

**The state of South Carolina
In the Court of Appeals**

Appeal from Spartanburg County

Court of Common Pleas

Gordon G. Cooper, Master in Equity

Case No. 2012-CP-42-3027

DEUTSCHE BANK NATIONAL TRUST COMPANY,
AS TRUSTEE FOR ARGENT SECURITIES INC.,
ASSET-BACKED PASS-THROUGH CERTIFICATES,
SERIES 2004-W11,

RESPONDENT

v.

Geary Thomas Dooly a/k/a G. Thomas Dooly,

Appellant

Initial Reply Brief

geary-thomas, family dooly,
appellant, sui juris
c/o post office box 3326
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***The Appellant is not pro se, is not educated in law and is sui juris in all matters.**

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JUN 12 2014

SC Court of Appeals

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Arguments For Replies

The Appellant is not pro se, is not educated in law and is sui juris in all matters. The Court is further noticed that, the Appellant/Defendant being sui juris, not educated in the law, the Court must read and construe liberally all pleadings by Appellant/Defendant per *Hanes v. Kerner* 404 US 520, *Birl v Estelle* 660 F.2d 592.

The primary matters before the appellate court are (1)the numerous and repeated acts of bad faith, and/or fraudulent acts perpetuated to bring this action that resulted in the erroneous hearing before Judge Cooper; (2) the errors in, and acts of bad faith actions in the court by officers of the Court, namely Counsel, and Judge Cooper; and (3) Considering the comedy of errors, omissions, and conduct of those perpetuating the handling of this case, should the case be dismissed with prejudice? All matters relevant. Therefore Appellant points out below several of the bad faith twisting of the truth and ignoring of the facts of the matter, as made by Respondent in Initial Brief.

REPLIES TO SPECIFIC POINTS IN RESPONDENTS INITIAL BRIEF

1. In Items I. and II. Page 1, Respondent attempts to indentify "issues on appeal" as something other than the fraudulent activity that led to this case ever being referred to Judge Cooper when, in fact, the case had several very serious acts wherein Appellant's 111 page filing was "lost" for over a month, during which time Judge Couch referred it to Master-In-Equity without reviewing the filings of Appellant. Once Appellant discovered the serious errors of the Clerk of Court not only of the "lost" filing, but the fact that the Clerk of Court mailed the ruling of Judge Couch to Appellant to a non-existent address. Upon Appellant's discovery of these questionable and serious errors of the Clerk of Court filings were entered to take corrective action, and a fee of \$25 was paid with request for a hearing on the matter. The Court has never replied to that request or set a hearing date before Judge Couch. These ARE the facts that would not be heard by the Master-in-Equity. The appeal is to correct these serious errors. This Case should be dismissed and be required to start over by an unbiased counsel in and unbiased venue.

2. On page 1, Respondent again, in bad faith, attempts to argue that this is NOT an address of a Counterclaim, but claims that we are addressing a foreclosure action which would be addressed separately from the address of the counterclaim. This is leading the Appellate Court in an erroneous direction in bad faith.

1 3. On page 2, Respondent states that "This motion was heard before Judge Roger L.
2 Couch.....", but fails to mention that it was heard under fraudulent conditions wherein
3 Counsel committed a fraudulent act of "SURPRISE" by mailing "Plaintiff's Memo in
4 Support of Motion to Dismiss Counterclaim" to Defendant on the afternoon before the
5 10:30 hearing such that Defendant was "surprised" at the hearing by having NOT had
6 time to review the Memo. Upon objection, Judge Couch continued the Hearing in which
7 this Appellant had no time to prepare any kind of reasonable counter Defense. This
8 "surprise" left Defendant virtually defenseless. This act of surprise should have resulted
9 in dismissal per the objection of the Defendant, but was continued and Counsel was
10 allowed the advantage of surprise. For the record, immediately after the Hearing,
11 Defendant went directly to my post office box which had been checked the day before
12 and, apparently, the "surprise" document had been placed in the mail box while the
13 hearing was under way since it was dated the previous day to the hearing. Upon the
14 severity of these acts, appellant respectfully request that subject rulings be over turned
15 and that this case be Dismissed, in total, and allow the Respondent Deutsche Bank, who
16 has never appeared in this case, in any firsthand manner, to re-file, if Respondent so
17 desires.

18 4. On page 2, the Respondent, appears to attempt in bad faith to mislead the Appellate
19 Court by referring to Defendants filings as "Answer and Counterclaims" when, in fact the
20 filings were "Counterclaim as Answer". Furthermore, attempts to relate that the 3rd
21 filings were the 'same' as previous filings, whereas the former was 10 pages and the 3rd
22 Amended was 111 pages. No address is made of the three (3) sworn Affidavits as to fraud
23 by the participants of several members of Counsel, and the Clerk of Court.

24 5. On page 2, Respondent claims that Appellant filed an untimely Motion to Reconsider,
25 when, in fact, the Clerk of Court had failed to deliver Judge Couch's ruling to the
26 Defendant, and the motion was made shortly after receiving that ruling from the Clerk of
27 Court after being confronted by the Defendant re the missing 111 page filing and the lack
28 of receipt of the Judges ruling which was, apparently, purposely mailed to an old, non-
29 existent address. This error was not even addressed by the Clerk of Court who, obviously,
30 received the mailing by return address stamped "no such address" or whatever the USPS
31 may have posted on the return. Previous mailings by the Clerk of Court and Respondent
had been mailed to the proper address, however this very important ruling was treated
differently by the Clerk of Court placing the Defendant at a disadvantage. The court has
NOT addressed that Motion and Request for a Hearing which was filed and paid for by
Defendant.

On page 4, Respondent states that Judge Cooper "did not rule on several issues" as if the
Defendant was not trying to get judge Cooper to so rule. Judge Cooper would not listen to
the pleas of the Defendant, and finally ordered Defendant to "Have a seat." – See page 19,
line 11 of the transcript of that hearing. Judge Cooper "railroaded" this Defendant thru
this hearing for the sole purpose of making his ruling on specific issues and would not

1 hear argument as to the validity of any of the other issues of this case. Judge Cooper is
2 well versed in the law and, in fact, was arguing this case from the bench rather than
3 hearing the testimony of the participants. Judge Cooper overwhelmed the Defendant with
4 his arguments, and removed the Defendant from a defensive position by ordering
5 Defendant to "Have a seat."

6 5. On page 8, Respondent addresses issues re the ruling of Judge Couch, but does NOT
7 inform the Appellate Court that this ruling was made during a time in which the Clerk
8 had "lost" the 111 Page 3rd Amended Counterclaim which Defendant brought to the
9 attention of the Clerk of Court who when first confronted, apparently, suspected that
10 Defendant was falsely claiming to have filed said 3rd Amended Counterclaim, since she
11 required Defendant to bring to her office a stamped copy. Defendant supplied that
12 stamped document the following day since the office was closing. Respondent seems to
13 be misleading the Appellate Court away from the facts of these acts that placed the
14 Defendant in jeopardy, AND caused/allowed Judge Couch to issue the erroneous order to
15 dismiss and refer to Master-In-Equity. Also, Respondent does not address the issue that
16 the Clerk of Court did not forward Judge Couch's order to the Defendant's proper address,
17 and did not even correct the error.

18 Further, on page 8, Respondent misleads the Appellate Court by addressing "ambiguity"
19 of the order when the issue was never about "ambiguity". This misleading was, apparently
20 done so as to support the court cases presented to support the non-existent "ambiguity"
21 argument.

22 6. On page 9, Respondent argues that Appellant did not appeal Judge Couch's order, but
23 fails to advise the court that Judge Couch's order was withheld from the Defendant until
24 the time for Appeal had expired. This was withheld by the Clerk of Court purposely
25 mailing said Order to a nonexistent address to the Defendant and did not correct the error,
26 if in fact it was an error rather than the intent to deprive Defendant of appellate rights.

27 7. On page 10, respondent addresses "standing" from an obscure point of view, but does
28 not advise the Court that Counsel has presented NO first hand proof of standing of
29 Deutsche bank, NOR any proof that Deutsche Bank authorized Counsel to bring the
30 action. Until first hand proof is presented, Defendant maintains that neither exist, and
31 furthermore, counsel is acting as a debt collector on a debt that does not exist as
presented.

8. On page 11, Respondent claims that debtor lacks standing to challenge an assignment
of Mortgage to which he was not a party. Appellant would agree of not having any
challenge of Bank "A" assigning to Bank "B" a Mortgage, HOWEVER, Appellant does
have the standing to point out fraudulent activity of the Plaintiff to help establish
integrity. In instant case Plaintiff had presented a fraudulent document for filing into the
records of Spartanburg County. This fact was brought to the attention of all parties

1 including the Clerk of Court, however none of the parties had the integrity to remove this
2 fraudulent document from the Clerk of Court Office even after being presented with a
3 signed Affidavit of an Officer of the Court, namely John O'Brien, Register of Deeds,
4 Commonwealth of Massachusetts, Southern Essex District Registry of Deeds, Salem,
5 Massachusetts. In those Affidavits, Mr. O'Brien states: "If you are currently being
6 foreclosed upon, this affidavit may be presented to your attorney, the lender, or the court
7 to show that your chain of title has been corrupted." This evidence was filed into the case
8 on November 28, 2012, and has been ignored by all parties. For the Clerk of Court to file
9 such a document and to fail to remove same from the record is fraudulent, and continues
10 to be, and to allow this case to continue in fraud. This is, in of itself, adequate evidence to
11 dismiss, not only Judge Cooper's ruling, Judges Couches ruling, but this entire case with
12 prejudice. There is no standing in this case with a fraudulent document as the basis for
13 standing.

14 On page 15, Respondent alleges that Master-In Equity did not err in refusing to continue
15 the hearings. It is obvious from the transcript that Judge Cooper was arguing this case
16 from the bench on behalf of the Plaintiff and counsel. Judge Cooper, knowing Appellants
17 lack of training in the law, overwhelmed appellant and ultimately ordered Appellant to
18 "Have a seat". There may be positions that Appellant should have confronted Judge
19 Cooper with but instead of giving the Untrained Appellant any kind of assistance acted to
20 assist the plaintiff, by refusing to continue the hearing to a later date so as to allow
21 Appellant sufficient time to gather the information, or even to employ counsel.

22 On page 16, Respondent falsely claim that Appellant is using "legal proceedings solely to
23 delay the foreclosure" which does NOT address any of the allegations in the
24 counterclaims, but is a misleading statement. Further on page 9, Respondent states that:
25 "Deutsche Bank has been deprived of twenty-one (21) months of income...." When IN
26 FACT the Note and Mortgage has been sold well before that time. Proof of such sale was
27 presented showing that the exact mortgage loan number was actively being traded on the
28 open market, AND WAS CURRENT. This evidence was presented via Notarized proof
29 with computer screen shots by a certified expert. To quote that experts opinion: "**The fact
30 that Geary Thomas Dooly & Eleanor S. Dooly's alleged note has been identified as
31 collateral for an 'Actively Trading Asset' which is currently performing as a basis
for the Certificate Holders of the trust with monthly pay outs that shows current to
date, this leads me to question the accuracy of any claims that this loan is in default.
Geary Thomas Dooly & Eleanor S. Dooly's alleged loan is currently active with the
Current Balance of \$137,774. Geary Thomas Dooly & Eleanor S. Dooly's alleged
loan continues to be paid down as it remains in the Trust. Therefore the Trust-
Entity has not suffered any loss or damage from the loan herein."** Signed, Clayton
Cherry, Certified Mortgage Securitization Auditor in the State of Illinois. With this
Notarized expert proof filed and in the hands of counsel for the Plaintiff, continuation of
the case should have long since ceased just on the integrity of, and in good faith of
counsel, however, they continue in spite of the known fraudulent activity. In and of itself,
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1 this is adequate to dismiss this case with prejudice as Appellant does hereby request that
2 this case and all ruling be overturned and dismissed with prejudice.

3 On page 17, Respondent makes a conclusion based on misleading statements, in the face
4 of fraudulent activity, and in the face of undeniable proof of the falsity of claims. The
5 "record", contrarily shows highly questionable activity by the Clerk of Court and
6 members of the counsel team. These real facts yield the "CONCLUSION" of Respondent
7 mute.

8 CONCLUSION OF APPELLANT

9 For the reasons stated above this Appeals Court should reverse the ruling of Judge
10 Cooper and dismiss this case in its entirety. There are Notarized affidavits on the record
11 as attached to "3rd Amended Counterclaim As Answer" by the Appellant and two other
12 unbiased, people with no association with the outcome of this case, thus verifying that
13 Fraud in this case is fact and such is recorded on the record that Counsel, and Court
14 Records. As given herein, and previous presentation filings into this case there is
15 undeniable proof of fraud, Abuse of Office, Obstruction of Justice, Acts of bad faith, as
16 well as other points detailed herein and in filings pertinent to this case. Therefore,
17 Appellant respectfully request that the Court overturn all rulings, and dismiss this case
18 with prejudice. **Finally this case is motioned to be vacated on the basis on all of the**
19 **include and of the "SURPRISE" brought forth by Counsel by failure to provide**
20 **Defendant with information to be heard at Trial by mailing said document the day**
21 **before the Hearing.**

22 And any other disciplinary action against the RESPONDANT(S) and the trial
23 court judge that seem proper and necessary.

24 April 24, 2014

Respectfully submitted,

26 geary-thomas, appellant, sui juris
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29 Phone (864) 978-3426

Geary-Thomas : Proly mis juris

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CERTIFICATE OF SERVICE

I, Geary-Thomas: Dooly, hereby certify that a copy of the following documents have been mailed on or before this date via USPS with proper postage to each party listed:

DOCUMENTS

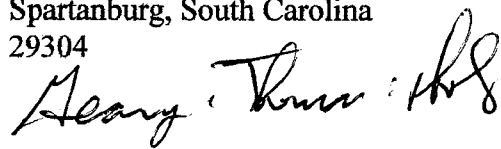
- 1. Initial Reply Brief.
- 2. DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL – Form 14.

PARTY(IES)

Nelson, Mullins, Riley, & Scarborough, LLP
Attn: Sarah R. Anderson (SC Bar # 100007)
Giles M. Schanen (SC Bar # 70391)
P.O.Box 10084
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Date: April 24, 2014

Geary-Thomas: Dooly
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Spartanburg, South Carolina
29304



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SC Court of Appeals

FORM 14

**DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

Court of Common Pleas

Gordon G. Cooper, Master in Equity

Case No. 2012-CP-42-3027

DEUTSCHE BANK NATIONAL TRUST COMPANY,
AS TRUSTEE FOR ARGENT SECURITIES INC.,
ASSET-BACKED PASS-THROUGH CERTIFICATES,
SERIES 2004-W11,

RESPONDENT

v.

Geary Thomas Dooly a/k/a G. Thomas Dooly,

Appellant

**DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

1. COMPLAINT NON-JURY MORTGAGE FORECLOSURE Deficiency
Judgement Demanded Filed: Jul 19, 2012. [A-1]

FORM 14

I certify that, to the best of my ability, this designation contains no matter which is irrelevant to this appeal.

March 12, 2014

geary-thomas, family dooly,
appellant, sui juris
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spartanburg, south carolina [29304]
Phone (864) 978-3426

*Geary Thomas: Bob sui juris
April 24, 2014*

CERTIFICATE OF SERVICE

I, Geary-Thomas: Dooly, hereby certify that a copy of the following documents has been mailed on or before this date via USPS with proper postage to each party listed:

DOCUMENTS

1. Notice of Appeal as filed Clerk of Court Spartanburg County.
2. DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL – Form 14.
3. INITIAL BRIEF OF APPELLANT

PARTY(IES)

Nelson, Mullins, Riley, & Scarborough, LLP
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