

**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  
spartanburg, south carolina [29304]  
Phone (864) 978-3426

**\*The Appellant is not pro se, is not educated in law and is sui juris in all matters.**

**RECEIVED**  
JUN 26 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.

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

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

5. On page 2, Respondent claims that Appellant filed an untimely Motion to Reconsider, when, in fact, the Clerk of Court had failed to deliver Judge Couch's ruling to the Defendant, and the motion was made shortly after receiving that ruling from the Clerk of Court after being confronted by the Defendant re the missing 111 page filing and the lack of receipt of the Judges ruling which was, apparently, purposely mailed to an old, non-existent address. This error was not even addressed by the Clerk of Court who, obviously, received the mailing by return address stamped "no such address" or whatever the USPS 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

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

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

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

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

7. On page 10, respondent addresses "standing" from an obscure point of view, but does not advise the Court that Counsel has presented NO first hand proof of  
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standing of Deutsche bank, NOR any proof that Deutsche Bank authorized Counsel to bring the action. Until first hand proof is presented, Defendant maintains that neither exist, and 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 including the Clerk of Court, however none of the parties had the integrity to remove this fraudulent document from the Clerk of Court Office even after being presented with a signed Affidavit of an Officer of the Court, namely John O'Brien, Register of Deeds, Commonwealth of Massachusetts, Southern Essex District Registry of Deeds, Salem, Massachusetts. In those Affidavits, Mr. O'Brien states: "If you are currently being foreclosed upon, this affidavit may be presented to your attorney, the lender, or the court to show that your chain of title has been corrupted." This evidence was filed into the case on November 28, 2012, and has been ignored by all parties. For the Clerk of Court to file such a document and to fail to remove same from the record is fraudulent, and continues to be, and to allow this case to continue in fraud. This is, in of itself, adequate evidence to dismiss, not only Judge Cooper's ruling, Judges Couches ruling, but this entire case with prejudice. There is no standing in this case with a fraudulent document as the basis for standing.

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

On page 16, Respondent falsely claim that Appellant is using "legal proceedings solely to delay the foreclosure" which does NOT address any of the allegations in the counterclaims, but is a misleading statement. Further on page 9, Respondent states that: "Deutsche Bank has been deprived of twenty-one (21) months of income...." When IN FACT the Note and Mortgage has been sold well before that time. Proof of such sale was presented showing that the exact mortgage loan number was actively being traded on the open market, AND WAS CURRENT.

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This evidence was presented via Notarized proof with computer screen shots by a certified expert. To quote that experts opinion: "**The fact that Geary Thomas Dooly & Eleanor S. Dooly's alleged note has been identified as 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, this is adequate to dismiss this case with prejudice as Appellant does hereby request that this case and all ruling be overturned and dismissed with prejudice.

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

### **CONCLUSION OF APPELLANT**

For the reasons stated above this Appeals Court should reverse the ruling of Judge Cooper and dismiss this case in its entirety. There are Notarized affidavits on the record as attached to "3rd Amended Counterclaim As Answer" by the Appellant and two other unbiased, people with no association with the outcome of this case, thus verifying that Fraud in this case is fact and such is recorded on the record that Counsel, and Court Records. As given herein, and previous presentation filings into this case there is undeniable proof of fraud, Abuse of Office, Obstruction of Justice, Acts of bad faith, as well as other points detailed herein and in filings pertinent to this case. Therefore, Appellant respectfully request that the Court overturn all rulings, and dismiss this case with prejudice. **Finally this case is motioned to be vacated on the basis on all of the**

**include and of the "SURPRISE" brought forth by Counsel by failure to provide Defendant with information to be heard at Trial by mailing said document the day before the Hearing.**

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

Respectfully submitted,

April 24, 2014

geary-thomas, appellant, sui juris  
c/o: post office box 3326  
spartanburg, south carolina [29304]  
Phone (864) 978-3426

*Geary - Thomas: Body, appellant, sui juris*

**FORM 7  
PROOF OF SERVICE OF INITIAL REPLY BRIEF**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM SPARTNBURG 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

I certify that I have served the Initial Reply Brief on Deutsche Bank National Trust Company, as Trustee for Argent Securities Inc., Asset-Backed Pass-Through Certificates, Series 2004-W11 by depositing a copy of it in the United States Mail, postage prepaid, on April 24, 2014, addressed to the attorney of record, Sarah R. Anderson, and Giles M. Schanen, Jr., Post Office Box 10084, Greenville, South Carolina 29603-0084.

April 24, 2014

Geary-Thomas: Dooly  
Post Office Box 3326  
Spartanburg, South Carolina 29304  
(864) 978-3426

*Geary-Thomas: Dooly*

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Geary-Thomas: Dooly  
c/o P.O.Box 3326  
Spartanburg, SC 29306

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JUN 25 2014

**SC Court of Appeals**

South Carolina Court of Appeals  
V. Claire Allen, Deputy Clerk of Court  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: Deutsche Bank v. Geary Thomas Dooly  
Appellate Case #: 2014-000600 [ CCP #:2012 - CP- 42-3027]

Attn: V. Claire Allen:

Recently I received three (3) letters from you as written on June 18, 2014.  
All 3 letters are addressed herein.

**First Letter:** You state that, "Upon reviewing your motion to intervene ...", you noted the deficiencies that, first, the "proof of service" was not in compliance with South Carolina Court Rules, and, second, that I failed to include the required \$25 filing fee. Please be reminded that this Motion to Intervene was NOT a motion to the South Carolina Appellate Court of Appeals (SCACOA), but was a motion rightfully made including a fee IN THE COURT OF COMMON PLEAS of Spartanburg County, and NOT to the SCACOA, therefore, there would be NO fee due to the SCACOA, nor would the rules of the SCACOA apply to that proof of service as filed into the Court of Common Pleas of Spartanburg. Note that this Motion To Intervene was made during a period of time wherein the SCACOA had dismissed Appellate Case # 2014-000600, thus sending Case 2012-CP-42-3027 back to this lower Court. A copy of this Motion To Intervene as filed into the Court of Common Pleas was include in a later filing to the SCACOA as an exhibit.

Therefore, it follows that the deficiencies noted in this "First Letter" are, in fact, not deficiencies at all. If this is not correct, or you do not agree, please notify me.

**Second Letter:** You state that, "Upon reviewing your motion to supplement the record on appeal, the following deficiency.....": The required filing fee has not been submitted.

You are absolutely correct. I was not aware of that requirement, and have enclosed herewith, a Money Order for the \$25 filing fee. Please accept my sincere apology for my oversight.

**Third Letter:** You state that, "Upon reviewing your initial reply brief..... accompanying proof of service is not in compliance.....". with format of Form 7. I agree, Form 7 does include more detailed information. I will use that exact format henceforth. I am enclosing a copy of the initial reply brief with NO verbiage changes made to the body, but includes the Form 7 format for Proof of Service.

Furthermore, you state: "Specifically, the date on your proof of service is April 24, 2014. If that is correct, then your proof of service on the record on appeal was due May 24, 2014. If this date is incorrect, please send an amended proof of service."

This is where much confusion has entered this case due to some unfortunate errors in the three orders issued by The South Carolina Court of Appeals in reference to this case. This case, your # 2014-000600 was "out of your court" for several weeks. For example, the 3rd such order stated, "The respondent's initial brief and designation of matter will be due 6-23-14." Note that this date ordered by the court is approximately a month PAST the date of May 24 that you mention in the above paragraph. All three(3) orders were detailed in my Motion to Supplement Record of Appeal wherein I specifically asked for clarification as to the proper timing for the remaining filings. The documents filed into the Court of Common Pleas of Spartanburg County during the time that this case was dismissed from the South Carolina Court of Appeals are, now, a part of this case.

The next procedure outstanding is "Appellant serves record on appeal on all parties who served a brief per rule 210(a)." IF there had not been erroneous orders, and lapse of this case being in the Appellate Court, and

confusing dates given the case could have moved along in a timely fashion. However, the lapse of time, due to errors and confusion, has moved past what would NORMALLY be the date for "Appellant serves record on appeal..." of May 24, 2014. If Appellant is held to this erroneous date of May, 24, 2014, then any future filings are mute due to what may be called untimely filing. I have no hard feelings re the errors made but certainly have suffered the consequences that need to be rectified by the Court by setting the record back on track via establishing a reasonable time to serve record on appeal by a designated date as below.

**THEREFORE**

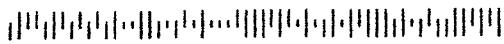
Appellant respectfully request that the Court revise the date to be 20 days from the date that the Court so agrees and notifies the Appellant of the revised May 24 date, so as to do justice in this matter of confusion. Those 20 days will afford less than, but near normal time for preparation of that filing which includes a great deal of copying, etc.

Sincerely,  
Geary-Thomas: Dooly, Appellant

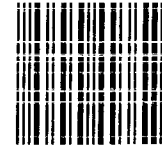
A handwritten signature in cursive script that reads "Geary-Thomas: Dooly".

c: Attys. Sarah R. Anderson and Giles M Schanen, Jr.  
P.O.Box 10084 Greenville, SC 29603-0084

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Box  
Burg South CAROLINA  
29304



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SS Court of Appeals

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