

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

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

Philip E. Wright, Special Referee

Case No. 2013-002373

H & R Block Bank, FSB,

Respondent

73016

v.

Ziraili M Elbey, a/k/a/ Ziraili
Mohassan El Bey,

Appellant

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

Appellant, by ORDER of the SC APPEALS COURT dated July 17, 2014 is duly in compliance 1) by submitting a filing fee of one hundred US dollars, 2) by filing an amended designation of matter including all matters (see list attached) to be included in the record on appeal within ten days of said ORDER. This form meets Rule 267 regarding appearance. Please find filing fee attached.

July 23, 2014

By: Ziraili M Elbey
Ziraili M Elbey, *In Propria Persona*
9789 Charlotte Highway, #400-191
Ft. Mill, South Carolina, 29707
(803) 233-2665

Other Counsel of Record:
Chad Wilson Burgess, Esquire
3800 Fernandina Rd., Ste 110
Columbia, South Carolina, 29210

May it please this court, here is a listing of designation of matters previously filed with the honorable SC Court of APPEALS and submitted February 03, 2014.

1. Appellant sent mortgage payoff to H & R Block, Bank, FSB, a mortgage servicer. Recorded DEED OF FULL RECONVEYANCE, in Lancaster Register of Deeds # 2010002834, March 17, 2010, BK:MORT# 2220; PG: 72-77, and MORTGAGE SATISFIED recorded MORT: BK 2175, PG: 343, dated March 17, 2010

H & R Block, Bank,FSB, Respondent's Assignment of Real Estate Mortgage, dated March 29, 2006 recorded in county of Lancaster, SC four (4) years later – August 5, 2010 in Book 2265 at Pg 129, appears fraudulent with nationally known Robo-signers

Banks', Respondent's Foreclosure Initial Complaint, Summons & Notices – January 14, 2011

Banks' Respondent's "**CERTIFICATE OF NO RECORD**" certified by **Mark Hammond, SC Secretary of State** stating that his office had no record of a corporation using the name **H & R BLOCK BANK, FSB** to conduct business in the state of South Carolina. 2005-Present

Defendant in Error Answers – February 04, 2011

Bank, Respondent fail to record with the Lancaster Register of Deed's office a new Assignment of Real Estate Mortgage to NATIONSTAR MORTGAGE INC. IN Lewisville, TX, dated November 5, 2011.

"NO" verbal Testimony

Order of Foreclosure - August 22, 2012 – Court of Common Pleas – Lancaster, SC
Defendant in Error files Bankruptcy – August 24, 2012

Appellant, again, paid Bank, the respondent (to new mortgage servicer, NATIONSTAR MORTG COMPANY, payoff Department, 350 Highland Drive, Lewisville, TX 75067) recorded DEED OF FULL RECONVEYANCE, in Lancaster Register of Deed# 20130002512, BK:MORT 2618, PG: 242-260 ,dated February 19, 2013, and DEED# 2012002511 BK: DEED 715; PG: 233-251,dated, February 19, 2013, plus SATISFIED MORTG BK# 2600, PG 270, DATE: February 19, 2013

Administrative Order of August 01, 2013 to Restore Civil Case No. 2011-CP-29-00035, submitted by Banks', Respondent violated SC sham pleadings Section 16-17-735, dated

2003 and 15 – Chapter 15-75-60, 2005 and Chapter 30-9-30, 2007, which is the SC Supreme Court’s order dealing with sham pleading filing. Respondent, the bank violated, the sham pleading laws according to Special Referee found in Final Hearing Transcript, dated October 24, 2013, PG 38-40, (see pg. 39, line 1-18) Final Transcript using a Supreme Court order relating to FAMILY COURT FORMS rendered by Justice Toal in February 1992 and February of 2006 to restore Court of Common Pleas Civil case, not FAMILY COURT FORMS

Order of Foreclosure - November 14, 2013

Hearing at Lancaster Court of Common Pleas – October 24, 2013

Lancaster Court of Common Pleas

Final Hearing Transcript – October 24, 2013 - Creel Court Reporting, Inc. 803-252-3445

The CourtIncluded as The Court

Mr. BurgessIncluded as Mr. Burgess

Ms. El BeyIncluded as Ms. El Bey

2. Defendant’s Evidence Exhibits from Lower Court Pleadings-Copies Previously submitted:

- a) Bank One, N.A. v. Dave, State of Michigan Circuit Court, Case# 03-047448-CZ
- b) Chet Adams Co. v. James F. Pederson Co., 413 SE 2D 827- S.C.: SUPREME Court (1992)
- c). Deutsche Bank v. Heinrich, Charleston, SC, Ct of Common Pleas, 9th District,Case. No. 2011-CP-10-1060, July (2013)
- d) Two (2) Deeds of Full Reconveyance & Recorded Mortg Satisfaction
- e) Certificate of No Record – The State of South Carolina, Secretary of State
- f) Examination of Assignments Mortgage by M. McDonnell
- g) Executive Summary – Forensic Professionals Group USA
- h) Fannie Mae Loan Lookup Results
- i) Full Securitization Audit for Elbey (2011)
- j) SC Assignment filed by Plaintiff with Robo-Signers
- k) SC Chief Justices’ Administrative Order issued June 5, 1992
- l) Mortgage, Note & Allonge [altered documents, not original]

**PROOF OF SERVICE OF TO AMENDED DESIGNATION OF
MATTER ON RECORD OF APPEAL**

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

Philip E. Wright, Special Referee

Case No. 2013-002373

H & R Block Bank, FSB,

Respondent

v.

Ziraili M Elbey, a/k/a/ Ziraili
Mohassan El Bey,

Appellant

PROOF OF SERVICE

I certify that Brock & Scott, PLLC, Attn: Chad Burgess, 3800 Fernandina Rd., Ste 110, Columbia, South Carolina, 29210 received a copy of the Amend Record on Appeal by depositing a copy of it in the U.S. Mail, postage prepaid, on July 23, 2014 addressed to H & R Block Bank, FSB, its attorneys of record, Brock & Scott.

July 23, 2014

By: Ziraili M Elbey
Ziraili M Elbey, *In Propria Persona*
9789 Charlotte Highway, #400-191
Ft. Mill, South Carolina, 29707
(803) 233-2665

RECEIVED

JUL 28 2014

SC Court of Appeals

Certificate of Appellant

The undersigned hereby certifies that the Amended Designation of Matter Record on Appeal contain all material as listed and copies previously submitted and proposed to be included by any of the parties and not any other material. Also, the initial filing fee is included of US one hundred dollars.

July 23, 2014

By: Ziraili M Elbey
Ziraili M Elbey, *In Propria Persona*
9789 Charlotte Highway, #400-191
Ft. Mill, South Carolina, 29707
(803) 233-2665

Ziraili M Elbey

9789 Charlotte Highway, 400-191, Ft. Mill, South Carolina, 29707

July 23, 2014

Jenny Abbott Kitchings, Clerk
The South Carolina Court of Appeals
P.O. BOX 11629
Columbia, SC 29211

RE: Ziraili Elbey v. H & R Block Bank, FSB
Appellate Case No. 2013-002373

Dear Clerk Kitchings:-

Please find enclosed the response to ORDER, dated July 17, 2014 which was received July 23, 2014.

The initial filing fee of one hundred US dollars in the form of USPS money order is also enclosed to comply with the above mentioned ORDER.

Sincerely yours,

By: Ziraili M Elbey
Ziraili M Elbey, *In Propria Persona*
9789 Charlotte Highway, #400-191
Ft. Mill, SC 29707
(803) 233-2665

Enclosures:

Money Order – Filing Fee
7 Copies of Amended Designation of Matters Record on Appeal
Chad Wilson Burgess, Esquire

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JUL 28 2014

SC Court of Appeals

Appellant, Ziraili M Elbey certifies that the items, and amended designation of matters record on appeal reference case no. 2013-002373 contains no matter which is irrelevant to this appeal, plus proof of service through USPS to respondent's lawyers. 07/23/2014

FT Mill, SC 29707



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29211

DO NOT BEND

FIRST CLASS

RECEIVED

JUL 28

SC Court of A

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7-26

Jenny Abbott Kitchings, Clerk
The South Carolina Court of Appeal
P.O. BOX 11629
Columbia, SC 29211

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