

**THOMAS R. IRBY**  
**P.O. BOX 827, PELZER, SC 29669**  
**PHONE: (864)243-4015**

**JULY 22, 2014**

**THE HON. JENNY ABBOTT KITCHINGS,  
CLERK OF SOUTH CAROLINA COURT OF APPEALS  
1015 SUMTER STREET  
COLUMBIA, SC 29201**

**RECEIVED**  
**JUL 23 2014**  
**SC Court of Appeals**

**RE: APPELLATE CASE No. 2013-001441  
J. P. MORGAN CHASE BANK NA v. THOMAS R. IRBY—**

**DEAR Ms. KITCHINGS;**

**I HAVE ENCLOSED HERewith MY SECOND SUBMITTAL OF MY FINAL BRIEF INCLUDING THE ORIGINAL AND NINE (9) COPIES BOUND PLUS ONE COPY NOT STAPLED. THIS IS MY ATTEMPT TO COMPLY WITH THE LETTER OF "DEFICIENCIES" DATED JULY 17, 2014. WITH YOUR INDULGENCE I HAVE ADDRESSED EACH DEFICIENCY AS FOLLOWS.**

- 1. COLOR OF COVER, RULE 267(D). I HAVE BOUND THE ORIGINAL AND EACH BOUND COPY WITH COVER STOCK IN LIGHT BLUE COLOR.**
- 2. I HAVE REMOVED REFERENCES TO COUNSELS FOR RESPONDENTS FROM THE COVER SHEET .**
- 3. I HAVE ENTERED JAMES LYNN WERNER TO BE SERVED WITH A COPY. I CANNOT FIND ANY REFERENCE TO HIS INVOLVEMENT IN THIS CASE EITHER BY CORRESPONDENCE OR BY REFERENCE IN THE TRANSCRIPT. HE HAS NOT PREVIOUSLY BEEN A RECIPIENT AND I DO NOT RECALL ANY NOTICE THAT HE HAS ENTERED THE CASE.**
- 4. WEIGHT OF COVER STOCK FOR THIS SUBMITTAL WAS LABELED AS 65 POUNDS.**
- 5. THE LETTER OF DEFICIENCIES STATES "YOU HAVE PROVIDED FIVE COPIES AND ONE UNBOUND ORIGINAL". I MAILED 14 COPIES AND THE UNBOUND ORIGINAL. THESE WERE DELIVERED IN A USPS PRIORITY MAILING BOX. I PAID FOR AND RECEIVED 18 COPIES. I HAVE ENCLOSED THE PRINTER'S RECEIPT FOR 720 PAGES. EACH COPY IS 39 PAGES. I RETAINED TWO COPIES. ONE COPY EACH WAS PROVIDED TO COUNSELS HERSHON AND GAINES.**

**PLEASE INFORM ME IF THE DELIVERY BOX WAS INTACT OR HAD BEEN OPENED. I ALSO HAVE THE USPS RECEIPT THAT SHOULD SHOW THE SHIPPING WEIGHT OF THE PRIORITY PACKAGE. THAT WILL VERIFY HOW MANY COPIES WERE SHIPPED. IF THE PACKAGE WAS TAMPERED WITH I NEED TO FILE A COMPLAINT WITH THE POST OFFICE.**

**I HAVE ALSO ENCLOSED A PROOF OF SERVICE TO VERIFY THAT ONE COPY OF MY SECOND FINAL BRIEF HAS BEEN MAILED TO JERRY A. GAINES II, LAWRENCE M. HERSHON, AND JAMES LYNN WERNER (COUNSELS FOR RESPONDENTS) BY USPS CERTIFIED MAIL WITH RETURN RECEIPT REQUIRED. THE RETURN RECEIPT BY USPS VERIFIES DELIVERY. AS PRO SE I RELY ON THIS METHOD TO PROVE SERVICE EVEN IF RECIPIENTS FAIL TO PROVIDE TIMELY ACCEPTANCE.**

**I AM PROVIDING THIS SUBMITTAL TO THE APPELLATE COURT BY USPS PRIORITY MAIL.**

**PLEASE NOTIFY ME IMMEDIATELY IF PROBLEMS OCCUR AGAIN OR IF THIS IS NOT IN COMPLIANCE.**

**SINCERELY,**

A handwritten signature in black ink, appearing to read "Thomas R. Irby". The signature is fluid and cursive, written over a white background.

**THOMAS R IRBY, PRO SE  
APPELLANT**

**ENCL: SECOND SUBMITTAL OF FINAL BRIEF OF APPELLANT, NINE BOUND COPIES, ONE LOOSE COPY, CERTIFICATE OF COMPLIANCE, PROOF OF SERVICE.**

**CC: LAWRENCE M. HERSHON  
1201 MAIN STREET, SITE 1450  
COLUMBIA, SC 29201**

**JAMES LYNN WERNER  
1201 MAIN STREET, STE 1450  
COLUMBIA, SC 29201**

**JERRY ALLAN GAINES, II  
P.O. Box 5504  
SPARTANBURG, SC 29304-5504**

THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals  
Appellate Case No. 2013-001441

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas  
Case No. 2010-CP-23-1621

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SC Court of Appeals

Edward G. Wellmaker, Judge

-----  
J. P. Morgan Chase Bank NA, Plaintiff

v.

Thomas R. Irby, Roy C. Irby aka Roy C. Irby II,  
Bank of America, NA And Charles H. Knight LLC, Defendants

Of whom

Bank of America, NA and Roy C. Irby, aka Roy C. Irby II  
are the Respondents

and

Thomas R. Irby is the Appellant

-----  
**PROOF OF SERVICE**  
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**Counsel for Respondents**

**Appellant:**  
Thomas R. Irby, pro se  
P.O. Box 827  
Pelzer, SC 29669  
Ph. 864-243-4015  
Fax. 864-243-3794

**Bank of America**  
Lawrence M. Hershon  
Parker Poe  
1201 Main Street  
Columbia, SC 29201

**Roy C. Irby II:**  
Jerry A. Gaines, II  
Odom, Terry, Cantrell  
220 N. Church Street  
Spartanburg, SC 29304

I verify that I provided the original with 9 bound copies and 1 unbound copy to the Clerk of Court of The South Carolina Court of Appeals. I provided one bound copy each to Lawrence M. Hershon, James Lynn Werner, and Jerry A. Gaines II by USPS certified mail with return receipts required.

Signed: \_\_\_\_\_

*Thomas R. Irby*  
Thomas R. Irby, Appellant pro se

Date: \_\_\_\_\_

*July 22, 2014*

**CERTIFICATE OF COUNSEL IN FINAL BRIEF**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
Appellate Case No. 2013-001441

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**SC Court of Appeals**

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

G. Edward Welmaker, Circuit Court Judge

Case No. 2010-CP-23-1621

J. P. Morgan Chase Bank NA, Plaintiff

V

Thomas R. Irby, Roy C. Irby, a.k.a. Roy C. Irby II, Bank of America NA, and  
Charles H. Knight LLC, Defendants

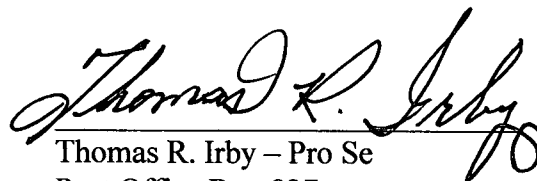
Of Whom  
Roy C. Irby, a.k.a. Roy C. Irby II, and Bank of America NA  
are Respondents

And  
Thomas R. Irby is the Appellant

**CERTIFICATE OF APPELLANT**

The undersigned hereby certifies that this Final Brief complies with Rule 211(e), SCAR

Date: July 22, 2014



Thomas R. Irby – Pro Se  
Post Office Box 827  
Pelzer, South Carolina 29669  
(864) 243-4015  
Appellant Pro Se

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TOM IRBY  
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T R IRBY  
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