

Resent - Original - with - Attachment
2014-001371

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court
Case no: 2014-001371

Pages 1 of 5
Attachments-110

APPEALING the South Carolina's APPEAL COURT
Appellate Case no. 2012-213208

RECEIVED

APPEAL of Dorchester County Circuit Trial
Court of Common Pleas

AUG - 4 2014

Master of Equity/serving as Circuit - Judge Maite D. Murphy
Case no: 2012-CP-18000539

S.C. Supreme Court

Roger L. WhaleyPetitioner

vs.

South Carolina Federal Credit Union and Bank of America Respondents.

**PETITIONER/WHALEY'S REPLY TO RESPONDENT/BANK OF AMERICA'S RETURN
TO APPELLANT'S PETITION FOR A WRIT OF CERTIORARI**

COMES NOW, Petitioner/Appellant/Roger L. Whaley/a/k/a Petitioner/Whaley's Reply to Respondent Bank of America/a/k/a Respondent/BOA's, document titled "Bank of America's RETURN to Appellant's PETITION FOR A WRIT OF CERTIORARI... Pursuant to Rule 242(f), SCACR...and...Rules 242(c) and 262(b)"²; whereas, Respondent/BOA's "...Return..." dated 7/22/2014 and its alleged CORRECTION "RETURN" dated 7/24/2014, Never! comply with South Carolina Appellate Court Rules 242(f)&(c), NOR with this Supreme Court's Instructions for CORRECTIONS written in its LETTER dated "JULY 24, 2014" cc: copied to said Respondents BOA/and SCFCU; which the Supreme Court wrote that "...You will need to SERVE and FILE an AMENDED RETURN that FULLY INCORPORATES...CORRECTIONS...provide this COURT with an ORIGINAL and 6 copies of the AMENDED RETURN along with a PROOF OF SERVICE showing that a COPY of the AMENDED RETURN has been SERVED on OPPOSING COUNSEL."; Respondent/BOA NEVER provided any supportive law/nor UPHELD any of Respondent/BOA's own! said above provided RULES, so to "PERFECTED" TIMELY/nor proper SERVICE Delivered of BOA's REQUIRED "RETURN" to Petitioner/Whaley's Writ of Certiorari, when BOA's NEVER filed a REQUIRED AMENDED "RETURN" with a PROOF of SERVICE of BOA's said CORRECTIONS as of the alleged date 7/24/2014, which CANCELED BOA's 7/22/2014 ADMITTED! Erred! "RETURN", which NEVER! "PERFECTED" any Delivered Proof of Services to Petitioner/Whaley, on, before, nor after the date July 25, 2014, which shows Respondent/BOA again! FAILED! to COMPLY with the South Carolina Appellate Court Rule which also! involves "...Where there are novel questions of law." Pursuant with SCACR Rule 242(b)(1)

As Petitioner/Whaley further Reply as follows:

¹ (a/k/a Petitioner/Appellant/Whaley's)

² SCACR 242(f) states - a "...Return to Petition...SHALL SERVE a copy of his RETURN on Opposing counsel, and SHALL FILE with the Clerk of the Supreme Court one original and six (6) copies of his RETURN and PROOF OF SERVICE SHOWING that the RETURN has been SERVED." Although! Respondent/BOA's SECOND! Supreme Court filed "RETURN" dated 7/24/2014 ADMITS! its 7/22/2014 field Pleading/with PROOF OF SERVICE was INCORRECTLY FILED, and this SUPREME COURT's "July 24, 2014" LETTER / CC: Copied to BOTH RESPONDENTS/BOA and SCFCU, shows ANY and/or ALL written CORRECTIONS, MUST! be filed as- "...an AMENDED!! RETURN! that FULLY! INCORPORATES these CORRECTIONS...will NEED to PROVIDE! this! COURT!! with an ORIGINAL and 6 COPIES of the AMENDED RETURN along!! with a PROOF OF SERVICE showing that a COPY of the AMENDED RETURN has been SERVED on Opposing Counsel!"; This said SUPREME COURT Letter also dated "JUNE 25, 2014" SENT COPIES of its INSTRUCTIONS "cc: to Jody A. Bendenbaugh, Esquire, Erik Tison Norton, Esquire, Tara C. Sullivan, Esquire...", whom all said BOA's Attorneys are alleged to be with the LAW FIRM, "NELSON MULLINS RILEY & SCARBOROUGH LLP", (as well this Supreme Court SENT its SAME said INSTRUCTIONS to [This Petitioner/Whaley] and! a COPY to Respondent/SCFCU's alleged Law Firm's Attorneys, Drew Hamilton Butler, Esquire, Shelia Marlowon Bias, Esquire, Caleb Martin Riser, Esquire), showing that ALL LICENSED ATTORNEYS in this said case matter - "...FILING SUBMITTED BY COUNSEL Admitted in South Carolina MUST INCLUDE Counsel's BAR Number."; Although! Respondent SCFCU's ATTORNEYS filed "RETURN" NEVER! SUPPLIED ALL their said REQUIRED BAR! Number.s JUST as, Respondent/BOA, never! TIMELY! "PERFECTED" SERVICES pursuant with BOA'S said Rules SCACR 242(c)&262(b) in BOA's "RETURN" in an AMENDED/CORRECTIONS, PROOF OF SERVICES on 7/24/2014; therefore, BOA filed an "UNTIMELY Return" to Petitioner/Whaley's PETITION for a Writ of Certiorari dated JULY 24, 2014...". And BOA ADMITS! its 7/22/14 "Return" also made ERRORS!! which SHOWED Respondent/BOA NEVER! SERVED! this! SUPREME! COURT! (as NO! SUPREME COURT CASE Number was located on the said 7/22/2014 "RETURN") RESULTED in BOA 7/24/2014 "RETURN" DELETED!! BOA's 7/22/2014 "RETURN"; And BOA's 7/24/2014 Correction "RETURN" was not "PERFECTED" in a REQUIRED Amendment; (Exh. a,aa, A, A1)

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As Petitioner/Whaley further Reply as follows:

¹ (a/k/a Petitioner/Appellant/Whaley's)

² SCACR 242(f) states – a "...Return to Petition... SHALL SERVE a copy of his RETURN on Opposing counsel, and SHALL FILE with the Clerk of the Supreme Court one original and six (6) copies of his RETURN and PROOF OF SERVICE SHOWING that the RETURN has been SERVED." Although! Respondent/BOA's SECOND! Supreme Court filed "RETURN" dated 7/24/2014 ADMITS! its 7/22/2014 field Pleading/with PROOF OF SERVICE was INCORRECTLY FILED, and this SUPREME COURT's "July 24, 2014" LETTER/ CC: Copied to BOTH RESPONDENTS/BOA and SCFCU, shows ANY and/or ALL written CORRECTIONS, MUST! be filed as: "...an AMENDED!! RETURN! that FULLY! INCORPORATES these CORRECTIONS... will NEED to PROVIDE! this COURT!! with an ORIGINAL and 6 COPIES of the AMENDED RETURN along!! with a PROOF OF SERVICE showing that a COPY of the AMENDED RETURN has been SERVED on Opposing Counsel!"; This said SUPREME COURT Letter also dated "JUNE 25, 2014" SENT COPIES of its INSTRUCTIONS "cc: to Jody A. Bendenbaugh, Esquire, Erik Tison Norton, Esquire, Tara C. Sullivan, Esquire...", whom all said BOA's Attorneys are alleged to be with the LAW FIRM, "NELSON MULLINS RILEY & SCARBOROUGH LLP", (as well this Supreme Court SENT its SAME said INSTRUCTIONS to [This Petitioner/Whaley] and! a COPY to Respondent/SCFCU's alleged Law Firm's Attorneys, "Drew Hamilton Butler, Esquire, Sheila Mariouvon Bias, Esquire, Caleb Martin Riser, Esquire", showing that ALL LICENSED ATTORNEYS in this said case matter – "...FILING SUBMITTED BY COUNSEL Admitted in South Carolina MUST INCLUDE Counsel's BAR Number."; Although! Respondent SCFCU's ATTORNEYS filed "RETURN" NEVER! SUPPLIED ALL their said REQUIRED BAR! Number.s JUST as, Respondent/BOA, never! TIMELY! "PERFECTED" SERVICES pursuant with BOA'S said Rules SCACR 242(c)&262(b) in BOA's "RETURN" in an AMENDED/CORRECTIONS, PROOF OF SERVICES on 7/24/2014; therefore, BOA filed an "UNTIMELY Return" to Petitioner/Whaley's PETITION for a Writ of Certiorari dated JULY 24, 2014...". And BOA ADMITS! its 7/22/14 "Return" also made ERRORS!! which SHOWED Respondent/BOA NEVER! SERVED! this! SUPREME COURT! (as NO! SUPREME COURT CASE Number was located on the said 7/22/2014 "RETURN") RESULTED in BOA 7/24/2014 "RETURN" DELETED!! BOA's 7/22/2014 "RETURN"; And BOA's 7/24/2014 Correction "RETURN" was not "PERFECTED" in a REQUIRED Amendment.) (Exh. a,aa,A, A1)

RESPONDENT/BOA's ADMITTANCE! in its said dated "RETURNS" 7/22/24/2014 SHOWS! the APPEALS COURT (in ERROR/or Otherwise/due to KNOWN BIAS INTEREST, of APPEALS/or Supreme Court's BOARD MEMBER, Mr. BEATTIE B. ASHMORE, whom RESPONDENTS!/or/BOA's hired ATTORNEYS, [& the STATE! COURT! Appointed 3-HEBREW BOYS' LLC/a/k/a 3-HB, & CAPITAL CONSORTIUM GROUG, LLC/a/k/a CCG -> ATTORNEY/LAW FIRM] NELSON MULLINS RILEY & SCARBOROUGH, LLP ADDED! as a PARTY/and MATERIAL WITNESS involving PETITIONER/Whaley's STOLEN! Cashier's CHECKS, since year 2007) upheld the Lower Trial COURT's Granted "EMAILED" MAY 26, 2012 Instruction ORDER that DISMISSED PETITIONER/Whaley's COMPLAINT, BOA's RULES in its 7/22/24/2014 "RETURN" SHOWS!/or/ADMITTS! the LOWER TRIAL COURT'S "EMAILED" Delivered SERVICES, WAS NEVER! a "PERFECTED" Delivery "...PROPER METHOD OF SERVICE ...(to) TIMELY PERFECTED..." Delivered SERVICES to PETITIONER/Whaley and to RESPONDENTS/BOA and SCFCU - Pursuant with SCACR 242(c) and Rule 262(b) ⁴

1. Respondent/BOA's page 2, of its said erred "RETURN" filed 7/22/2014 & Erred Correction "RETURN" 7/24/2014, ADMITS "...a PROPER METHOD of SERVICE...NOT TIMELY PERFECTED...See Rules 242(c) and 262(b), SCACR..." confirmed in the below footnote 3, shows BOA's said provided RULE(s) SCACR 242(c) & 262(b) supports BOA's FIRST! written EMAILED!! ORDERs (See Exh. Dd & a-2; & Exh. I thru XVII-L/C 5-8-12 Transcript pgs 9,10,11,12; and Exh. XVII thru XXIX, pgs 1,4,5,6,7,**9#11-25;pg 10-#1-18) shows the Lower Trial Court, Delivered EMAILED! Services were NEVER! a "Perfectd" Services to be UPHELD by the S.C. Court said Rules and Procedures, upheld by BOA's own! provided RULES (pursuant with SCACR 210(c) & SCRCF 10(c); which BOA'S own! provided Rule 242, in its RETURN dated 7/22/24/2014 shows "Where there are novel questions of law".

³ And Respondent/BOA's ATTORNEYS, NELSON MULLINS RILEY, & SCARBOROUGH LLP, was/or IS!, YET! known!! and UNDISPUTED!! by Respondent/BOA/nor by - the LAW FIRM of NELSON MULLIN RILEY & SCARBOROUGH LLP - to be (doing an! INTENTIONAL! CONFLICT! OF INTEREST in Petitioner/Whaley's Case Matter - as being the hired/onpaid/ by RICHLAND County's STATE! COURT! JUDGE(s)! APPOINTED! LAW FIRM-ATTORNEYS (Since the YEAR 2007) as being the STATE! COURT! Appointed RECEIVER/or the STATE! Court! appointed to be RECEIVERSHIP to CONTROL!, also the BUSINESS, DANIEL DEVELOPMENT GROUP, LLC/a/k/a DDG, an Entity (whom RESPONDENTS/or/BOA) ADMITTS! in their MOTION(s) TO DISMISS, filed in the LOWER TRIAL COURT Records, and in the APPEAL COURT RECORDS, as DDG being a Entity with the BUSINESS/3-Hebrew Boys LLC, (and the 3-HB's Managers Tony POUGH, Timothy McQUEEN, & Joseph BRUNSON) doing Business with Petitioner/Whaley's CASHIER's CHECK's named PAYEE/CCGI BUSINESS!, whom BOA's own! SAME said Legal REPRESENTATIVE, Nelson, Mullin, Riley, Scarborough, LAW FIRM wrote, and SIGNED as BOA's filed PLEADINGS attached! as BOA's PRODUCED Documents filed!! in THIS! said CHARLESTON, COUNTY - STATE! COURTS! CIVIL! Case Matter alleging to involve Petitioner/Whaley's Cashier's CHECKS and! Whaley's Cashier's CHECKS named/PAYEE/CCG; with Respondent/BOA- ADMITTING! that the said RICHLAND COUNTY's Yet! Pending/and/or Closed! STATE! COURT! and FEDERAL! COURT! issues are ALLEGED to be the SAME! ISSUES! involving PETITIONER/Whaley's "THEFT"/or STOLEN, Cashier's Checks, which BOA and SCFCU ADMITTS! allegedly were involved in an alleged PONZI SCHEME (as to EACH of BOA/and SCFCU's CLEAR! written! signed! UNDERSTANDINGS) is the SUBJECT! MATTERS! in of PETITIONER/Whaley's filed Law Suit. *(See attached a few! of BOA's produced EXHIBITS PRODUCED! to PETITIONER/Whaley as BOA's (AND SCFCU's) alleged documented EVIDENCE to be FILED in Lower Trial Court Records on the DATE! MAY 8, 2012.

*(Attached Trans. Exhibits I thru XVI; & pgs 3,4,5,8,9, & see 10-#1 & 17-19 - SWORN State! COURT TRANSCRIPT - ADMITTS! Petitioner/Whaley ALWAYS produced Documents/and CLAIMED - CCG NEVER! DEPOSITED CCG's MONEY in BANK OF AMERICA, as to WHY! BOA's documents shows BOA TURNED the UNCLAIMED THOUSANDS of Individuals' Cashiers Checks MONIES made out to CCG - BOA UNCLAIMED DEPARTMENT Manager, ADMITTED to TURNED CCG's UNCLAIMED Cashier's CHECKS Monies (that were PLACED in A DIFFERENT - Unknown ACCOUNT Number - at BOA) - PETITIONER/Whaley ALWAYS Claimed in the LOWER TRIAL COURT - was UNCLAIMED!! MONIES - BOA - was FORCED! Legally to released! to STATE DEPARTMENT OF REVENUE; which Petitioner/Whaley PROVIED PRODUCED! DOCUMENTS from BOA to DEPARTMENT OF REVENUE RETURNING! some of CCG's Constituents' FULL! MONEY REFUNDS made out in CASHIER'S CHECKS to CCG.)

*(See attached Transcript EXHIBITS XVII thru XXIX) dated Aug. 29, 2012 - review pages 1,4,**5,6,7,**9,**10- SHOWS! TRIAL JUDGE - DEFEATS! show UNTRUTH!! of BOA (and SCFCU's) ERRED! Filed "RETURNS" CLAIMS filed in this SUPREME COURT 7/22/24/2014, which are the continued UNTRUTHFUL CLAIMS filed in the said APPEAL COURT Records; (See BOA's Mt to DISMISS 10/24/2013 pgs 2,3);

⁴ Respondent/BOA's page 3, ADMITS the APPEALS COURT is alleged to be GOVERNED by SCACR Rule 242(c)& 262(b)- which states the METHOD of SERVICES...under 262 - "... (b) Service. Whenever under these Rules service is required or permitted to be made upon a party represented by an attorney the service shall be made upon the attorney unless service upon the party himself is ordered by the appellate court, Service upon the attorney or upon a party shall be made by delivering a copy to him or by mailing it to him at his last known address or, if no address is known, by leaving it with the clerk of court. Delivery of a copy within this Rule means: handing it to the attorney or to the party; or leaving it at his office with his clerk or other person in charge thereof; or, if there be no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving a copy at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein. Service by mail is complete upon mailing."; WHICH NEITHER! said above written METHOD do not mention in Rule 262(a) nor (b) that a METHOD of EMAIL would be PROPER "Perfectd" DELIVED SERVICES; Therefore shows RESPONDENT/BOA's ADMITTED! EMAILED! Delivered SERVICES GRANTED by the said Lower Trial Court, and/in ERROR, UPHELD by the Appeals Court, is pursuant with 242(b)(2) -shows "...Where there is a dissent in the decision of the Court of Appeals."

2. Respondent/BOA, filed Admitted! Erred!!/Corrections! in its "RETURNS" dated 7/22/&24/2014 prepared by BOA's own! paid LAW FIRM's attorneys at Nelson Mullins Riley & Scarborough, continue! on BOA's page 1, wrote that "Appellant's PETITION is largely UNINTELLIGIBLE", (*written by the LAW FIRM Officials at Nelson, Mullins, Riley & Scarborough, who continue! to Intentionally! [In Retaliation] INSULTI Petitioner/Whaley, WHOM Respondent/BOA, DO NOT DISPUTE!, [Roger L. Whaley, is an alleged VICTIM!, which Whaley's COMPLAINT Claims! ALWAYS claimed his said CASHIER'S CHECKS/MONEY FUNDS were by "Conspiracy" and "THEFT" involved Respondent/BOA)* resulting in Respondent/BOA and its ALSO! paid/LAW FIRM, Nelson, Mullins, Riley, Scarborough in Retaliation continue! to INSULT Petitioner/Whaley, although! RESPONDENT/BOA's Admits! to its said LAW FIRM's continued! ERRED!! "RETURNS" claims which shows ADMITTED Errors, or CORRECTIONS, when! Respondent/BOA NEVER! directly DENIED/nor DISPUTED any! of Petitioner/Whaley's written claims in the Writ of Certiorari. Which shows Respondent/BOA's Erred "RETURNS", is not in compliance with BOA's own! rule SCACR 242(f).⁵

2a): Respondent/BOA's ADMITTED! ERRED! "RETURNS" dated 7/22/&24/2014, is also ADMITTED or shows that Respondent/BOA never! filed his said admitted! CORRECTIONS, by filing an AMENDED RETURN, which is the subject of WHY Respondent/BOA was to file its said Corrections in its required "RETURN", which is UNTIMELY filed according to Respondent/BOA's own provided RULES SCACR 242(c)(d)(f), and provided absolutely no! EVIDENCE to support Respondent/BOA's claims and (insinuated) allegations under its SCACR Rule 242(b)&(e), which this said SUPREME Court's provided INSTRUCTIONS cc: Copied ALSO to Respondent/BOA's Attorneys "Jody Alan Bedenbaugh, Tara C. Sullivan, Erik Tison Norton, Esquires, dated "JULY 24, 2014", which ADMITTED any! and ALL CORRECTIONS must be filed as a "...AMENDED RETURN that FULLY INCORPORATE ...CORRECTIONS."

3. Respondent/BOA's both said shown ADMITTED! erred "RETURNS" dated 7/22/2014 & 7/24/2014, admits! to its reliance upon Petitioner/ Whaley's "...APPEAL was DISMISSED on FEBRUARY 27, 2014..."⁶ (See attached Exhibits AA, A2, AA1, & AAA), which the Appeals Court's ORDER dated February 27, 2014, wrote/and/or admits! the Appeals Court's reliance upon Respondent/BOA's "...filed MOTION TO DISMISS this APPEAL..." due to the Appeal Court's ONLY! provided written Case LAW "...Henning v. Kaye, 307 S.C. 436, 437, 415 S.E. 2d 794, (1992)"⁷; which Henning v. Kaye is a SUPREME! COURT! RULED DECISION that CONFLICTS! with the APPEAL

⁵ SCACR 242(f) states; "...Return to Petition. Within *thirty (30) days after service of the petition, respondent shall serve a copy of his return on opposing counsel*, and shall file with the Clerk of the Supreme Court one original and six (6) copies of his *return and proof of service showing* that the return has been served. The return shall include an argument on each question."

⁶ Respondent/BOA's ONLY! relies upon the Rules, SCACR, 242(d) (4),(2) & 242(f) admits! that an Argument is required! to be filed in a "RETURN to Petition", and in a "Content of Petition"/or 242(d)(2) states/or ADMITS that - "...Questions presented for review... ONLY! THOSE!! QUESTIONS! RAISED! in the Court of APPEALS! and! in the PETITION FOR REHEARING SHALL!! BE INCLUDED!! in the PETITION! for WRIT of CERTIORARI AS A QUESTION PRESENTED!! TO! the SUPREME COURT." (See Exh. C,C1,C2,C3,C4; Petitioner's filed Appeals Mt for Rehearing)

⁷ See attached Exhibits-1J-1J-2J-3J-4, 1-4a; Exhibits D, D-0, Da, Daa; Exh. D-1; Exh. A-1a; Exh. A-1b; - are Respondent/BOA's filed "...MOTION to DISMISS APPEAL and Opposition to Appellant's...MOTION FOR JUDGMENT against!! Respondent/BANK OF AMERICA or REQUEST to REMAIN that!! said RESPONDENT MATTER BACK to Lower Trial Court with INSTRUCTION, to Enter DIRECT JUDGMENT in FAVOR of Plaintiff/APPELLANT Roger Whaley... dated SEPTEMBER 30, 2013, and Alternatively, MOTION TO STRIKE! PARTS! of APPELLANT's DESIGNATION of MATTER"; Appellant/Whaley's RESPONSE to RESPONDENT! BANK of AMERICA's...UNTIMELY filed 'ALTERNATIVELY, MOTION TO STRIKE PART of APPELLANT'S DESIGNATION OF MATTER' and MOTION TO DISMISS APPEAL and OPPOSITION to Appellant's Letter to Clerk a/k/a MOTION FOR

COURT's Order Decision of February 27, 2014, that Granted Respondent/ BOA's (UNTIMELY filed) Dismissal-which is pursuant with SCACR Rule 242(b)(3), to be in FAVOR! of PETITIONER/Whaley, when BOA's and! the APPEAL COURT's ONLY provided CASE LAW Henning v. Kaye – NEVER!! SUPPORTED the APPEALS COURT's Granted Dismissals dated FEBRUARY 27, 2014 and MAY 22, 2014, when the Appeals Court's ONLY! provided Case Law Henning v. Kaye, ADMITS! Respondent/BOA's Appeal Court's filed MOTION TO DISMISS was! to be "DECLINED"/or DENIED;

(Whereas this Supreme Court's Case Henning v. Kaye—supports Petitioner/Whaley Writ of Certiorari MUST be Granted. Pursuant with SCACR 242(b)(3)&(5) involves "...Where the decision of the Court of Appeals is in conflict with a prior decision of the Supreme Court." and "...Where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court."; as well as involves Rule 242(b)(4) "...Where substantial constitutional issues are directly involved."; along with Rules SCACR (2) & (1).

4. ** Respondent/BOA's above dated erred "RETURNS" ADMITS! in its written Statements and provided ONLY Rules ⁸ under SCACR 242(b)(c)(d)(e)(f), and under SCACR 262(b) ⁹, continue to insinuate, State's! Appeal Court's Granted Orders of 2/27/2014 & 5/22/2014, (although! in error/or otherwise due to BIAS personal known said INTERESTS, involving Respondent/ BOA's added claims and PARTY, with a "FEDERAL!!" alleged! "RECEIVER" Mr. BEATTIE B. ASHMORE, [whose two! said JOB titles, as an alleged APPOINTED RECEIVER, at! the SAME! time! being on this! SUPREME/or Appeals COURTS BOARD, are against 28 USC 958] which caused Bias Interest involving the said Appeals Court, and POSSIBLY this said SUPREME COURT – whose OFFICIALS who can not rule an UNBIAS Decision, regarding RESPONDENT/BOA's own! ADMITTANCE that PETITIONER/Whaley is indeed a KNOWN!! "VICTIM" involving the THEFT!! of his said MONEY FUNDS, which involves a question , "...Where substantial constitutional issues are directly involved...";

4a): Respondent/BOA also filed its RULE pursuant with SCACR 242(b)(4), which involves Respondent/ BOA's MOTION to DISMISS, pages 2 & 3 dated 10/24/2013, shows BOA Untruthful claims that the Lower Trial Court's May 8, 2012 Hearing, EMAILED!! INSTRUCTED ORDERS of Judge Murphy's, "...Order DISMISSING the COMPLAINT finds that the COMPLAINT was UNINTELLIGIBLE...", which – Respondent/BOA also! ADMITS that -

"...Appellant's!! PRIMARY!! OBJECTION!! appears to be that! the TRIAL! COURT! provided the GROUNDS! for!! its! RULING!! in! an! EMAIL!! to! COUNSEL! for!! BOA! with a COPY! to Appellant! and! SCFCU! and REQUESTED that COUNSEL! for BOA! DRAFT!! the PROPOSED! ORDER...". *(See attached Lower Trial Court's EMAILED ORDER-Exh. Dd, and Respondent/BOA's "RETURN" dated 7/22/24/2014-Exh. AB,1,2,3; Exh. B,1,2). Shows Respondent/BOA.

JUDGMENT against RESPONDENT Bank of America/for Request to REMAIN...pursuant with SCRAP 208[a][2][4] & [b][7]": "APPELLANT/WHALEY'S OBJECTION and DENYS ALL of SOUTH CAROLINA FEDERAL CREDIT UNION'S Frivolous Claims and REQUEST to...APPEALS COURT in its LETTER dated 'OCTOBER 22, 201' addressed to S.C. COURT of APPEALS CLERK, Jenny A. Kitchings'...when SCFCU's OWN! LETTER! dated 'OCTOBER 23, 2013' QUOTED!!/or CLEARLY! Wrote! that Appellant/Whaley's MOTION is -...AGAINST! Respondent BANK OF AMERICA', filed dated October 24, 2013; Petitioner/Whaley's "PROOF OF SERVICE" Exh. A-1a, dated OCTOBER 14, 2013; and Appeals COURT's LETTER, dated "OCTOBER 10, 2013" -requesting Petitioner/Whaley's "MOTION FOR JUDGMENT "Deficiency" of his PROOF of SERVICE; Whaley's 9/30/13 Mt Judgment.

⁸ RESPONDENT/BOA's both written erred said dated "RETURNS" & PROOF OF SERVICES (Exhibits, A, A-1; AB,1,2,3, & Exh. B,1,2,); and! the APPEALS COURT's Final Order/for Judgment dated MAY 22, 2014 (See Exh. A-2), shows NEITHER! Respondent/BOA, nor! the APPEALS Court's PROVIDED absolutely! NO! CASE! LAW! which could POSSIBLY!! supports the Appeals Court's ORDERED DISMISSAL on the date 5-22-2014, when the APPEALS Court's February 27, 2014 ORDER only provided CASE LAW Henning v. Kaye indeed RULED to "DECLINED" and/or DENIED!! Respondent/BOA's filed (Improper!and UNTIMELY) Motion to Dismiss; which Favored! Petitioner/Whaley's Writ for Certiorari MUST be Granted.

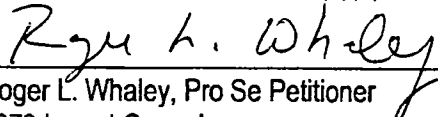
⁹ SCACR 262(b) Service. "...Whenever under these Rules service is required or permitted to be made upon a party represented by an attorney the service shall be made upon the attorney unless service upon the party himself is ordered by the appellate court. Service upon the attorney or upon a party SHALL!! BE! MADE! by DELIVERING A COPY to him or by MAILING it to him at his last known address or, if no address is known, by leaving it with the clerk of court. Delivery of a copy within this Rule means: handing it to the attorney or to the party; or leaving it at his office with his clerk or other person in charge thereof, or, if there be no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving a copy at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein. Service by mail is complete upon mailing."

5. Respondent/BOA's admitted! Appeal's Court granted Respondent/BOA's (UNTIMELY/and illegal) filed Motion to Dismiss dated 10/24/2013, located on its page 2 & 3, alleged that the Lower Trial Court's "...ORDER dismissing the Complaint FINDS THAT the COMPLAINT was UNINTELLIGIBLE..", allegedly, FIRST Instructed in a EMAILED ORDER! from the Lower Trial Court's Judge Hearing held on May 8, 2012, written "...in an EMAIL...REQUESTED that Counsell! for! BOA!! DRAFT! the PROPOSED! ORDER...". But the EMAILED ORDER 5-26-12, shows BOTH Counselors were Ordered to present EACH of their own! PROPOSED Order, as well as, see Attached EXHIBITS Transcript(s) dated May 8, 2012 and August 29, 2012, shows Respondent/BOA's said paid! LAW FIRM, Nelson Mullins, Riley & Scarborough, LLP is also UNTRUTHFUL, as to the lower trial Court JUDGE, ADMITS Petitioner/Whaley's filed Complaint and verbal presentation in OPEN COURT admitted! "...Certainly YOU are very well SPOKEN and Articulate. You have presented YOUR DOCUMENTS and YOUR CASE LAST! TIME! (May 8, 2012 hearing was) VERY! CLEARLY!, and I CERTAINLY! DO RECALL! that you did.";

5a): But Respondent/BOA ADMITS! or shows the said Lower Trial Court (in Error! or Otherwise Bias Interest) approved RESPONDENT/BOA's written PROPOSED ORDER, UNTRUTHFULLY/and Insulting Petitioner/Whaley, by Ordered that Petitioner/Whaley's COMPLAINT and REPRESENTATION of his PRODUCED DOCUMENTS were allegedly "UNINTELLIGIBLE". Pursuant with SCACR 242(b)(2)

5b): Therefore, shows Respondent/BOA both said "RETURNS" are continued! UNTRUTHFUL claims, which are not only! ADMITTING! to BOA's ERRORS/ and is UNTIMELY to this said Supreme Court, which is yet! non-CORRECTED by Respondent/BOA, as to its SECOND "RETURN" is filed INCORRECTLY, since it yet has not filed an AMENDED Correction as of 7/24/2014; but indeed BOA's other filed RULES under SCACR 242 and 262(b), and Petitioner/Whaley's filed rule ROPC 1.7, shows BOA's Law Firm is representing BOA, ALSO is a CONFLICT of INTEREST with Petitioner/Whaley, and Whaley's Cashier's Checks named Payee/CCG, which involves very serious issues, which Respondent/BOA's ATTORNEYS ADMITS! involves FEDERAL RECEIVER, LAWS that Interferes! with ONGOING! STATE!! COURT! appointed RECEIVER, LAWS which BOA! ADMITS! involves PETITIONER/Whaley! as a "VICTIM", but who is victimized involving BOA – as to QUESTIONS " - "where substantial constitutional issues are directly involved. ¹⁰ Pursuant with SCACR Rule 242(b)(4).

Dated July 31, 2014


Roger L. Whaley, Pro Se Petitioner
8673 Laurel Grove Lane
North Charleston, S.C. 29420

PROOF OF SERVICE NEXT PAGE...

¹⁰ "(As the Lower trial court Judge Murphy's verbal ADMITTANCE!! in the said OPEN Trial Court Transcript[s] produced by Petitioner/Whaley in said Appeal Court, shows Respondent/BOA ADMITS! in its said above dated "RETURNS" shows the said TRANSCRIPT HEARINGS were held on the dates "May 8, 2012" and "August 29, 2012", shows where Respondent/BOA's said LAW FIRM Nelson Mullins Riley, Scarborough was UNDISPUTED, named as also! being the STATE!! Court APPOINTED LAW FIRM's ATTORNEY[s] for the Petitioner/Whaley, whom RESPONDENT/BOA admits/or alleges is an alleged VICTIM, involving the THEFT!! involving Petitioner/Whaley's said CASHIERS CHECKS, involved in a FEDERAL COURT CASE matter..involving the SAME IDENTICAL MATTERS within this said STATE!! COURT! CASE, as well as a ALREADY!! CLOSED! STATE! COURT! CASE MATTER, that CLOSED in FAVOR! of PETITIONER/Whaley. See attached Respondent/BOA's OWN! provided EXHIBITS 18, 19, of a PARTIAL FEDERAL COURT'S TRANSCRIPT showing Respondent/BOA provided to Petitioner/Whaley IN THE MAY 8, 2012 HEARING, showing THE S.C. Officer SLED, and BOA's HIRED OFFICER, admitting that SAME! Exact! Identical! Claims and PARTIES that were LITIGATED within a CLOSED STATE! COURT Case matter, ruled in favor of Petitioner/Whaley's named PAYEE/CCG and ALL its Subsidiaries, Affiliates – whom RESPONDENT/BOA said continued ERRORS! are attempting to continue the ILLEGAL ACTS of DOUBLE JEOPARDY, to cause intentional HARM to Petitioner/Whaley and OVER 7 TO 14 THOUSANDS of other!!! INNOCENT!! "VICTIMS" who monies were STOLEN!! and RULED! ONLY within a CLOSED!! STATE! COURT! Litigation. See Petitioner/Whaley's Writ of Certiorari attached EXHIBITS C-2; C-2-b; C-2-c; and Exh. 12,)"

IN STATE OF SOUTH CAROLINA
In the Supreme Court
Case No. 2014-001371

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AUG - 4 2014

S.C. Supreme Court

APPEAL FROM S.C. APPEALS COURT
Case no. 2012-213208

ORIGINAL APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
Presiding Replacement Master of Equity/serving as a Circuit Court Judge/Maite D. Murphy
Case no. 2012-CP-18-539

Roger L. Whaley, Pro SePro se, PETITIONER,

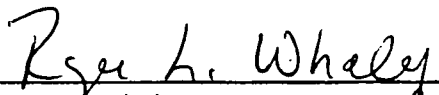
v.

SOUTH CAROLINA FEDERAL CREDIT UNION and BANK of AMERICA.....Respondents.

PROOF OF SERVICE

I certify that I have served Bank of America (as well as provided a copy of BOA's "Return" to SCFCU) a copy Petitioner/Whaley's Reply that's ONLY in Reply to Respondent/BOA, filed Erred Replaced CORRECTION "RETURN" DATED "July 24, 2014" which REPLACED Respondent/BOA's first Erred "RETURN" dated 7/22/2014; Whereas Petitioner/Whaley file's his said REPLY timely within the required (10) days from the date of 7/24/2014, which would be due on August 4, 2014; Therefore ALL proper parties has been served.

July 31, 2014


Roger L. Whaley, Pro Se Petitioner
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cc: NELSON MULLIN RILEY & SCARBOROUGH, LLP
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Columbia, South Carolina 29202
803-771-4400- Fax no: 803-779-0016

cc: SOUTH CAROLINA APPEALS COURT