

WHALEY'S REPLY TO BOA'S "RETURN" TO
WRIT OF CERTIORARI

PART 1
ATTACHMENTS - 10



Exh. a

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11333
COLUMBIA, SOUTH CAROLINA
29211

1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE (803) 734-1000
FAX (803) 734-1459
www.sccourts.org

June 25, 2014

Mr. Roger L. Whaley
8673 Laurel Grove Lane
North Charleston SC 29420

Re: Roger Whaley v. SC Federal Credit Union
Appellate Case No. 2014-001371

Dear Mr. Whaley:

This Court has received your Petition for Writ of Certiorari and Appendix, and the case has been assigned the appellate case number that appears above. **Please use this number on all future correspondence relating to this matter.**

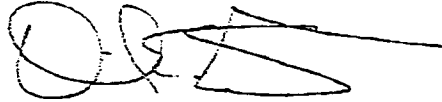
All parties to this matter are advised that all filings must comply with the requirements of Rule 242 of the South Carolina Appellate Court Rules (SCACR).

The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/whatsnew/displaywhatsnew.cfm?indexID=932. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. **This office will not review filings for redaction or to determine if materials should be sealed.**

Very truly yours.

Exh. a-1

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CLERK

cc:

Erik Tison Norton, Esquire
Jody Alan Bedenbaugh, Esquire
Tara C Sullivan, Esquire
Drew Hamilton Butler, Esquire
Sheila Marlouvon Bias, Esquire
Caleb Martin Riser, Esquire
The Honorable Jenny Kitchings

From Email

Exh. a-2

ROGER WHALEY - Hearing Info 5-8-

Lower Trial Court 5-8-2012.

Fw: ROGER WHALEY - Hearing Info 5-8-1

* Attached is the document that was presented by the lawyers at today's hearing with Bank of America and SC Federal Credit Union. The first two pages are notes that my wife took during court. There are 130 pages which are divided into 6 exhibits. Please send a confirmation upon receiving of this email.

Thank you for all of your assistance thus far,

Sincerely,

Roger L. Whaley

THE STATE OF SOUTH CAROLINA
In The Supreme Court

Exh. A

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Case No. 2012-CP-18-0539

Appellate Case No. 2012-213208

South Carolina Federal Credit Union and Bank of
America, Respondents.

v.

Roger L. Whaley, Appellant.

PROOF OF SERVICE

I certify that I have served Bank of America's Return to Appellant's Petition for a Writ of Certiorari on Roger L. Whaley by depositing a copy of it in the United States Mail, postage prepaid, on July 22, 2014, addressed to him at 8673 Laurel Grove Lane, North Charleston, South Carolina 29420.

July 22, 2014.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: Tara C. Sullivan

Jody A. Bedenbaugh, SC Bar No. 71176
E-Mail Address: jody.bedenbaugh@nelsonmullins.com

Erik T. Norton, SC Bar No. 73860
E-Mail: erik.norton@nelsonmullins.com

Tara C. Sullivan, SC Bar No. 79806
E-Mail: tara.sullivan@nelsonmullins.com

1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

Attorneys for Respondent Bank of America

THE STATE OF SOUTH CAROLINA
In The Supreme Court

Exh. A-1

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Case No. 2012-CP-18-0539

Appellate Case No. 2014-001371

Roger L. Whaley, Petitioner.

v.

South Carolina Federal Credit Union and Bank of
America, Respondents.

PROOF OF SERVICE

I certify that I have served Bank of America's corrected Return to Whaley's Petition for a Writ of Certiorari on Roger L. Whaley by depositing a copy of it in the United States Mail, postage prepaid, on July 24, 2014, addressed to him at 8673 Laurel Grove Lane, North Charleston, South Carolina 29420.

July 24, 2014.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: Tara C. Sullivan
Jody A. Bedenbaugh, SC Bar No. 71176
E-Mail Address: jody.bedenbaugh@nelsonmullins.com
Erik T. Norton, SC Bar No. 73860
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Tara C. Sullivan, SC Bar No. 79806
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1320 Main Street / 17th Floor
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Columbia, SC 29201
(803) 799-2000

Attorneys for Respondent Bank of America

Exh. ~~1~~ A-1a

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
2012-213208

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

MAITE MURPHY, Master of Equity/Special Serving as Circuit Court Judge

Case No. 2012-CP-18-0539

South Carolina Federal
Credit Union and
BANK of AMERICA

Respondents,

v.

Roger L. Whaley,

Appellant.

PROOF OF SERVICE

I certify that I have served again/or second time to the Respondent(s) Bank of America and South Carolina Federal Credit Union, and this said Appeals Court's Clerk, by Faxing a copy to the Respondent(s) Bank of America and South Carolina Federal Credit Union, or by Hand-delivered and or deposited in the United States Mail, postage prepaid, first mailed on September 30, 2013 and, (now being resent, due to the attached written Request from this Appeals Court's Clerk dated October 10, 2013) involving Pro Se Whaley's "...Deficiencies" within (10) days to be "...in COMPLIANCE with the SCACR...Form 7 in Appendix C to part II of the SCACP" regarding pro se Appellant Whaley's "Letter to Clerk/a/k/a MOTION FOR JUDGMENT against RESPONDENT BANK of AMERICA/or REQUEST to REMAIN said RESPONDENT MATTER BACK to LOWER TRIAL COURT with INSTRUCTION, to ENTER DIRECT JUDGMENT in FAVOR of PLAINTIFF/APPELLANT Roger WHALEY" which has been, and now again being recent to ALL Proper Parties in this said case matter, delivered to the below named parties.

Attorney Jody Alan Bedenbauth - c/o Attorney Eric Norton, Esq.
Attorney NELSON & MULLINS - Respondent/Defendant/BOA
1320 Main Street, 17th Floor
Columbia, SC 29201
803-799-2000 Fax no. 803-256-7500

Attorney E. Caleb Riser, Esquire - c/o Attorney Drew Butler, Esq.
with LAW FIRM Richardson & Plowden
Attorney for South Carolina Federal Credit Union/Respondent/Defendant
1900 Bamwell St./ P.O. Drawer 7788
Columbia, South Carolina 29202
803-771-4400 - Fax no. 803-779-0016

October 14, 2013

Mr. Roger Whaley, Pro Se
8673 Laurel Grove Lane
North Charleston, SC 29420
la99mont@yahoo.com

Ryu L. Whaley Dismissal 2-27-14
end of the Appeals Court LAW-Hennings Keye...
Attached See Exhibits - AAA on AAA

** Shows - Appeals Court Always Accepted Petitioner Whaley's corrected Deficiencies as being in Compliance with South Carolina Appellate Court Rule upheld with Appeals Order 2-27-14*

Exh. ~~1~~ A-16

pro se
Appellate Court's below shows ~~pro se~~ Appellant ~~did~~ *legitimately* file this Motion for Judgment - but ~~only~~ *needed* an *corrected* Proof of Service *not* that was *completed* timely by Appellant/Whaley...



The South Carolina Court of Appeals

As Appeals Court's Order of Dismissal 2-22-2014 *and* *granted* *final* *Order for* *Judgment* 5-22-2014

JENNY ABBOTT KITCHINGS
CLERK
V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11029
COLUMBIA SOUTH CAROLINA 29211
1016 SLATER STREET
COLUMBIA SOUTH CAROLINA 29201
TELEPHONE 803 764-1890
FAX 803 764-1826
WWW.SCCOURTS.SC

October 10, 2013

Roger L. Whaley
8673 Laurel Grove Lane
North Charleston SC 29420

Re: Roger Whaley v. SC Federal Credit Union
Appellate Case No. 2012-213208

Dear Counsel:

Upon reviewing your "Letter to clerk asking a 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," the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR) and any deficiency must be corrected within ten (10) days of the date of this letter:

- The accompanying proof of service is not in compliance with the SCACR. Your proof of service should be substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

Very truly yours,

Jenny A. Kitchings
CLERK

Exh. #2

The South Carolina Court of Appeals

Roger L. Whaley, Appellant,

v.

South Carolina Federal Credit Union and Bank of
America, Respondents.

Appellate Case No. 2012-213208

ORDER

This appeal was dismissed in an order dated February 27, 2014, and Appellant has filed what this Court construes as a petition for rehearing. After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

Paul J. Spivey, Jr. J.
W. S. Justice J.
Drew Hamilton Butler A.J.

Columbia, South Carolina

cc:
Roger L. Whaley
Drew Hamilton Butler, Esquire
Erik Tison Norton, Esquire

FILED
5/22/14

Exh. Aaa

OFFICE OF THE CLERK
SOUTH CAROLINA COURT OF APPEALS
CHARLESTON, SOUTH CAROLINA 29403

App'l. to Columbia
Direct Dial: 803-737-3118
Fax: 803-737-3119

SEE EXH. B & EXH C

Respondent's

SCFEL

Rev

BOA

Complied
with this
Appellate Court's
Order in it
Clerk's letter

Dated Aug.
25, 2013. for
Both Respondent's
to file there.

To file original
to SCFEL
to SCFEL

Paid for

only

(1)
Respondent

Filing
Fee

Request
for

Extension

September 10, 2013

Via Hand Delivery

The Honorable Jenny A. Kiehlings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29401

Re: Roger Whaley v. SC Federal Credit Union
Appellate Case No. 2012-213208

Dear Ms. Kiehlings:

A Counsel for Respondent (SC Federal Credit Union) in the above-referenced case, we respectfully request a 30-day extension of time in which to serve and file our Initial Respondent's Brief and Designation of Matter to be included in the Record on Appeal.

Mr. Whaley, *pro se* Appellant, filed and served his Designation of Matter on what appears to be September 4, 2013, therefore pursuant to this court's August 23, 2013 Order, our Initial Respondent's Brief and Designation are currently due by Friday, October 4, 2013. However, with a 30-day extension of time, by my calculations, our Initial Brief and Designations would be due on or before November 4, 2013. We find it necessary to request this extension (due to our current heavy workload). This is our first request for an extension of time to serve and file the initial Respondent's Brief and Designation of Matter.

I am enclosing the \$25.00 filing fee and thank you for your consideration of this request. By copy of this letter, I am notifying Roger Whaley, *pro se* Appellant, of record of this correspondence.

Thank you for your assistance in this matter

Sincerely,

Sherila M. Bias

Sherila M. Bias
SC Bar # 100005

SMB:dib
Enclosure
cc: Roger Whaley, *pro se* (with enclosure)

Case No. 2012-213208 The South Carolina Court of Appeals

Exh. AA

Roger L. Whaley, Appellant,

South Carolina Federal Credit Union and Bank of America, Respondents.

Appellate Case No. 2012-213208

ORDER

Respondents South Carolina Federal Credit Union and Bank of America have each filed motions to dismiss this appeal. After careful consideration, this appeal is dismissed because Appellant has failed to comply with the South Carolina Appellate Court Rules. See Henning v. Kaye, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992) (noting an appellate court is justified in dismissing an appeal based on an appellant's failure to comply with the South Carolina Appellate Court Rules).

[Signature] FOR THE COURT

Columbia, South Carolina

- cc: Roger L. Whaley, Drew Hamilton Butler, Erik Tison Norton, Jody Alan Bedenbaugh, Sheila Marlouvon Bias

2/27/14

Exh. AA

Research Shows... See Attached Exhibit AA shows the Appellate Court in Error for not having ruled on Whaley's attached Decree Evidence - that was attached with the Requirements of Rule 210(C) SCACR - Attached with Appellate Whaley

Case Number... Appeal Whaley's Appeal must not be Dismissed - alleged deficiencies were included v. which were included v. Appellate - Whaley Appellate - Whaley A-Three - S-b-2 Exh. AA

Design and his Initial Brief

Time with him

pursuant to Rule 25(b)(2)(b)(3) which shows Appellate error Date

Dismissed pursuant to Rule 25(b)(2)(b)(3) on Appellate Court order Request to Court or Chair Appellate Dismissal of Motion Clear

where Appellant Whaley WAS PROVIDED compliance with S.C. Appellate Court Rules