

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

P.10F28

APPEAL FROM YORK COUNTY
COURT OF COMMON PLEAS

Charles S. Bradford, Master and Special Referee
Case Nos 2014-000346

Wells Fargo Bank, NA

Respondent

Alice Roseboro

v.

Appellant

Objection To Remitter / Hindrance Contempt of Court

Objection to the Order Filed on 10/23/2014 by CJ. Few
Pursuant to Rules 208(A)(4) 208(B) 221(E) AND 245(A)
w/Affidavit OF (SCACR)

Date AS OF

10/28/2014

Alice L. Roseboro
1852 Bon Rex Dr
Rock Hill, SC 29730
803-524-1122
Attorney At Council

RECEIVED

OCT 30 2014

SC Court of Appeals

x Alice Roseboro

RECEIVED

OCT 30 2014

THE STATE OF SOUTH CAROLINA SC Court of Appeals
IN The Court OF Appeals

P20128

APPEAL FROM YORK COUNTY
COUNT OF COMMON PLEAS

Charles S. Bradford, Master and Special Referee
Case No. 2014-000346

Wells Fargo Bank NA

Respondent

Alice L. Roseboro

v.

Appellant

~~Objections to Motion Denied/Hindrance Contempt of Court~~
Objections to Remittur Filed 10/23/2014 by C.J. Few
AFFIDAVIT

I Appellant hereby declaratively Object to the Order
on Remittur filed by the C.J. John C. Few. I
pursuant to Rule 221 (c) of the South Carolina Appellate
Court Rules (SCACR) which also states from during
my Thorough Review "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."

The key word is "Action" from a Thorough Review
done on Rule 221(c). "There was AND Action" that
took place. The opposing counsel on record "MCSO LLC
and Attorney Thomas E. Lyden, New-Best MR A Reply
to my Appeal since filing the Transcript on 03/18/14
on my Initial Brief on 03/21/2014." (3) I submitted
a Motion to Compel/Affidavit for Relief for Relief pursuant
to (SCAR) Rule 203 for No Opposition on 04/28/2014
with proof of service. My Transcript to enter a lesser
than extra copy "had a Proof of Service" Attached p. 16
also my Initial Brief "had a Proof of Service" Attached
as well on p. 13 (3) "I had access to my Appeal Account
upto 04/21/2014; do to a Subject Disclaimer that appeared

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Within a week of the Respondents Answer being due

I Am Block out of my Own Account, unless I

Accept the Bias Disclaimer written Against my

Appeal effective May 1, 2012, NO CASES will be

shown before May 1, 2012, The Attorney and Court knew my

Case was filed 04/10/2012 Blocking me out of my

Own Account was not fair and Bias to me being Prose-

I allege to cover up Wells Fargo's wrong for filing on

a Bank I had not been with in over 3 yrs confirm by

Amanda Weatherly Affidavit under Oath submitted by these

Attorney Thomas E Lyden. Which created by the Attorney

Thomas E. Lyden and Judge Kimbrell III Retaliation on

the Sept 17, 2013 in Response to the Summary Judgment

they Both Withdrew from the Sept 17, 2013 Hearing once

he realized my Answer revealed the wrong that Done

in addition to removing my payment for Nov 1, 2010 that

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cleared my bank AS I sent proof, they violated
the Governments Affordable Homes Program by
Adding inappropriate fees. They forged my name from
A Approved modification I signed July 2010 to a 2nd
Modification sent Nov 2010 before I could read it
and the contract still had inappropriate fees. They
never sent proof they had Ownership of the
"Original Mortgage Note," I Alleged it appeared to
be and Amended Copy on corrections they made and
Reused my original signature on it without my
knowledge. Wells Fargo sent me a Letter Admitting
they did not have the notes (4) I Alleged that is why
the Attorney wants to "Dismiss my case." (5) The Attorney
As I stated under Oath in my Affidavit Never has
Answered my Appeal by any means sent to him and the
court with "Proof of Service" from 05/21/2014. He has
(6)

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never made one reply in opposition to my sworn Oath
Affidavit sent to him on next day Deliver 05/22/2014.
In the next 15 days he could have made 5 objections
stating he did send me a copy of his "Motion To
Dismiss but he said nothing. It only takes 3 days
for mail to come from his office to mine vice versa
as well. He said nothing, I allege his silence No
Reply proof what I have told the court all along from
my motion sent 04/28/2014 filed on 04/29/2014 in the
court. (1) ON MAY 17, 2014. I left message for my
Manager Amelia Smith to call me back, (she was at
lunch I am told) ON MAY 19th 2014, she calls me, I asked
about my Motion for No Opposition. I am then told
the first time, The attorney had filed a Motion to Dis-
miss my case. I said he had not told me, she admitted
he had filed a Motion to Dismiss my case and stated he

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filed A Proof of Service with it. (8) I called the
clerk's Office AND Jenny A Kitchens also stated
he filed A Motion to Dismiss with Proof of Service
I told her I file A NO Opposition with A Proof of
Service. Who are you going to believe? I told her-
I will send in a Sworn Oath IF I have to. And I
did on 05/21/2014 as stated earlier. Upon getting
my Oath in the mail Jenny A Kitchens "I Allege"
Retaliated and in Actions of Bad Faith Return MY
Documents I filed for relief back to me, stating my
case is in "Abeyance". She mailed them back to me
in the next 3 Days. I AM black Pro Se Attorney, Mr
Mr. Thomas E. Lydon is white season Attorney. "I Allege"
Jenny ASSUMED I WAS the LIAR compared to MY
Written Oath and "No Answer Reply From the Attorney"

(9)
On June 05 2014 I sent AND Order for the Court

to grant me my relief for NO Opposition!

- (10) A letter on 06/25/14 same stating my case
was Denied. Nothing ever came to me from
the respondents MGR LLC by as it's done by Mail
before in Reply to "my Appeal" from Mr Thomas E
Lydon they are the only ones that signed on
a party to council for Wells Fargo Bank; after
the First Attorney was removed for creating a
Big Hindrance withholding Information me to bring
my Mortgage current in a timely manner. Wells Fargo
change council and Judge Alford approved the
Substitution by MGR LLC and Thomas E Lydon
on Dec 28, 2012. I give True Affirmation,
- (11) Do to being Denied I felt forced into
filing a Petition For NO Opposition from my
April 28, 2014; ON A Fraud Dismissal Never sent to me.

(12)

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I have been Blocked out of My Own Account

since April 15, 2014 with IN "One Week before"

the Respondents Reply to My Appeal was due My

Petition For A NO Opposition! was sent 6/30/2014

My Petition was¹¹ construed as a reply to a Dismissal

ON 08/21/14 and Denied my Petitions (13) A Remitter

was sent ON 9/30/2014 granting the Respondents

Attorneys MG&C LLC AND Thomas E. Lydon Motion

to Dismiss My case they court order After they

state "carefull consideration from 06/18/2014 A Motion

I stated and stand by in True Affirmation that the

Attorneys MG&C LLC AND Thomas E. Lydon Never

sent me by mail or person carrier EVER He is white

they believed him didnt ever believe me! I Alleged"

(14) The remitter sent 9/30/14 should have had the

08/21/14 order attached to it. (15) The clerk Jenny

I allege tried to cover it up." See ^{p. 10 of 28} Exhibit B
from previous Documents sent Oct 2, 2014 next day
delivery, submitted to the court for filing a Objection.

(16) "I Alleged" After being sent the Order
10/23/2014 I Am now being forced to go to the
Supreme Court of South Carolina (17) At this
point I called the Clerks Office left several
messages with my Case Manager, Amelia Smith, her
Supervisor Monica, the clerk Jerry A. Kitchens,
not of them called me back. I called again
spoke to Monica, informed her I wanted
Page 1 of this "Allege Motion to Dismiss" he sent
showing stamped in the system. The proof of
Service page showing he sent me a Reply, and a
copy of the Envelopes he mailed it off in since
They made copies of my Envelopes I sent.

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Both Amelia S. my case manager AND Clerk
Jerry A. Kitchens already told me he had
sent a Proof of Service on a Motion to Dismiss
they claim he filed April 18, 2014. Which I
never had a way to verify since he never
answered my appeal and I am still blocked
out of my account being pro se in a Bias Tri-
bune. Monica had Amelia send me the info
on Motion to Dismiss by email. Alleged to be filed
April 18, 2014; and Alleged paid receipt on check HAND
Delivered according to the info (Allege entered
on April 18, 2014 (no time stamp for delivery date)
and the Alleged "Proof of Service" sent. Drew a
Big Red flag when "I first open it up at a instant
Glance. (18) IN AND UNBELIEVABLE STATE OF
Shock the Proof of Service " they claim he sent,

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(19) Both Amelia and Jenny acknowledge the
opposing council had in deed sent A Proof of
Service to me. (20) The evidence sent to me
from her by email clearly Proves Above and
Beyond the proof of Service was based on
Fraud nothing on it retained support of a Motion
to Dismiss as being sent to me, No where at all. Not
Even for the same Court of Clerks Office and the
Same City. A person would have to be¹² BLIND in
Both Eyes Not to see this Fraudulent Act sent
by the Attorney MG&C LLC and Thomas E Lydon.
The check submitted showed Receipt coming
from and Outside Lawfirm that is NOT A
Party to council as verified by Judge Lee Alford
signed Order Dated Dec 28, 2012. (21) "MG&C" is not
A party to council, apparently a Realstate Firm "MG&C"

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The Attorney Thomas E. Lyden tried to switch
out too under the RADAR Allego. As noted
before A Big Yellow Envelope Came to my Home
Label "MGC" Instead of MGC & C LLC, the
Lawfirm that is Legally signed onto Council per
Judge Lee Alford's Info from Dec 28, 2012. That
Big Yellow Envelope from June 19, 2014, bearing
the "MGC" Logo I mailed it Back Label Default
Return to Sender. It had the same file NO# but not
the same Lawfirm I Allego it came from Mr.
Thomas E. Lyden, I have never Accept Any
Mail from the Lawfirm "MGC" ONCE I detected
fraud maybe taking place effective March
24, 2014. I give True Affirmations (22) The
Evidence shows No Proof of Service was EVER

Sent to me in reference to a Motion to Dismiss
and I said it once, and several time more NO
Motion to Dismiss was Ever sent to me, The
Attorney MG&C LLC and Thomas E Lydon Never
Answered my Appeal, They gave me NO Opposition!
Ever by U.S. Mail or Personal Carrier, I stand
"Affirm" behind my sworn Affidavit sent out 5/21/2014.

* IN CONCLUSION: *

What do the Rules of the South Carolina Court
of Appeals Confirm (SCACR)? See Attached Exhibit B

(1) Rule 208 A(4) Failure to File: Excerpt "States:

Upon the failure of respondent to timely file a
brief, the appellate court may take such action as
it deems proper

(2) Rule 208(2) Brief of Respondent: Excerpt "States:

IF respondent does not include his own statement of

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the case, he shall be bound by the matters stated

OR Alleged in Appellant's statement of the case."

(3) Rule 240(1) Excerpt states: (1) "A certificate or Affidavit

of Service reflecting the date of service upon All Parties." (It does not say reflect 2 dates of service)

The Evidence shows the Certificate of Service sent me from Amelia Smith shows Fraud at the first Glance

to a Lower Court, different Clerks Office, Different City

Different Clerk name David Hamilton, Different Date

Stamped Dec 13, 2013 clocked at 12:15pm. In regards

to a hearing Notice, Nothing written supports a Motion

to Dismiss My Case on the certificate Amelia

Sent me in behalf of her Supervisor Monica.

(4) Rule 221(G) as noted on page 2 Excerpt

"states: unless the Action of the court on the

Motion or Petition has the effect of dismissing OR

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or finally deciding a parties appeal." (3) Rule 221(c)
supports the Action to Dismiss, the Attorney's
Motion he is alleged to have filed on April 18, 2014.
I am blocked out of my own Accts. This motion
could have been enter at anytime without my
Knowledge since I am blocked out And my case
Rushed and put in a Abeyance After sending in
A sworn oath taken on 05/20/2014. The clerks
should have caught this Fraud Certificate used
As a "Proof of Service" they told me was sent But
Evidence Proves it was not. No proof of Service is
on the Appellate court files Supporting the Attorney's
Motion to Dismiss my Case. This Motion to
Dismiss should have been thrown out at the
"Very First Instance by the Court Judges when
they gave it careful consideration. A Thorough Review

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by C.J. John C. Few should have caught this 6/18/14

“Fraud Certificate stamped Dec 13, 2013 LAST

Year on A Lower Court Tribune in York, SC 29715

bearing the Name of A Lower-Clerk who does NOT

work for them. The Clerk Name Along should send

Red flag Alerts at the First Instance Pursuant (4)

to Rule 245(a) When Appropriate. It states; “The
Supreme Court will NOT entertain matters in its

original jurisdiction when the matter can be

determined in a lower court in the first instance,

without material prejudice to the rights of the parties.”

Rule 245(a) As I construe from my thorough

Review; the Supreme Court does NOT want me

wasting my time, filing a writ with them, when

the matter in question, especially supported by

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evidence Already given to me by "my Case Manager"
CAN readily be determine in the Appeals court
At the "First Instance" as "my First Glance"
Proved when I open the email she sent. I
Knew right AWAY AT A First Instance the
Attorneys certificate was based on FRAUD.

ON 8/21/2014 to have my Petition denied and
being construed for a dismissal when it clearly
stated "NO Opposition" at a "First Instance" But
Denied anyway by 3 Judges: CJ. John C. Frew,
Judge Paula H. Thomas and Judge James E.
Lockemy. Pursuant to Rule 245(A) "A Thorough
Review would have caught the NO Opposition!" In
the "opening word", the "First sentence", the "Very Last
Sentence" and through out the Petition its repeat
For a total of nine times along with a NO Reply

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The 3 Judges C.J. John C. Few, Judge Paula H. Thomas and Judge James E. Lockey "Already had Ruled on my Petition For A Rehearing ON 8/21/14 and Denied it; when Rule 245(A) stated At A "First Instance" they could determine Actions that it was For A NO Opposition! And pursuant to Rule 221(C) you have A Action of A "Fraud Certificate of Service" from and outside court used AS A Hindrance by the opposing Council MGB & LLC AND Thomas E. Lydon to create and Allege Proof of Service fraudulently stamped April 18, 2014 by a Clerk of court Rep. The Attorney knew the Certificate was outdated from Dec 13, 2013 but submitted it anyway in Action of Bad Faiths and then to be to by the clerk he had presented A Proof of Service Both Amelia Smith my case manager AND

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J. Kitchings the Clerk; I allege also knew at
A First Instance by a Glance The certificate
was Fraud from a lower court very out dated
but accepted it anyway and lied to me ANY
ways saying it was a Proof of Service, They Both
knew it was not valid in the Appeals Court, since
it was based on a hearing from the Lower Court.
4 month ago, Fraudulently enter to create a
Hindrance Against my Appeal that the Attorney
gave NO Opposition to.
Rule 221(c) allows action to be taken, since
the action clearly has the effect to Dismiss.
and decide my Appeal.

Rule 245(A) clearly shows "the Supreme Ct.
is not getting involved; they expect the lower
Court to handle the matter since Evidence

given to me by my case manager Amelia S. Shows

"the Action" on the matter pursuant to Rule 221(c) "does have" the effect of dismissing and finally deciding my Appeal - Rule 245(a)

"Allows the lower court to handle the matter" as it can be determined on a "First Instance"

the Action of a Fraud Certificate of Service out dated from last year on Dec 13, 2013

was entered on an Act of Bad Faith, to use a Proof of Service on a Motion to Dismiss, I

Never Received Ever. With the exception of

being Blind in Both eyes; ANYONE could easily

have caught this Error on a "First Instance."

A thorough Review by 3 Judges should have

caught the Fraud Certificate at a "First Instance."

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* His Alleged PROOF OF SVC WAS AN Old Certificate
OF Service Dated Dec 13, 2013 stamped for
Entry into the Clerk's Office of the Lower
Court Tribune for York, SC Address to David
Hamilton a Clerk in the York, SC OFFICE Court
with Reference noted to be related to certify
A hearing Notice for the Lower Court Tribune
certificate of Service stated on this Day Dec
12th 2013 serve a copy to in the US mail
with postage Affixed to me in the mail showing
Stamped Dec 13th 2013 at 12:15pm signed
by Mr Thomas E. Lydon. Then Boldly Stamped
AGAIN: "Received APRIL 18, 2014" SC COURT
OF APPEALS LOGD ON IT. Used AS A "Proof of
Service" To my address ON A MOTION TO DISMISS
cc
I have already Told the Court; I had NO Reply Ever!

The motion Filed to Dismiss my case from Allege

Date of 04/18/14 needs to be thrown out and

Denied, it has no merit in the Appeals court do

to Fraudulent Action by Opposing Attorney Mr.

Thomas E. Lydon and MG&C LLC Law Firm,

from a Outdate certificate; nonrelated certificate;

he knowingly and fraudulently used to support

the Motion to Dismiss my case that the Clerk

claimed he file but was never sent to me

comment on. The Attorney gave NO Opposition!

to my Appeals Case Ever. By this Affidavit I

give True Affirmation; AS I CAN RECALL PER

my conversation with the Clerks AND MY

CASE MANAGER AND her supervisors.

Respectfully Submitted x Allen Resbow

The South Carolina Court of Appeals

Wells Fargo Bank, N.A., Respondent,

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v.

Alice Roseboro a/k/a Alice L. Roseboro, Citibank South
Dakota, N.A., The South Carolina Department of
Revenue; Founders Federal Credit Union, LVNV
Funding, LLC; Defendants,

Of whom Alice Roseboro is the Appellant.

Appellate Case No. 2014-000346

ORDER

This Court's remittitur was sent to the Clerk of York County on September 30,
2014. It is now necessary for this Court to recall the remittitur. The Clerk of York
County is directed to return the remittitur to the Clerk of the South Carolina Court
of Appeals within ten days of the date of this order.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

FILED

cc:

Alice Roseboro

Thomas E. Lydon, Esquire

10-16-14 AP

The South Carolina Court of Appeals

Wells Fargo Bank, N.A., Respondent,

P-250F28

v.

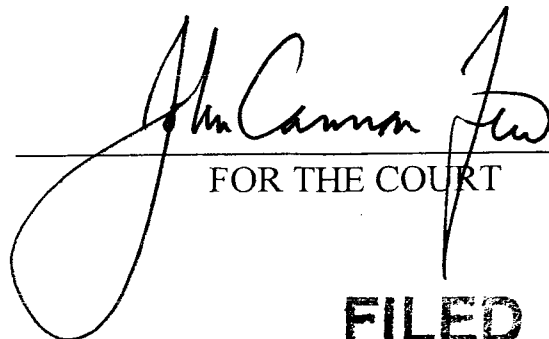
Alice Roseboro a/k/a Alice L. Roseboro, Citibank South
Dakota, N.A., The South Carolina Department of
Revenue; Founders Federal Credit Union, LVNV
Funding, LLC; Defendants,

Of whom Alice Roseboro is the Appellant.

Appellate Case No. 2014-000346

ORDER

The appellant filed a document on August 25, 2014, which the appellant calls a motion to disbar attorney Thomas E. Lydon. That motion is denied. The appellant also filed a motion to strike this Court's order denying her petition for reconsideration. We decline to rule upon this motion pursuant to Rule 221(c) of the South Carolina Appellate Court Rules (SCACR), which states "[t]he 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." Remittitur will be sent pursuant to Rule 221(b), SCACR.

 _____, C.J.
FOR THE COURT

Columbia, South Carolina

FILED

10-23-14 AS

The South Carolina Court of Appeals

Wells Fargo Bank, N.A., Respondent,

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v.


Alice Roseboro a/k/a Alice L. Roseboro, Citibank South
Dakota, N.A., The South Carolina Department of
Revenue; Founders Federal Credit Union, LVNV
Funding, LLC; Defendants,

Of whom Alice Roseboro is the Appellant.


Appellate Case No. 2014-000346

ORDER

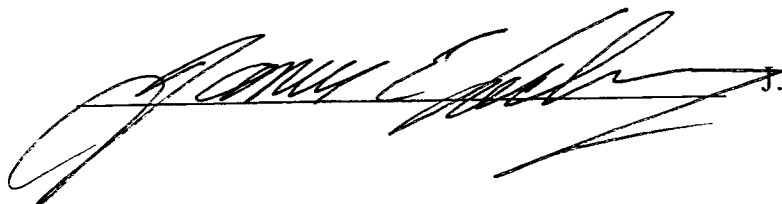
Appellant filed a "Petition for Reconsideration," which this Court construes as a petition to rehear the dismissal of this appeal. After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.



C.J.



J.



J.

FILED

→ 8-21-14

The South Carolina Court of Appeals

Wells Fargo Bank, N.A., Respondent,

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v.

Alice Roseboro a/k/a Alice L. Roseboro, Citibank South
Dakota, N.A., The South Carolina Department of
Revenue; Founders Federal Credit Union, LVNV
Funding, LLC; Defendants,

Of whom Alice Roseboro is the Appellant.

Appellate Case No. 2014-000346

ORDER

After careful consideration, Respondent's motion to dismiss is granted. In light of
→ our decision, we decline to act on Appellant's various motions before our court.
Accordingly, this matter is dismissed, and the remittitur will be sent as required by
Rule 221(b), SCACR.


FOR THE COURT

Columbia, South Carolina

cc:
Alice Roseboro
Thomas E. Lydon, Esquire

FILED
6/18/14

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM YORK COUNTY
Court of Common Pleas

A-28 OF 28

Charles S Bradford, Master and Special Referee

Case No. 2014-000346

Wells Fargo Bank na

Respondent

v.

Alice L Roseboro

Appellant

PROOF OF SERVICE

I appellant certify that I am sending the enclosed documents to the attorney for the respondent, Thomas E. Lydon at his address I have on record 1320 Main St 10th fl or at his P O Box 12519 Columbia, SC 29211. By U S Mail or personal service to be delivered with postage prepaid.

On 10/29/2014

*REF to Order 10/23/14 Denial

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Attorney for Appellant

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Attorney for Respondent

Alice L Roseboro

RECEIVED

OCT 30 2014

SC Court of Appeals