

IN THE SOUTH CAROLINA COURT OF APPEALS

Appellate Case no. 2012-213208

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and

Lower Trial Court Dorchester S.C. Case no. 2012-CP-18-539

Supreme Court Case no. 2014-001371

Roger L. Whaley, Pro Se Appellant/Plaintiff vs. South Carolina Federal Credit Union and Bank of America) RESPONSE to CLERK's Letter Sept. 5, 2014) REQUESTING from the APPEALS CLERK of a) NOTICE for APPEALS Court to CONFIRM!) or Provide the PROPER RULE/or LAW it Based its) "September 05, 2014" "Remittal" on Aug. 28, 2014) "Remitted to the Circuit Court"/which allegedly) Removed this said APPEALS Court's Jurisdiction
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COMES NOW, yett active! within this said Appeals Court, Appellant/Plaintiff, Roger L. Whaley, who has never! received! any! REQUIRED LAW nor any required Rule in which the alleged Clerk, Jenny Abbott Kitchings alleged! its rights to return this said case matter to within the lower trial court's jurisdiction, without, this said S.C. APPEALS Court, never! provided absolute! NO! Law, nor Rule to support its alleged findings.

As well as this said S.C. Appeals Court said alleged Authority, Clerk Kitchings, NEVER, provided any reasons, as to WHY this S.C. APPEALS Court based its said decisions in reference to it decision RENDERED OVER about (7) MONTHS AGO, (dated February 27, 2014), in this Appeals Court's attached LETTER dated "August 28, 2014" ADMITS the Clerk, "V. Claire Allen" "Remitted to the Lower Court or Tribunal..." ONLY provided "...A COPY of the JUDGMENT of THIS COURT is ENCLOSED...", and the ONLY! provided copy of the ruling of this S.C. COURT OF APPEALS decision that was attached, as sent to this Appellant/Plaintiff/Whaley, is the attached COPY of this Appeals Court ORDER dated "2/27/14", just! being placed within the said LOWER TRIAL COURT, over about (7) months ago, which is not in compliance with the Return of a "REHEARING" and/or a REMITTITUR" pursuant with SCACR 221, since the said CLERK never! ADMITS to providing NO! OTHER! rulings regarding this said case matter.

PRAYING for EQUAL JUSTICE with the due process of LAW to be applied! also! to this said Pro se Appellant/Plaintiff-Whaley, which is OBVIOUS! not being applied.

Dated: September 15, 2014

Respectfully Submitted,
Roger L. Whaley
 Roger L. Whaley, Pro Se
 8673 Laurel Grove Lane
 North Charles, S.C. 29420

CERTIFICATE OF SERVICE

I, declare that all proper parties in this said case matter has been hand-delivered, mailed or faxed this said RESPONSE TO APPEALS CLERKS' LETTER dated September 5, 2014.

cc: Jody A. Bedenbaugh, Esq; Erik Tison Norton, Esq; 132D Main St. 17th Floor, Columbia, S.C. 29202

cc: Drew Hamilton, Butler, Esq; Sheila M. Bies, 1900 Bamwell St. Columbia, S.C., 29202

cc: S.C. Supreme Court -- prior Case no. 2014-001371 -- Also provided NO! LAW nor RULE of the Supreme Court, nor! ALL Proper Judges -- signed a required Order -- for a VALID and MERIT claims to comply for the DUE PROCESS of the Law to apply equally

RECEIVED

SEP 18 2014

SC Court of Appeals

WHALEY'S RESPONSE TO CLERK'S
LETTER-DATED SEPT. 5, 2014

ATTACHEMENTS - 4



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11529
COLUMBIA SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1893
FAX: (803) 734-1839
www.sccourts.org

September 05, 2014

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 Mr. Whaley:

This appeal was remitted to the circuit court on August 28, 2014. Accordingly, this court no longer has jurisdiction to act and we are returning your filings to you.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny Abbott Kitchings".

CLERK

cc: Drew Hamilton Butler, Esquire
Erik Tison Norton, Esquire
Jody Alan Bedenbaugh, Esquire
Sheila Marlouvon Bias, Esquire
Tara C Sullivan, Esquire
Caleb Martin Riser, Esquire
Cheryl L. Graham

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The South Carolina Court of Appeals

JENNY ABBOTT KITCHINBS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11829
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1115 SUMNER STREET
COLUMBIA, SOUTH CAROLINA 29201
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August 28, 2014

The Honorable Cheryl L. Graham
5200 E Jim Bilton Blvd
St George SC 29477-8020

REMITTITUR

Re: Roger Whaley v. SC Federal Credit Union
Lower Court Case No. 2012CP1800539
Appellate Case No. 2012-213208

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

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

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SC Court of Appeals

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

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).


FOR THE COURT

Columbia, South Carolina

cc:

Roger L. Whaley
Drew Hamilton Butler
Erik Tison Norton
Jody Alan Bedenbaugh
Sheila Marjouver Bias

FILED
9/27/14

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RULE 221
REHEARING AND REMITTITUR

Whaley-Appellate
Filed 11/5

a) **Rehearing.** Petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court. A petition for rehearing shall be in accordance with Rule 240, and shall state with particularity the points supposed to have been overlooked or misapprehended by the court. No petition for rehearing shall be allowed from an order denying a petition for a writ of certiorari under Rule 242, SCACR.

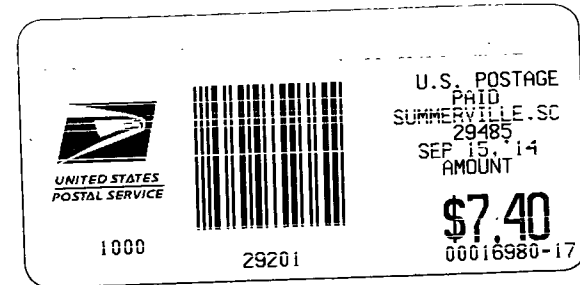
b) **Remittitur.** The remittitur shall contain a copy of the judgment of the appellate court, shall be sealed with the seal and signed by the clerk of the court, and unless otherwise ordered by the court shall not be sent to the lower court or administrative tribunal until fifteen (15) days have elapsed (the day of filing being excluded) since the filing of the opinion, order, judgment, or decree of the court finally disposing of the appeal. If a petition for rehearing is received before the remittitur is sent, the remittitur shall not be sent pending disposition of the petition by the court. (Where a petition for rehearing has been denied, the Court of Appeals shall not send the remittitur to the lower court or administrative tribunal until the time to petition for a writ of certiorari under Rule 242(c) has expired. If a petition for writ of certiorari is filed, the Court of Appeals shall not send the remittitur until notified that the petition has been denied. If the writ is granted by the Supreme Court, the Court of Appeals shall not send the remittitur.)

c) **Rehearing of Motions.** The appellate court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal.

Last amended by Order dated January 29, 2009, effective April 29, 2009, by Order of the same date.

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SC Court of Appeals

ROGER L. Whaley
8673 Laurel Grove hwy
N. Charleston S.C. 29420



SC Court of Appeals
1015 Sumter Street
Columbia, S.C. 29201

