

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Master in Equity

THE HONORABLE Mikel Scarborough, Master in Equity

SC Court of Appeals Case # 2013-002807

CARMEN D. SHEPPARD,
ALAN J. SHEPPARD, etal

Appellant

v.

NATIONSTAR
MORTGAGE, LLC

Respondent,

RECEIVED

AUG 19 2014

SC Court of Appeals

Supplement to MOTION TO STAY EVICTION ORDER

Appellant Carmen and Alan Sheppard place this Supplement to MOTION TO STAY THE EVICTION ORDER served August 18, 2014. The Supplement includes the following that was referenced in the ***MOTION TO STAY EVICTION ORDER that arrived today August 19, 2014***

Items follow Copied persons list below in the following order;

- 1, Writ of Mandamus
- 2, Transcript Jan 7 2014 where Writ is heard
- 3, Motion for New Trial
- 4, Notice of Appeal
- 5, Master in Equity Case with previous client in conflict
- 6, List of actions carried out after NationStar Rep informs Appellant Stay is

in place

7, Recusal from Master in Equity in prior case

8, Notice from NationStar, Foreclosure is on Hold

August 19, 2014

Carmen Sheppard

CARMEN SHEPPARD & ALAN SHEPPARD
462 COMMONWEALTH RD.
MT. PLEASANT, South Carolina 29466
(843) 224-9169
Appellant

Other Counsel of Record:

CC:

Mikell R Scarborough,

Master in Equity

100 Broad St.

Charleston, SC 29401

Hayes, Dean Anthony

NationStar Mortgages, Counsel

PO Box 11264 Columbia SC 29211

Jenny Abbott Kitchings

Clerk of Court

SC Court of Appeals:

1015 Sumter Street

Columbia, South Carolina 29201

Rosalyn W. Frierson

Director

South Carolina Court Administration

1015 Sumter Street, Suite 200

Columbia, South Carolina 29201-3739

Carmen & Alan Sheppard

Appellant

462 Commonwealth Rd

MtPleasant SC 29466

NationStar

v

CARMEN & ALAN
SHEPPARD

2011-CP-10-4201

Writ of Mandamus

And Supporting

Affidavit of Carmen Sheppard

FILED
2014 JAN -6 PM 12:30
JULIE J. ARMSTRONG
CLERK OF COURT
BY

I, Carmen Sheppard, with a primary residence at 462 Commonwealth Rd. Mt Pleasant SC hereby inform the court that there are counterclaims requiring a jury trial in Charleston County Case#2011-CP-10-4201, an action for Foreclosure by Aurora and under Rule 53(b) any party may file a demand for a jury trial under Rule 38 . Other than the counterclaims made note of above, I did not consent to the transfer to Master in Equity as represented to the clerk of court by Attorney David Haller. Mr Haller represented my husband Alan Sheppard as counsel for "Edisto Environmental Group LLC". According to Alan, Mr Haller informed him that he would "take care of our home loan modification" after numerous attempts at a modification were severely mishandled by Aurora who was in the process of being sanctioned by the "Office of Thrift Supervision" for mishandling loans across the board just like our loan modification. This mishandling included constant lost paperwork and abusive fees heaped upon us after we informed Aurora in good faith that we were honest and hard-working homeowners who are down on our luck after a bout with cancer. Regardless, we were put off repeatedly after Aurora demanded large stacks of required documents and paying enormous fees in range from approx. \$8,000.00 to \$30,000.00 that would supposedly complete the loan modification. In an eerie similarity to previous attempts by me and Alan, Mr Haller's attempts to push the process or negotiate have been stalled by the banks for months or over a year until the point that we are even farther behind on our payments and the bank is again threatening foreclosure and bullying us instead of working with us. This is not fair and it's bad practice. Around the end of 2012 with all the information we put together certainly Mr Haller had more than enough to sustain a complete loan modification. After an accident in January 2013 that left Alan's back broken with four crushed vertebra, we hoped that this hardship would find that a complete modification must have been right around the corner. However, by the time Alan heard from his lawyer friend, something had changed and Mr Haller wanted Alan to inform the court of the previous conflicts and material violations relating to our loan modification attempts with Aurora that included **CFR, Title 12 - Banks and Banking § 1026.35 Prohibited acts or practices in connection with higher-priced mortgage loans.** (b) *Rules for higher-priced mortgage loans.* Higher-priced mortgage loans are subject to the following restrictions: (1) *Repayment ability.* A creditor shall not extend credit based on the value of the consumer's collateral without regard to the consumer's repayment ability as of consummation as provided in § 1026.34(a)(4) plus a handful more to go along with this. This foreclosure is based on an \$879,000.00 interest only note on a primary residence of 17 years that was given to a lifelong school teacher who barely made \$40,000.00 a year.

Mr Haller had enough of helping an old client out without any money and informed Alan that he need to attend a hearing as he was going to totally withdraw from this case. It would be at this time that we find that NationStar has now taken ownership of our loan and the case was referred to the Master in Equity who had recused himself from another pending case due to a conflict that remains a conflict. Alan would contact NationStar via their website 800 number and inform them as to the trouble we have had in the past with Aurora Loans. NationStar immediately informed us that they would very much like to work with us on a loan modification especially after hearing the whole story. NationStar now has a new policy where there is one representative for one

client. This one representative for the Sheppard modification would be the loan modification Specialist Ms Kim Cavagnaro. Over the next 30 to 60 days, we would supply Ms Kim with all the forms, hardship letters, tax returns and any other request to meet NationStar's needs' for loan modification according to one of the programs Ms Kim had found for us. I also informed Ms Kim that we were noticed that the lawyer who had been helping with no success has scheduled a hearing to officially withdraw from working on our loan modification. NationStar now had the bulk of the requested documents and Ms Kim stated that she noted our NationStar file that halted the foreclosure process. An email the following day would verify this and Alan would inform the court at the hearing. After arriving at the only hearing regarding our foreclosure the first week of September 2013, Alan had a chance to share the good news with NationStar local Counsel Mr Dean Hayes who figured the hearing to be quick after the update; however, something was going on that did not make sense. According to the 2011-05-02-01 SCSC Mortgage Foreclosure Action Section B,1, all proceedings in the foreclosure action shall be stayed until completion of such foreclosure intervention. The Master in Equity began to take on new issues after Alan notified him of the approved Loan Modification and regardless of this notification carried on as if he had not been informed that Mr Haller had not informed Alan of any of the Mortgage Foreclosure Action as he was in back recovery. I have never spoken with nor met Mr Haller ever.

For this reason, we filed a Motion for a New Trial to repudiate the false representations by previous counsel, the conferences and the hearing scheduled from the first week in October 2013 that continued through until the end of November 2013 that are a direct conflict to the stay in this Act. After the Motion for New Trial was denied and with the realization that multiple hearings took place without either of the Sheppard's presence, a notice of appeal would be filed. An e-mail from NationStar Counsel Mr Dean Hayes informed us that the appeal would not stop the sale on January 7, 2014.

It is for this reason that I file a **Writ of Mandamus** according to **SC Rule 65 (f)(1) Remedial Writs** and let this Affidavit support our Constitutional Right and Demand for a Jury Trial under **Rule 38** with new counsel present thus placing a Stay status in the foreclosure Sale scheduled for January 7, 2014 for 462 Commonwealth Rd. The mistakes or wrongs that have occurred regarding our primary residence foreclosure hearings after transfer without our consent to The Master in Equity along with the Repudiation of previous Counsel's actions on his own accord have found no other viable legal options available other than to move the court to accommodate our demand for a jury trial. The motion for a jury trial under Rule 38 states the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

It is for this reason the request for this Writ of Mandamus is accompanied by **RULE 24(C) INTERVENTION Notice to State When Validity of Statute Questioned. When the constitutionality of a statute is drawn in question in any action in which the State or an officer, agency or employee thereof is not a party, the party shall also serve the motion on the Attorney General.**

It is our goal to have the effort we put forth to engage proper counsel immediately to represent our Home Foreclosure after the withdrawal of Mr David Haller as loan modifier at the hearing on or about September 6, 2013. A refusal or denial to accommodate this Writ will equate to a forced

bankruptcy that will further destroy what is left of formally sound financial standing and reputations of the Sheppard's.

Neither of the Sheppard's are lawyers and have made no attempt to act as one. Both have read considerable amounts of Court Rules to save their home through a Loan Modification and can attest that all of the above are true to the best of our knowledge, so help me GOD.

Signed: Carmen Sheppard Jan.6 2014 Signed: Alan Sheppard Jan.6 2014

Signature Carmen Sheppard Signature Alan Sheppard

STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON FOR THE NINTH JUDICIAL CIRCUIT

AURORA LOAN,)

Plaintiff,)

VS.)

CASE NO.:2011-CP-10-4201

CARMEN SHEPPARD,)

Defendants.)

Hearing before the

Honorable Mikell R. Scarborough,
at 10:00 a.m. on January 7, 2014
2013 at 100 Broad Street, Charleston, South Carolina.

A P P E A R A N C E S

For the Plaintiff: Dean A. Hayes, Esq.
Korn Law Firm
PO Box 11264
Columbia, S.C. 29211

For the Defendant: Carmen Sheppard and Alan Sheppard, Pro se'

[Background noise and conversation from 00:00:00 to 00:15:58]

[Hearing commenced 11:00am.]

Speaker 1: All rise and come to order.

[Background noise and conversation from 00:16:00 to 00:17:24]

Judge Scarborough: All right, quiet we still [inaudible 00:17:25], I got two ... two matters that I've been told that I have, Motions to Stop the sale ... I don't see anything there's [inaudible 00:17:36].

Mr. Sheppard?

Mr. Sheppard: Yes, sir.

Judge Scarborough: Um, I need to make sure that I get clear on this one.

Mr. Sheppard: All right.

Judge Scarborough: There's [inaudible 00:17:54] NationStar versus Sheppard before I just accept [inaudible 00:17:57].

Mr. Sheppard: Yes, sir.

Judge Scarborough: All right, and then to read that ...

Mr. Sheppard: Yeah.

Judge Scarborough: You made [inaudible 00:18:12] you sent a copy to NationStar and we're going to try to get him on the phone OK [inaudible 00:18:14].

Mr. Sheppard: Okay.

Judge Scarborough: Uh, did you bring a court reporter with you this morning?

Mr. Sheppard: I tried ... I called up there to um ... court administration. They ... you really couldn't reach them. I think they got the bad line or something.

Judge Scarborough: All right. I figured with a days' notice [Inaudible 00:18:27]

[Background conversation 00:18:27 to 00:19:08]

Judge Scarborough: Dean? Is this Dean Hayes? All right, you're Dean Hayes? Yes ... yeah ... get the bailiff and set it up where they can

sit down and then they got to move ... and then you'll have a place to sit... [inaudible 00:19:34].

I got Mr. Sheppard [crosstalk 00:19:34] I got what's been filed as a Writ of Mandamus about yesterday at 12:30 [crosstalk 00:19:47].

Mr. Sheppard: Yeah, I copied them too[inaudible 00:19:48]

Judge Scarborough: So I want to make sure you got that. I also looked through the file and I found a Notice of Appeal, okay ...

Mr. Sheppard: Okay.

Judge Scarborough: Have you filed a Notice of Appeal here?

Mr. Sheppard: Yes, sir.

Judge Scarborough: All right. Did you get it? At the end?

Mr. Hayes: I got ... if he ... might even get it Tuesday briefly chambered and I think you might ... you may come in better if you kindly call that number, it's ... it's 25 ... 3-2557, Judge.

The problem is that [inaudible 00:20:28] paperwork are 843-255-5712, 843-255-5712.

Judge Scarborough: All right, I'll call you right back. All right?

Mr. Hayes: Okay.

Speaker 3: Hello.

Judge Scarborough: Yes, this is Judge Scarborough. I'm trying to actually [inaudible 00:21:17] reach Dean Hayes.

Speaker 3: I sure will.

Mr. Hayes: Hi Judge, I greatly appreciate you letting me do that. I thought the connection might be a little better.

Judge Scarborough: Okay, yeah ... I can hear you better and I'm here in the courtroom with Carmen and Alan Sheppard...

Mr. Sheppard: Yes, sir.

Judge Scarborough: ... Sheppard and I got what's actually a Writ of Mandamus and [inaudible 00:21:37] Affidavits from Carmen Sheppard.

Now, I got ... this was filed yesterday ... I got a Notice of Appeal filed ... I don't know if it was filed at all. It's filed December 23 I believe [inaudible 00:21:51]?

Mr. Sheppard: Yes, sir.

Judge Scarborough: And then I also have a Motion for a New Trial [inaudible 00:21:58] I think we dealt with that in the order [inaudible 00:22:04].

Mr. Sheppard: Your Honor, I never ...

Mr. Hayes: Thank you, Your Honor.

Mr. Sheppard: I never got notice of those... any of those hearings. The one ...

Judge Scarborough: I'll give you a Notice of Hearing. You had an attorney at one time, Mr. Sheppard.

Mr. Sheppard: Yes, sir, and he ... when he ... he withdrew ... that was the hearing that I came from and the reason I got that Notice was because he mailed it to me. The other ... the other stuff I never got any of and he certainly wouldn't have ...

Judge Scarborough: All right. Dean, let's set this for [inaudible 00:22:31].

Mr. Hayes: Well, Judge ... um ... we had a Motion for a Summary Judgment immediately prior to David Haller's [assumed spelling] Motion for ... to be relieved as counsel and both were heard the same day. He made the Summary Judgment motion and then granted David Haller's motion to be relieved as council said there was no other hearing, Your Honor.

Judge Scarborough: Okay. So all I think what he's doing ... he filed about the 3rd of October, right?

Mr. Hayes: Yes, sir.

Judge Scarborough: Okay, all right and from that order that incorporated [inaudible 00:23:07].

Mr. Hayes: That's correct, Your Honor.

Judge Scarborough: Okay. All right. Um, you seeing the ... Notice of uh, appeal?

Mr. Hayes: I have [inaudible 00:23:16] Notice of Appeal and I did make copy to ... I think to Judy Dawkins in your office at Spencer Craig and um, I also included Alan uh, Sheppard uh on that uh via email because I didn't have Carmen Sheppard's email that day. I did have Alan Sheppard's email.

Judge Scarborough: Okay.

Mr. Hayes: And I informed him that the appeal did not stay the foreclosure[inaudible 00:23:43]Sale and I included a copy of the statute um showing him that the appeal did not stay the sale [inaudible 00:23:51].

Now, I just wanted it to be clear as I could to let him know that he [inaudible 00:23:58] maybe he just wanted to stay the foreclosure sale [inaudible 00:23:58] but the appeal by itself does not.

Judge Scarborough: Okay. All right, I'm looking at ... how about this Writ of Mandamus? Are you reading it?

Mr. Hayes: Yes, sir. I am ... I'm ready to ... yesterday evening uh ... I mean to me, all it basically says is that um that Carmen ... that ... just Carmen Sheppard uh is just stating that she wants a jury trial and that David Haller really didn't represent her. But I mean the fact is she was properly served with the basic Complaint over two and a half years ago.

Uh, if David Haller did not represent her, then she didn't call ... um, she ... I think they objected to the Order of [inaudible 00:24:49] Reference that David Haller can stand to the Order of Reference [ph] and in regards to her no counterclaims and [inaudible 00:24:54] the answer we were entitled to uh ... to have the case referred to Your Honor in the matter of right anyway under the DAB case.

Mr. Sheppard: Your Honor ...

Mr. Hayes: [Inaudible 00:25:12] so any claim they're talking about in origination, [inaudible 00:25:22], there's no way then that way past the statute of limitations [inaudible 00:25:24]. They've waived their right to a jury trial uh ... again, if there were no counterclaims set forth in their answer and we gave them a chance to um ... to turn into a loan modification. And I ... our office mail them loan modification documents on August ... in August, 2011. We followed up in September and October of 2011.

I didn't receive anything. They mentioned in their ... in their affidavit that they'd been dealing with a Kim Cavagnaro [assumed spelling] at NationStar. I talked to her personally on Monday and last Friday ... yesterday and last Friday and there's nothing we can do [inaudible 00:26:20]. The fact is, that they do not make enough income to support um, the principle balance. It's almost \$900,000, Your Honor. And when we've offered Cash For Keys, my understanding is they're not interested in it. I think ... I think uh ... their stance is they're just going to fight it the whole way through.

Judge Scarborough: All right. Let me hear from [inaudible 00:26:52].

Mr. Sheppard: Well, we really tried of fighting everything and um ... we were under the impression that David just sort of told us he had everything taken care of and that was just nothing further from the truth and uh ... and when I came to that hearing because he said he was going to withdraw and found out that actually ... that's when I found out it was in the Master's hands and I also found out that it was ... that all this other stuff had taken place.

So what we did, is immediately try to find a attorney and you know, we've dealt with our share of scams and you know, paid these people \$1,500 to do this 'til we're, you know, about broke and so we finally found an attorney and um ... you know, all we ask is that you let our attorney just deal with them [inaudible 00:27:38] Let us do a Cash For Keys or something like that. We'd certainly be open to it instead of, you know, just losing our house. We have two 14-year olds and we just ... you know, we're just regular people, too.

Judge Scarborough: All right. Ms. Sheppard, I'm looking at this, it says something about a motion for a new trial and the counterclaim and I've looked through the file I don't see any counter claims and I don't see request for a jury trial were ever filed but [inaudible 00:28:00].

Mr. Sheppard: It's already been filed ... maybe they just never filed it.

Judge Scarborough: They're filed by [inaudible 00:28:07]. So I'm going to ... I'm going to ... I'm going to have to deny your motion. I ... I'm not sure that I have jurisdiction but it comes to a point where a Writ of Mandamus ... a Mandamus to Act on something. Based on the record before me, based on the length of time to take and not hear anything from [inaudible 00:28:31], based on the record ... the matter's been outstanding since 2011.

Mr. Sheppard: What about you give us a chance to have an attorney with us ... you know, deal with them and give us the ...

Judge Scarborough: You had an attorney, that's just your problem. Now, that the lady got you turned down on your modification. Your attorney [inaudible 00:28:41], so he should have warned you at that time as to what was going on.

Mr. Sheppard: All Right.

Judge Scarborough: But ..I'm just going to deny your motion and move forward with the sale [inaudible 00:28:51].

[Crosstalk 00:28:53]

Mr. Hayes: Your Honor, I would issue an Order of Court [inaudible 00:28:54].
I wonder if ...

Judge Scarborough: I will.

Mr. Hayes: Okay, thank you, Your Honor.

Judge Scarborough: I'll do that [inaudible 00:28:58].

Mr. Sheppard: Your Honor, Your Honor...Well, we'd like to ... file a, ... you know,
Right of Rescission on this as well.

Judge Scarborough: You can file whatever [Inaudible 00:29:06] you like

Mr. Sheppard: Thank you.

Mr. Hayes: Judge, thank you.

Mr. Sheppard: Have a good one.

Judge Scarborough: [Inaudible 00:29:17]

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 NationStar Bank)
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)
 Plaintiff,)
 vs.)
)
 Alan and Carmen Sheppard)
)
)
)
 Defendants.)

IN THE CIRCUIT COURT
 CASE NO.: 2011-CP-100-4281

MOTION FOR NEW TRIAL

2013 OCT -1 PM 4:15
 FILED
 JILLIE J. ARMSTRONG
 CLERK OF COURT

This matter is before the Court, pursuant to THE SUMMARY JUDGEMENT filed by the Plaintiff, NationStar and its representative, Dean Hayes, ("Plaintiff"). The Plaintiff has made numerous requests to the Master in Equity during the hearing in September 2013 after the Defendants counsel asked to be removed. The removal of Counsel being granted by the Master in Equity has left Defendants Alan and Carmen Sheppard in the middle of a complex litigation for their primary residence that is being ruled on without details significant to the matter of law at hand being raised by previous counsel due to conflict and fees due from all matters that have been raised in conjunction with this case. Neither Defendants, Alan nor Carmen Sheppard are lawyers and the Defendants have had numerous legal actions forced upon them during the time that previous counsel had remained as counsel and partially represented them at best. It is for this reason that the MOTION for a NEW TRIAL is served on the court. The defendants are currently working to find legal counsel to formally repudiate the actions of previous counsel and make Judicial Note of the actions that have been left out of the current foreclosure hearing. The defendants request access to justice in the foreclosure of their primary owner/occupied residence and will address each of these actions raised in the MOTION for a NEW TRIAL.

The Plaintiff's Affidavit from NationStar and Motion for Summary judgment both served on the Court on June 6 2013 have had zero attention from Defendants previous counsel. As such none of the Defendants intentions, conflicts, rights or right to procedural due process have been expressed or preserved. For this reason, upon learning of the unauthorized act of our previous counsel and intent not to be bound thereby of the outcome Granted in the Plaintiffs Summary Judgment, The Defendants repudiate this act and any other action taken to date by the Plaintiff's counsel promptly. Citing (**Foxworth v. Murchison Nat. Bank, 134 S.E. 428, 136 S.C. 458 (S.C. 1926)**)

1. **2011-05-02-01, The Supreme Court of South Carolina Mortgage Foreclosure Actions**

a. "Foreclosure intervention" shall include any policy, process or procedure employed by a Mortgagee for the purpose of seeking a resolution of a foreclosure action by loan modification or other means of loss mitigation. The Defendants have never received any "Foreclosure Intervention" on their home, "Owner-Occupied dwelling" is defined as mortgaged real property that is the principal residence of any mortgagor. Upon notice of the September 2013 hearing the Defendants see that NationStar's name has replaced Aurora as the loan servicer and contacts NationStar direct via website's 800 number. The Defendant was invited to work out a loan modification on or about August 28 2013 and put together preliminary figures that led the Defendants Loss Mitigation Officer from NationStar to open a Loan Modification file and begin working with the Defendants September 27 2013. According to the 2011-05-02-01 SCSC Mortgage Foreclosure Action Section B,1, **All proceedings in the foreclosure action shall be stayed until completion of such foreclosure intervention. The past hearing and the hearing scheduled the first week in October 2013 are a direct conflict to the stay in this Act and the defendants want to make Judicial Note of both conflicts with the 2011-05-02-01 Act**

2. The Defendants contacted NationStar on their own accord to inquire why the Defendants could not work out a Modification of some kind due to the Extraordinary circumstances cast upon them in the Defendants pending case that has been dismissed and marked "Ended" on numerous occasions while still pending an Appeal in Charleston County Court Case # 2011-CP-10-4537 that has a direct effect on the Defendant pending foreclosure. After learning of the pending case NationStar has provided Access to Justice to the Defendants in the form of a pending "Foreclosure intervention" that includes a loan Modification. NationStar has informed the Defendants that Court Actions have stopped now that the Loan Modification is in progress while the Plaintiff's Counsel and Charleston County Court's MIE continues to proceed with Foreclosure and Assigning Tax implication along with changing basic \$\$ figures to the foreclosure that are way above the comprehension of the Defendants while the Defendant continues to reach out to capable lawyers to represent them in the complexities involved in this case. When Defendants contacted the Plaintiff's counsel to discuss the modification the conversation was defined as having no meaning or relevance towards the ongoing hearings. A clear breach of Due Process and outside the definitions of the SC Supreme Court Mortgage Foreclosure Actions.

3. **SCSC2011-05-02-01 B-1-C, States-** Mortgagor has been afforded a full and fair opportunity to submit any other information or data pertaining to the Mortgagor's loan or personal circumstances for consideration by the Mortgagee. Clearly not true in this case. The defendants want to Make Judicial Note of the crude acts toward the Defendants taken on behalf of Aurora Mortgage that were clearly

outside of any full and fair opportunity in dealings with the Defendants. Further that the Previous Counsel has never made any judicial notes at all regarding the issues and pending actions ongoing with the court so much so that new counsel will need time to simply understand what has not been done for the Defendants and what has been done to the Defendants while previous counsel was not engaging the court. This has ill effects on the Defendants and has caused the Defendants significant hardship as the numerous cases thought to have been properly defended have continued to cause a backed up stack of unresolved matters of law. These legal actions need professional legal attention. This has left the Defendants in a frenzy trying to comply with the Rules of Court on numerous claims simultaneously and is far from a "full and fair opportunity "

4. The Court improperly granted a motion for summary judgment when The Defendant made note during the hearing on or about August 28 2013, which Foreclosure Intervention had begun with the talks between the Defendant and NationStar. This alone should have "stayed" the Hearing according to SCSC Mortgage foreclosure Act. Previous Counsel had emails directing him to submit affidavits and other admissions on file, to show that there "is" genuine issues as to any material fact and that the moving party is not entitled to a summary judgment as a matter of law." Rule 56(c), SCRCP. (Specific issues follow) Clearly there have been some with holding of the Defendants current status regarding pending actions, available foreclosure intervention assistance, etc, etc, etc... that has caused a shift in the balance of justice that can only be corrected by a New Trial in Circuit Court.
5. The previous counsel has taken on his own initiative without a notice to the Defendants regarding this case and other pending cases that were completely resolved but continue to be called back to court. After the repossession of the Defendants primary vehicle in case # 2010CP1007009 that satisfied the Judgment in full. The Defendants reached out to previous counsel to get the details of what is being done for the continued legal assault from the numerous cases. The Defendants were put on notice that previous counsel is "unable to help you any further without being paid. My schedule is too busy to put your case in front of other without being retained formally." Leaving the Defendants in an unfair advantage that can only be sorted out in Circuit Court with a New Trial.
6. The Master in Equity submitted an "Order to Recuse" himself due to the individuals involved in the pending case and I forwarded it to previous counsel in order to show that the MIE has a conflict from the pending case and it has never been submitted. All of the same individuals involved in the original action that the MIE recused himself from are under Federal legal review that finds the same conflict at hand and is another basis for the Defendants Motion for a New Trial in Circuit Court. Previous Counsel was fully informed and has left the Defendants in an unfair advantage.
7. Darrell Creek Homeowners Association, Inc. is noted as a party to the Plaintiffs. Darrell Creek Homeowners Association, Inc. and the Defendants have a mutual release that shows The Defendants are not subject to the Restrictions and fees that is part of the record but continues to show up as a party to Action to the Mortgage company and is another resolved case that is still being pursued in another unresolved matter of law in connection with Charleston County Court that

-
- need to be resolved in a New Trial in Circuit Court
8. The Equity loan listed under TD Bank previously Carolina First Bank is another unresolved matter of law looked over by previous counsel and has significant legal implication involving the current foreclosure proceedings. As the Defendant made note of in the hearing held on or about August 28 2013, the foreclosure and repossession of the Defendants North Carolina Farm that never had a mortgage note on it is being reviewed due to the similarity of documents used on the equity loan being from this same bank. These documents are being reviewed to confirm whether they were used to prepare closing documents to the Defendants North Carolina Farm that Defendants were not a party to. This clearly leaves considerable questions to the matter of law at hand and is another basis to the Motion for a New Trial to be answered in the circuit court with a jury.
 9. Due to the numerous cases that The Defendants have been subject of and due to this extraordinary information significant to the matter of law at hand that was sent to the Defendants previous counsel having not been made note of in these hearings, the Defendants have made a Motion for a New Trial so that the Defendants may be afforded a full and fair trial according to the laws of the State of South Carolina in compliance with the SCSC Mortgage foreclosure Act..

For the reasons set forth above, the Defendants request that the Motion for a New Trial should be granted.



Alan Joseph Sheppard
ProSe Litigant
462 Commonwealth Rd.
Mt. Pleasant, SC 29466
(843) 224-9169
alanjosephsheppard@gmail.com

Mt. Pleasant, SC
30 day of September, 2013.

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

Alan and Carmen Sheppard)
APPELLANT)

VS.)

NationStar Mortgages,)
Counsel Dean Hayes)
RESPONDENT(S))

2011-CP-10-4201
CIRCUIT COURT CASE NUMBER
2011-CP-100-4201
Master in Equity
Mikel Scarborough

IN THE CIRCUIT COURT
OF
CHARLESTON SC

NOTICE OF APPEAL

FILED
2013 DEC 23 PM 1:55
JULIE J. ARMSTRONG
CLERK OF COURT

The defendant Carmen and Alan SHEPPARD hereby gives notice of appeal from the judgment of the Master in Equity's court in the above action, to the Circuit Court, in the County of CHARLESTON.

This notice of appeal is made subsequent to personal notice of the judgment which was received on the 25TH day of December, 2013.

The appellants' exceptions to the judgment of the Master in Equity are set forth as follows:

On Jul 19, 2013 Appellants were informed by the lawyer who had reviewed the numerous issues included in this appeal that he could no longer represent Sheppard's in the matters in the court as he was, "unable to help you any further without being paid". Same counsel notified the court on August 29 2013 and noticed Appellants that it would be in their best interest to attend as the Judge can rule on his own and this would be the only time to inform the court of the information that are relevant to this foreclosure. Appellants made note of several items during the hearing that were of significant relevance to the foreclosure. Some of the items were not given the time of the court after a mention of sensitive items. The information relevant follows;

Appellants made note to Master in Equity Scarborough that there were several items that have not been brought to the courts attention because of lack of payment to previous counsel when the Motion to Withdraw states clearly, "Not because of Payment issues". The Withdrawal is because of the sensitivity of several of the issues that previous Counsel either tried to present or feared the repercussion that has come to others who represent Sheppard's after the Whistle Blowing he has stood firm on. The issues are as follows;

1. Plaintiff's Affidavit from NationStar and Motion for Summary Judgment both served on the Court on June 6 2013 have had zero attention from Appellants previous counsel. The Appellants repudiate this act and any other action taken to date by the Plaintiff's

- counsel promptly. Citing (*Foxworth v. Murchison Nat. Bank*, 134 S.E. 428, 136 S.C. 458 (S.C. 1926)) and file a "Motion for a New Trial" within 5 days as require by SCCR____and allow Appellant to engage a lawyer to represent them in a case a sensitive as their primary residence.
2. 2011-05-02-01, The Supreme Court of South Carolina Mortgage Foreclosure Actions. "Foreclosure intervention" shall include any policy, process or procedure employed by a Mortgagee for the purpose of seeking a resolution of a foreclosure action by loan modification or other means of loss mitigation. The Appellants have never received any "Foreclosure Intervention" on their home.
 - a. Appellants have never been served with "Notice of Rights" as the Order dated November 25 2013 states.
 - b. Appellants were not aware that their case involving numerous issues of conflict, false signatures on loan documents, have not been brought to the courts attention by previous counsel. Along with these, Appellants have prepared packages and supplied documentation, hardship letters, along with copied loan documentation used to compile forged loans and prayers for review of these sensitive documents. None have ever seen the light of day regarding the court in what seems to be the heart of the matter at hand yet still a complete denial.
 3. During the only hearing in September 2013 that Appellants were noticed of on August 29 2013 Judge Scarborough informed both parties that they could speak to each other to work through anything needing attention as Appellants were not lawyers. After beginning to make note of additional relevant matters of law at hand included in Appeal, NationStar Counsel makes note of moving the foreclosure to the first of next year. When Judge Scarborough hears the list of sensitive information relevant to Appellants foreclosure, Appellant is cut short and the date for the sale would be moved up to middle of December 2013. A clear shock to Appellant and Plaintiff's Counsel who tried to defuse the action by looking over to Appellant and telling him that " We're not going to foreclose on you home over Christmas."
 4. Appellant contacted counsel for NationStar and Appellants were informed that there was really no reason to discuss the matters that Appellants "Think" are relevant as the judge has ruled and NationStar does not have to offer Appellants a loan modification. Counsels for NationStar simply assured Appellants that foreclosure sale would not occur over Christmas and ended the call.
 5. The Appellants contacted NationStar on their own accord after the realization that previous counsel is conflicted and intends to withdraw at the hearing inquire as to why the Appellants could not work out a loan modification of some kind due to the Extraordinary circumstances cast upon them in the Appellants pending case. The case is plagued with untimely dismissals and marked "Ended", both on numerous occasions while still pending in Charleston County Court Case # 2011-CP-10-4537, currently in an Appeal with SCCA yet still marked ended by Charleston County Clerk of Court. NationStar has provided Appellant pending "Foreclosure intervention" that began with a loan Modification review starting the day after Appellants are noticed to attend the

hearing where their counsel will withdraw representation. Preliminary Loan Modification approval is given September 5th 2013 along with a note from NationStar that Foreclosure is on hold. Notice falls of deaf ears while the court continues to proceed with Foreclosure and Assigning Tax implication along with changing the mortgage amount from \$880,000 to \$1,175,196.92 . In addition adding a judgment for the same amount in the figures to the foreclosure that are way above the comprehension of the Appellant while the Appellant continues to reach out to capable lawyers to represent them in the complexities involved in this case. A clear breach of Due Process according to the SCSC Mortgage Foreclosure Actions.

6. SCSC2011-05-02-01 B-1-C, States- *Mortgagor has been afforded a full and fair opportunity to submit any other information or data pertaining to the Mortgagor's loan or personal circumstances for consideration by the Mortgagee.* Clearly not true in this case.
7. _ The Court improperly granted a motion for Summary Judgment when The Appellant made note that Foreclosure Intervention had just begun one day prior with the talks between the Appellant and NationStar. Previous Counsel had emails directing him to submit affidavits and other admissions on file, to show that there "is" genuine issue as to any material fact and that the moving party is not entitled to a judgment as a matter of law." Rule 56(c), SCRPC. Clearly there have been some with holding of the Appellants current status regarding pending actions, available foreclosure intervention assistance, financial package, entitlements of the property, and several others... that has caused a shift in the balance of justice that can only be corrected by a New Trial.
8. _ The previous counsel has taken on his own initiative without a notice to the Appellants regarding this case and two other cases where previous counsel responded to Appellants request for action with payment request leaving the cases to implode on Appellants. Another pending case that was completely resolved but continues to be called back to court after the repossession of the Appellants primary vehicle in case # 2010CP1007009 that satisfied the Judgment in full. After reaching out to previous counsel to get the details of what is being done for the continued legal assault, the Appellants were put on notice that previous counsel is again "unable to help you in these legal matters any further without being paid. My schedule is too busy to put your case in front of other without being retained formally." Leaving the Appellants in an unfair advantage to matters of law that can only be sorted out by a jury in Circuit Court with a lawyer representing Appellants.
9. _ The Master in Equity submitted an Order to Recuse himself due to the individuals involved in the pending case and I forwarded it to previous counsel in order to show that the MIE has a conflict from the pending case. Previous counsel informed appellants that he would ask for a hearing to present the conflict then made calls for payment in advance of the hearing. To date neither the conflict nor the request for Judge Scarborough's recusal has never been submitted as far as Appellants know. It remains a conflict.

10. _ Darrell Creek Homeowners Association, Inc. and the Appellants have a mutual release that shows The Appellants are not subject to the Restrictions and fees that is part of this record. It is included as a party to the Action to the Mortgage Company and is another resolved case that is still being pursued in an unresolved matter of law in connection with Charleston County Court cases.
11. _ The Equity loan listed under TD Bank previously Carolina First Bank is another action looked over by previous counsel and has significant legal implication involving the current foreclosure proceedings. The foreclosure and repossession of the Appellants North Carolina Farm that never had a mortgage note on it needs to be reviewed due to the documents used on the equity loan and the farm seem to be the same as Appellants never attended a closing . Both are from this same bank and were used to prepare closing documents to the Appellants North Carolina Farm and clearly leave considerable questions to the matter of law to be answered in the circuit court with a jury and a lawyer present for the Appellants.
12. Due to the numerous cases that The Appellants have been subject of and due to this information that was sent to previous counsel having not been made note of in these hearings at hands, the Appellants have made a Motion for a New Trial within 5 days so that the Appellants may be afforded a full and fair trial according to the laws of the State of South Carolina.
13. _While Appellants waited for the response from the Motion for New Trial several hearing were conducted without Appellants notice or participation. Actions on Plaintiff's and MIE's behalf are detrimental to Appellants case and were never given a chance to be presented to a lawyer by Appellants.
 - a. The principle amount of the house is raised by approximately \$300,000.00,
 - b. The predatory loan practices are the only explanation for an \$880,000.00 mortgage provided to a School Teacher on a \$40,000.00 a year salary with total assets to include the primary residence alone.
 - c. Appellants provided Aurora Loan Services four full packages for a loan modification and Aurora agreed to modify these loans if significant moneys are paid up front. Upon Appellants payments (ranging from \$8,000.00 to \$27,000.00) Aurora would insist upon another loan modification package. Because Appellants office was in the law office suite of CC Harness III, several lawyers were overlooking all of Appellants documentation. Previous Counsel initiated contact with Aurora on his own accord to "Take care of this crap" and it became overbearing with the pending case and Appellants business associate CC Harness III passing away. Appellants have continued to work on the second dwelling and loan modification of their primary residence that has appraisals showing comps from \$1 million to over \$3 million due to the unique waterfront and island on highland of approximately 2 acres. Appellants were never made aware of mortgage assigned to NationStar in any way.

- d. The first priority lien has been the focus of Appellants who have committed to whatever is needed to secure their HOME. Yet information to and from the court has halted
 - e. Plaintiffs have targeted Appellants last asset and primary residence as the plaintiff is "arranging and coordinating the amount to be bid by plaintiff" at the sale where plaintiff can get hold of the property that will make their books look better with the great deal they are getting on the Appellants foreclosure.
 - f. Tax implications beyond Appellants comprehension are imposed increasing to mortgage of the Appellants primary residence by approximately \$300,000.00 and include items of the likes of "Corporate Advances of \$4,665.87" and have caused Appellants to struggle and grieve right up through till the day prior to Christmas Eve when this Notice of Appeal is due.
 - g. Carolina first Loan Case # 09-CP-10-6666 conflicts are ignored and simply piled on to Appellants after cries for help are shutout
 - h. Equipment foreclosed with NC Farm in case #10-CP-10-4988 is added to the pile. Both Case # 09-CP-10-6666 and case #10-CP-10-4988 take place while Appellant is recuperating from 1st and dealing with 2nd cancer yet no one will take the cries for help with the primary resident
 - i. , Claims are imposed on the order stating Appellants intended to misapply funds borrowed against primary resident along with other claims while the court was informed by appellant that from one equity loan on the resident there were 3 mortgages applied while Appellant was out of commission with Cancer. These funds would be lost to the fraud that was committed on the Appellants and is tried to be brushed under the rug at the beginning of January 2013 when Appellant injury of four Crushed Vertebrae or broken back leaves previous counsel to let another piling on of debts and outrages claims to cover up the case of Fraud on the Appellants that caused injury to the Appellants in a minimum amount of \$20,000,000.00.
 - j. Outrageous claims of Unjust Enrichment/ Restitution can only be explained by someone trying to crush Appellants into ground before their lawyer is able to perfect Appellants Appeal and making Appellants out to be someone they are in no way any part of. Only a Prayer for Justice and a trial will save this family born and raised in Charleston SC.
 - k. In the biggest conflict all of this was done after Appellants informed the court that Appellants are in fact in loan modification review with Nation Star. This shift in the balance of justice can only be corrected by a Jury in a New Trial.
14. The Recusal with Judge Scarborough in the first case that involved the fraud that the Appellants are dealing with has very similar time delaying tactics that were used during Judge Scarborough's acting as a lawyer for the fraudsters. In one specific case#1997CP0800315, The case ran for over 3 years starting in 1997 where the case is pushed as far down the road as possible to cause maximum harm to anyone who attempts a suit. In Appellants first Case against Escrow agents for deliberate wiring

\$500,000 funds into wrong account, where the fraud came to light Judge Scarborough would hold the case for approximately 6 months after referred to MIE after Appellant is dealing with second cancer since case began. When the actual fraud came to light in November 2010, The facts were extremely damning shaking the foundation of Justice and Judge Scarborough would recuse himself and send case to General Sessions for another 6 months

15. Previous long term work for a client of much influence should be cause enough for recusal but recusing himself as previous counsel was supposed to have made a Judicial Note of in these hearings with previous counsel never happened. In place of this previous counsel withdrew himself and the Judge has not been recused. The Judge has now written an order that would force Appellant out of home (on Christmas day) into the street or into a Bankruptcy where the case would be out of the hands of Appellants where other conflicts are waiting.
16. _Because of the numerous conflicts in Charleston County and the numerous cases that simply cannot or will not be heard, Appellants will ask that a Change of Venue be Granted after Appellant is allowed to present the complete list of conflicting actions that have found hearings scheduled on top of other hearings where each case is requiring legal answers and proper documentation to simply get through without being crushed. Motions to Dismiss, Summary Judgments and other courtroom tactics to keep Appellant from presenting the case that seems to be the heart of the conflicts and other outside influences that have found every lawyer over the course of these cases to ask to be withdrawn or cite a conflict after engaging to represent the Appellants.

Here the Plaintiff persisted with the court in hostile actions to remove Appellants from their home after being informed that every attempt was being made to complete an approved loan modification. The loan modification was approved before Plaintiffs' counsel moved the court during Appellants loan modification review to change the figures that directly affected the loan modification and caused the High Loan Specialist to "Deny" the loan. Documents and mailings to be shared during appeal.

Many a lawyers that have stepped up to help my family and I navigate these treacherous Halls of Justice in Charleston SC only to cite a conflict or withdraw at the 11th hour. There is something going on. The Appellants want to make home payments and continue to strive as loving parents in their home even if they are all alone in their pursuit of happiness. After the influence of standing up to giants runs off the strongest of friends and business associates all but the strongest cowl. In my case, after searching the state of SC, a lawyer who understood the extremely complex case of fraud that has unfolded in front of Appellants is feverishly working to meet deadlines associated with that case in the SCCA and right the wrongs that have piled up during these times.

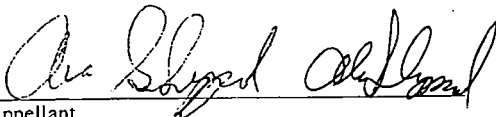
I am not a lawyer and will not pretend to cite proper law here. I have done my best to tell the truth So Help Me GOD. I do give my word that I am preparing my case to be present to our

lawyer to make sure it is properly handled and presented to the South Carolina Court of Appeals according to the Rules of the Court per SC Code of Law.

Please find this prayer for an appeal a genuine attempt at Justice that has been overlooked in the case of Appellants home case that has been overlooked, hopefully, from the nature of the court heavy workloads.

I can attest that the above statements are correct to the best of my knowledge, So help me GOD.

Dated: December 23, 2013


Appellant

Alan Sheppard
Appellant
462 Commonwealth Rd
MtPleasant SC 29466

Mikell R Scarborough,
Master in Equity
100 Broad St. Ste. 427
Charleston, SC 29401

Hayes, Dean Anthony
NationStar Mortgages, Counsel
PO Box 11264 Columbia SC 29211

Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals:
1015 Sumter Street
Columbia, South Carolina 29201.

Rosalyn W. Frierson
Director
South Carolina Court Administration
1015 Sumter Street, Suite 200
Columbia, South Carolina 29201-3739

Walter I, jr Pelon , plaintiff, et al VS Thelonas W Bennett ,

Case Number:	1997CP0800315	Court Agency:	Common Pleas
Case Type:	Common Pleas	Case Sub Type:	Assault/Sldr/Lib 300
Status:	Settled	Assigned Judge:	Cole, J. Derham
Disposition:	Withdrawn or Settled by Parties	Disposition Date:	03/09/1999
Original Source Doc:		Original Case #:	
Judgment Number:		Court Roster:	

Case Parties

Click the icon to show associated parties.

Name	Address	Race	S
<input checked="" type="checkbox"/> Bennett, Thelonas W			
Birch;hollow mobile home park			
Darby development co inc			
<input checked="" type="checkbox"/> Farrier, Richard Ashby Jr	Nelson Mullins Riley & Scarborough, LLP P.O. Box 1806 Charleston SC 29402		
Gibson, Edward Paul	Riesen Law Firm, LLP 3660 W. Montague Ave. N. Charleston SC 29418		
Pelon, Louise Ann			
Pelon, Walter I, jr			
<input checked="" type="checkbox"/> Shoun, Cheryl	Taylor Shoun Bowley & Byrd 39 Broad St., Ste. 101 Charleston SC 29401		
<input checked="" type="checkbox"/> Whipper, Jackson Seth	Whipper Law Firm 4592 Durant Avenue North Charleston SC 29405		

Actions

Name	Description	Type	Motion Roster
Pelon, Walter I, jr	ORDER (CASE SETTLED PER ATTY GIBSON) J/COLE	Filing	
Pelon, Walter I, jr	ORDER OF DISCONTINUANCE (J/COLE)	Filing	
Bennett, Thelonas W	MOTION IN LIMINE, CERT OF SERVICE	Motion	
Pelon, Walter I, jr	MOTION TO AMEND ANSWER ON BEHALF OF WALTER I	Motion	
Pelon, Walter I, jr	CERTIFICATE OF MAILING	Filing	
Pelon, Walter I, jr	CERTIFICATE OF MAILING	Filing	
Bennett, Thelonas W	MOTION TO AMEND ANSWER, CEERTIFICATE OF MAILING	Motion	
Bennett, Thelonas W	MOTION FOR LEAVE TO AMEND ANSWER	Motion	
Bennett, Thelonas W	DEF DARBY DEV CO DBA BIRCH HOLLOW MOBILE HOME	Filing	
Bennett, Thelonas W	MOTION FOR LEAVE TO AMEND ANSWER (ATTY SHOUN)	Motion	
Bennett, Thelonas W	DEFENDANT DARBY DEVELOPMENT CO DBA BIRCH HOLLOW	Filing	
Bennett, Thelonas W	CERTIFICATE OF MAILING	Filing	
Pelon, Walter I, jr	ORDER (VACATES ORDER FILED ON 6-29-98 (D) DARBY	Filing	
Bennett, Thelonas W	ORDER (DEF DARBY DEV) MOTION FOR SUMMARY JUDGMEN	Motion	
Pelon, Walter I, jr	PLAINTIFFS' MEMO IN OPPOSITION TO DEF DARBY	Filing	
Pelon, Walter I, jr	AFFIDAVIT OF SHERRAN T WINGLER	Filing	
Pelon, Walter I, jr	AFFIDAVIT OF ANNA FOUTS	Filing	
Pelon, Walter I, jr	AFFIDAVIT OF JAMES R WALKER	Filing	

Pelon, Walter I, jr	CERTIFICATE OF SERVICE	Filing	
Bennett, Thelonas W	DARBY DEF CO DBA BIRCH HOLLOW MOBILE HOME PARK'S	Filing	
Bennett, Thelonas W	NOTICE OF APPEARANCE (ATTY WHIPPER)	Filing	
Pelon, Walter I, jr	RULE 40 - NOTICE OF HEARING	Filing	
Bennett, Thelonas W	DARBY DEVELOPMENT CO INC DBA BIRCH HOLLOW MOBILE	Filing	
Bennett, Thelonas W	CERTIFICATE OF SERVICE	Filing	
Pelon, Walter I, jr	RULE 40 - NOTICE OF HEARING	Filing	
Bennett, Thelonas W	NOTICE OF APPEARANCE, CERTIFICATE OF SERVICE	Filing	
Pelon, Walter I, jr	CONSENT ORDER STRIKING PLAINTIFF LOUISE ANN	Filing	
Pelon, Walter I, jr	RULE 40 - NOTICE OF HEARING	Filing	
Pelon, Walter I, jr	PLAINTIFFS' REPLY TO DEF THELONAS W BENNETT'S	Filing	
Pelon, Walter I, jr	CERTIFICATE OF SERVICE	Filing	
Pelon, Walter I, jr	CERTIFICATE OF MAILING	Filing	
Bennett, Thelonas W	ANSWER OF DEF DARBY DEVELOPMENT CO INC DBA BIRCH	Filing	
Bennett, Thelonas W	DEF DARBY DEVELOPMENT CO INC DBA BIRCH HOLLOW	Filing	
Bennett, Thelonas W	ANSWER OF DEF THELONAS W BENNETT, CERT OF SERVIC	Filing	
Pelon, Walter I, jr	AFFIDAVIT OF SERVICE (THELONAS BENNETT 3-22-97)	Filing	
Pelon, Walter I, jr	AFFIDAVIT OF SERVICE (DARBY DEV CO 3-6-97)	Filing	
Pelon, Walter I, jr	SUMMONS, COMPLAINT	Filing	

6

Aurora Loan Services LLC	Master/Master's Order Of Foreclosure & Sale	Order	Surprise Order shows up at Sheppards house day before thanksgiving noting sale days prior to Christmas. All done while Sheppards have worked out a Modification. The Change in figures	11/25/ 11:28
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			would directly cancel the Modification that has a HAMP limit of \$1,100,000 Multi Family	
Aurora Loan Services LLC	JUDGMENT - \$1,175,196.92	Action		11/20/ 11:30
Aurora Loan Services LLC	Order of Foreclosure & Sale to Clerk's Office.	Action		11/20/ 11:29
Aurora Loan Services LLC	Case file with docs to MRS to execute decree	Action		11/12/ 15:34
Aurora Loan Services LLC	Hearing Held - No Sale before January 7, 2014	Action		11/12/ 15:34
Aurora Loan Services LLC	Dean Hayes to submit Order; file in judy's office	Action	Dean Hayes and MIE Scarborough are not only moving on foreclosure sale but are now changing figures of Sheppard mortgage adding over \$300,000 to mortgage	10/21/ 14:01
Aurora Loan Services LLC	Defendants did not appear for motion - denied	Action	NationStar sent notice to Sheppard that Foreclosure is on hold along with constant dialog regarding an	10/21/ 14:01

			approved modification	
Aurora Loan Services LLC	Hearing held before the Judge on 10/02/13	Action		10/21/ 14:01
Sheppard, Alan	Motion/Motion Filing Fee	Filing		10/01/ 16:13
	Motion/New Trial by defendant, proof/srv	Motion	Sheppard file Motion for New Trial after NationStar Counsel and MIE Grants S/J and continue with Foreclosure after being informed of current modification with NationStar at September 6 2013 Hearing.	10/01/ 10:24
Aurora Loan Services LLC	Certificate/Mailing Hearing Notice	Filing	Sheppard did not receive notice of Hearing	09/23/ 10:03
Aurora Loan Services LLC	HEARING - October 2, 2013 @ 10:00 am	Action	This hearing is scheduled while modification is ongoing	09/20/ 11:30
Aurora Loan Services LLC	Masters Note - Hearing held - S/J granted OTF	Action	Sheppards attend hearing. Master is informed that Sheppards have	09/06/ 12:15

			<p>modification going with NationStar and Forclosure will not proceed. Figures will not be updated. Everything on hold pending modification.</p> <p>Its also apparent here that previous Counsel has withheld numerous items from the court and has</p>	
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STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 Alan Sheppard, Ed Sheppard,)
 Randy Bates, Eddie White,)
 Dan Radovanick, individually and as)
 members of Wando River, LLC,)
)
 Plaintiff,)
)
 vs.)
)
 William O. Higgins, Trenholm Walker)
 and Clay McCullough,)
)
 Defendants.)

Master in Equity
 IN THE FAMILY COURT
 CASE NO.: 09-CP-10-5838

FILED
 2010 JUN 23 PM 12:43
 JULIE J. AUSTIN, TRONG
 CLERK OF COURT

ORDER

This matter came before me for a telephonic hearing on June 21, 2010. Present for this meeting were Amy Campbell Kelly, Attorney for Plaintiffs, M. Dawes Cook, Jr. and Alissa DeCarlo, Attorneys for Defendants, Trenholm Walker and Clay McCullough, and Page M. Kalish, Attorney for Defendant William O. Higgins.

At this meeting, the Judge disclosed that he was being represented by one of the Defendants in a Federal Court matter and announced that he believed he should recuse himself due to this conflict of interest. No Party objected to this recusal.

IT IS THEREFORE ORDERED that Judge ~~R. Mikell Scarborough~~ is hereby recused as the presiding Judge in this case, and this case shall be restored to the Common Pleas docket for further proceedings.

AND IT IS SO ORDERED.

[Signature]
 Honorable R. Mikell Scarborough
 Master-in-Equity for Charleston County

Charleston, SC
15 day of June, 2010.

Sheppard Mortgage Package.

3 messages

Alan Sheppard <alanjosephsheppard@gmail.com>
To: kimberly.cavagnaro@nationstarmail.com

Wed, Oct 9, 2013 at 8:41 AM

Kim,

Good morning,

I sent you an email and left you a message regarding the package I sent over or more specifically the attached documents you requested along with the form we filled out on line and I wanted to see if we could go over everything and make a final checklist before we move forward.

I know you must be busy but look to hear from you.

Best Regards,
Alan

Alan Sheppard
(843)-224-9169

Please consider the environment before printing documents.

This communication and its attachments contain privileged and confidential information, intended only for the individual to whom it is addressed. Access, disclosure, or distribution on any of it by anyone else is strictly prohibited. If you have received this communication in error, please delete it without retaining any copies and notify the sender.

Kimberly.Cavagnaro@nationstarmail.com
<Kimberly.Cavagnaro@nationstarmail.com>
To: Alan Sheppard <alanjosephsheppard@gmail.com>

Wed, Oct 9, 2013 at 9:35
AM

I have a meeting most of the morning. We can catch up this afternoon or first thing tomorrow morning. Just give me a call when convenient. I have your foreclosure on hold.

Kimberly Cavagnaro
Nationstar Mortgage
214-687-4765

PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Master in Equity

THE HONORABLE Mikel Scarborough, Master in Equity

SC Court of Appeals Case # 2013-002807

CARMEN D. SHEPPARD,
ALAN J. SHEPPARD, etal

Appellant

v.

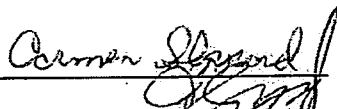
NATIONSTAR
MORTGAGE, LLC

Respondent,

PROOF OF SERVICE
Supplement to MOTION TO STAY EVICTION ORDER

I certify that I have served the *Supplement to MOTION TO STAY EVICTION ORDER* on Respondent' and Judge by hand delivering a copy of it in the **Master in Equity** office, on August 19, 2014, addressed to their attorney of record, Hayes, Dean Anthony (addresses below)

August 19, 2014


CARMEN SHEPPARD & ALAN SHEPPARD
462 COMMONWEALTH RD.
MT. PLEASANT, South Carolina 29466
(843) 224-9169
Appellant

Other Counsel of Record:
CC;

**Mikell R Scarborough,
Master in Equity
100 Broad St.
Charleston, SC 29401**

**Hayes, Dean Anthony
NationStar Mortgages, Counsel
PO Box 11264 Columbia SC 29211**

**Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals:
1015 Sumter Street
Columbia, South Carolina 29201**

*Rosalyn W. Frierson
Director
South Carolina Court Administration
1015 Sumter Street, Suite 200
Columbia, South Carolina 29201-3739*

**Carmen & Alan Sheppard
Appellant
462 Commonwealth Rd
MtPleasant SC 29466**

PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Master in Equity

THE HONORABLE Mikel Scarborough, Master in Equity

SC Court of Appeals Case # 2013-002807

CARMEN D. SHEPPARD,
ALAN J. SHEPPARD, etal

Appellant

v.


NATIONSTAR
MORTGAGE, LLC

Respondent,

CORRECTED PROOF OF SERVICE
MOTION TO STAY EVICTION ORDER

I certify that I have served the ***MOTION TO STAY EVICTION ORDER*** on Respondent' and Judge by hand delivering a copy of it, on August 19, 2014, addressed to their attorney of record, Hayes, Dean Anthony (addresses below)

August 19, 2014


CARMEN SHEPPARD & ALAN SHEPPARD
462 COMMONWEALTH RD.
MT. PLEASANT, South Carolina 29466
(843) 224-9169
Appellant

Other Counsel of Record:
CC:,,

**Mikell R Scarborough,
Master in Equity
100 Broad St.
Charleston, SC 29401**

**Hayes, Dean Anthony
NationStar Mortgages, Counsel
PO Box 11264 Columbia SC 29211**

**Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals:
1015 Sumter Street
Columbia, South Carolina 29201**

Rosalyn W. Frierson
Director
South Carolina Court Administration
**1015 Sumter Street, Suite 200
Columbia, South Carolina 29201-3739**

**Carmen & Alan Sheppard
Appellant
462 Commonwealth Rd
MtPleasant SC 29466**

Carmen & Alan Sheppard
462 Commonwealth Rd
MtPleasant SC 29466

Jenny Abbott Kitchings/ Ms. Elizabeth
Clerk of Court
SC Court of Appeals:
1015 Sumter Street
Columbia, South Carolina 29201

Ref; Supplement to Motion to Stay SC Court of Appeals Case # 2013-002807

Ms. Jenny Abbott Kitchings

August 19, 2014

Please find the Supplement to the Supplemental **Motion to Stay and proof of svc**. It includes the attachments to the Motion to Stay and serve as reference for the South Carolina Court of Appeals.

Included

;

1. This letter
2. Supplement Motion for Stay
3. Proof of Svc Supplement Motion for Stay
4. Corrected proof of SVC
5. Signed Designation of Matter

Please do not hesitate to contact me with any questions or suggestions regarding my filings. As I am not an Attorney.

Regards

Alan Sheppard

Alan Sheppard

843-224-9169

RECEIVED

AUG 19 2014

SC Court of Appeals