSEBORO - No, you did -- he did say
3 something ---

4 MR. LYDON - I withdrew my ---

5 THE COURT - Summary Judgment Motion on the merits
6 of the complaint.

7 MS. ROSEBORO - On what?

8 THE COURT - Here's -- let me explain to you where
9 we are.

10 MS. ROSEBORO - I want him to tell me what he did.

11 THE COURT - I'm going to tell you if you'll
12 listen to me. He is withdrawing his Motion for Summary
13 Judgment pertaining to the foreclosure which simply means
14 that we are going to have a full-blown -- at some point we
15 will have a full-blown foreclosure hearing on the whole
16 case.

17 MS. ROSEBORO - So you know why he's withdrawing
18 that? Because, see ---

19 THE COURT - Ms. Roseboro, it doesn't matter.

20 MS. ROSEBORO - Because she lied on her paperwork.

21 THE COURT - All right.

22 MR. LYDON - Need me to prepare an Order, Your
23 Honor?

24 THE COURT - Please.

1 MR. LYDON - Can I put it all in one Order, the
2 Motion to Compel and the Motion for Summary Judgment?

3 THE COURT - Yes, sir. Absolutely. And you --
4 Judge Hayes will hear the Motion to refer the case.

5 MS. ROSEBORO - What about my -- okay, my defaults
6 judgment for him not to respond to them and give me the
7 things that I asked for and don't give me things I gave
8 you, you know. I would like the information in the
9 Affidavit, my exhibits. He handed me stuff in my exhibit;
10 don't hand me stuff from my exhibits. Don't hand me stuff
11 ---

12 THE COURT - That Motion is denied.

13 MS. ROSEBORO - --- hand me -- what? My default
14 judgment?

15 THE COURT - Yes, ma'am.

16 MS. ROSEBORO - Why is it denied?

17 THE COURT - Because he's answered your complaint
18 - your counterclaim.

19 MS. ROSEBORO - No, he did not. He did not. He
20 did not provide his information to me.

21 THE COURT - Your Motion is denied.

22 MS. ROSEBORO - He did not provide the information
23 to me.

24 THE COURT - Thank you. We are through. You may
25 leave.

1 MS. ROSEBORO - He did not provide the information
2 to me.

3 THE COURT - You may leave.

4 MS. ROSEBORO - I understand that.

5 THE COURT - The hearing is concluded.

6 MS. ROSEBORO - Yes. Right. I object that he did
7 not provide the information to me. He didn't provide no
8 payments; he didn't provide the contract or nothing. He
9 got that from my exhibit I sent him when she -- an
10 affidavit -- she lied on her Affidavit. And that's the
11 reason he ---

12 MR. LYDON - I'm trying to remember if I mail you
13 or e-mail you.

14 THE COURT - E-mail it, please, yes.

15 MR. LYDON - E-mail it to ---

16 THE COURT - Here we go. It's on this card.

17 MR. LYDON - Okay, and I'll mail Ms. Roseboro a
18 copy.

19 THE COURT - Now, Ms. Roseboro, you don't have e-
20 mail do you?

21 MS. ROSEBORO - I don't use e-mail because of
22 fraud committed on me at the library.

23 MR. LYDON - I've seen sending her hard copies of
24 everything.

25 THE COURT - Okay, that's fine.

1 MS. ROSEBORO - And you're sending me a hard copy
2 of what?

3 MR. LYDON - Of this Order.

4 THE COURT - It's a proposed Order. Don't do it
5 in PDF format.

6 MR. LYDON - No, I'll do it Word document.

7 MS. ROSEBORO - And that Order is going to do
8 what?

9 THE COURT - That Order is going to ---

10 MS. ROSEBORO - You're basically letting him off
11 the -- he's withdrawing the Summary Judgment because of
12 what ---

13 THE COURT - What I'm basically saying is, there
14 is no Civil Rights violation under any Civil Rights statute
15 you've alleged but ---

16 MS. ROSEBORO - We don't know that for sure yet --
17 -

18 THE COURT - -- we are going to have a -- because
19 we are going to have a full-blown -- and we're going to
20 have a full-blown hearing on the foreclosure.

21 MS. ROSEBORO - We don't know that for sure yet.

22 THE COURT - Yes, we do.

23 MS. ROSEBORO - No, we don't. You're taking his
24 word for that. You're taking his word for that, you know.

25 MR. LYDON - Thank you, Judge.

1 THE COURT - Yes, sir, thank you.

2 MS. ROSEBORO - And he did not send me the
3 paperwork. I don't know why you want to believe him. He
4 copied from my exhibits and he's trying to ---

5 THE COURT - Am I going to have to call somebody
6 to have them escort you out of here?

7 MS. ROSEBORO - No, I mean you're not listening to
8 me but you're listing to him. He committed fraud. He
9 didn't answer the paperwork - ---

10 (Whereupon Ms. Roseboro ~~continues~~ to plead her
11 case as she exits the courtroom some of which was
12 inaudible.)

13 (End of second excerpt of transcript)

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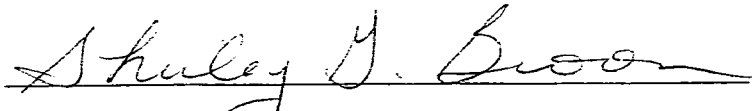
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C E R T I F I C A T E

I, Shirley Broom, Official Court Reporter for the Sixteenth Judicial Circuit for the State of South Carolina, do hereby certify that the foregoing 20 pages is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the proceedings of Wells Fargo v. Alice Roseboro, taken by me in the Court of Common Pleas for the Sixteenth Judicial Circuit on the 17th day of September, 2013, and provided by me this the 21st day of December, 2013.

I do further certify that I am neither of kin, counsel, nor interest to any party herein.



Shirley Broom, CVR-M
Official Court Reporter,
Certified Verbatim Reporter, In and
for the State of South Carolina.

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM YORK COUNTY
Court of Common Pleas

Charles S Bradford, Master and Special Referee

Case No. 2014-000346

Wells Fargo Bank na

Respondent

v.

Alice L Roseboro

Appellant

PROOF OF SERVICE

I appellant certify that I am sending the enclosed transcript proceedings to the attorney for the respondent, Thomas E. Lydon at his address I have on record 1320 Main St 10th fl or at his P O Box 12519 Columbia, SC 29211. By U S Mail or personal service to be delivered with postage prepaid.

On 03/14/2014

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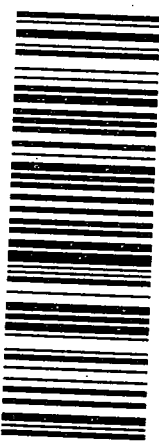
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