



Dorothy Sistrunk

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December 1, 2014

REQUEST FOR CLARIFICATION OR EXPLANATION

The Honorable Jenny Abbot Kitchings & V. Claire Allen
Clerk of Court & Deputy Clerk of Court; Respectively,
South Carolina Court of Appeals
POB 11629
Columbia, SC 29211

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DEC 02 2014

SC Court of Appeals

RE: Wells Fargo Bank, N.A. v. Dorothy Sistrunk
Civil Action Case #2008-CP-38-1024
Appellate Case #2014-001683

Ms. Kitchings and/or Ms. V. Claire Allen,

I am still new at this so...please advise me of errors and/or any incorrect protocol. I am in need of clarification or an explanation of Respondent Wells Fargo Bank, N.A.'s **"request that the current deadline be held in abeyance while the Court considers Wells Fargo's request for a thirty (30) day extension to file its Initial Brief."** The reason given is: "Due to other conflicting deadlines and work obligations." {See Attached Exhibit 372}

Is Respondent Wells Fargo Bank, N.A., indicating to me and the Court that Case #2014-001683 is not that important or important enough to be considered a work obligation worthy enough to meet the Court's deadline requirement? As a direct result of attorney Michael J. Anzelmo's letter, I am once again placed in the unenviable position of deciphering an Appellate Court Rule.

APPELLATE COURT RULES

RULE 240

MOTIONS AND PETITIONS GENERALLY

"(a) Applicability. This Rule governs all motions or petitions filed in the appellate court, including but not limited to: motions for extension of time, motions to reinstate, petitions for rehearing, motions to be relieved as counsel or for substitution of counsel, petitions for supersedeas, motions to remand or dismiss and petitions for hearing *en banc*. Where Rules 241 through 246 provide different or additional requirements or procedures, those requirements or procedures shall apply."

Must Respondent Well Fargo Bank, N.A.'s, request to extend time be filed as a motion pursuant to *Rule 240(a), SCACR*? *Rule 240(a)* does not mention a request for an extension of time, it only refers to motions for extension of time.

"(c) Form and Content of Motions and Petitions. All motions or petitions filed in an appellate court shall be in writing, shall state the grounds thereof, and shall comply with the requirements of *Rule 267*. The pages of the motion or petition and all supporting documents shall be consecutively numbered. Each motion or petition shall include the following:

- (1) A certificate or affidavit of service reflecting the date of service upon all parties. The original certificate or affidavit of service must be filed with the original motion or petition.
- (2) A memorandum with citation of authorities in support of the motion.
- (3) Where the Record on Appeal or Appendix has not been filed, or where the facts relied upon in support of the motion are not contained in the Record on Appeal or Appendix, the parties shall file affidavits and other documents in support of their positions."

As you can see from the attached [**Exhibit 372**], all I have is a copy of attorney Anzelmo's letter that was supposedly hand delivered on November 25, 2014. There is no certificate or affidavit of service, no memorandum with citations to authorities and no affidavits or any other document/s supporting Respondent Wells Fargo Bank, N.A.'s request.

"(d) Filing of Motions and Petitions. An original and six (6) copies of the motion shall be filed with the clerk of the appellate court, and a copy shall be served upon each party. The copies filed with the appellate court shall be accompanied by the filing fee set by order of the Supreme Court..." Re: \$25.00. According to the first sentence in ¶ #3 of attorney Anzelmo's letter, {Quote} "The required motion fee is enclosed." {End Quote} Does this mean his letter [**Exhibit 372**] is the motion?

"(e) Return to Motion. Any party opposing a motion or petition shall have ten (10) days from the date of service thereof to file an original and six (6) copies of his return with the clerk and serve on all parties a copy of the return; provided, however, a return to a petition or motion for rehearing under *Rule 221* need not be filed unless requested by the court. The court may in its discretion enlarge or limit the time for filing the return. The provisions of *Rule 240(c)* shall apply to a return. Failure of a party to timely file a return may be deemed a consent by that party to the relief sought in the motion or petition."

Since there is no proof of service, do I accept attorney Anzelmo's letter as the motion or wait until a formal motion is filed that meets the requirements of *Rule 267(a), SCACR*?

Example of Rule 267(a), SCACR Captions. "All documents filed in the appellate court shall be headed by a caption. Except as provided below for appeals from administrative tribunals, the caption shall contain the name of the appellate court where the document is to be filed (i.e., Supreme Court or Court of Appeals); if the matter involves review of a lower court decision, the name of the county and judge from which the appeal is taken including the title of the judge (e.g., Circuit Court Judge, Family Court Judge, Master-in-Equity, Probate Judge, Special Referee, Special Circuit Court Judge); the title of the case (the party commencing the action in the lower court shall always appear first in the title regardless of whom is appellant or petitioner); the title of the document (e.g., RECORD ON APPEAL; APPENDIX; BRIEF OF APPELLANT; PETITION FOR WRIT OF CERTIORARI; MOTION TO DISMISS); and the name, address and phone number of the counsel submitting the document, or in the case of a Record on Appeal or Appendix, the names, addresses and phone numbers of all counsel in the case. The caption should be substantially in the form shown by this example:

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM RICHLAND COUNTY
Howard S. Barnes, Circuit Court Judge

Paul L. Doe,Appellant (or Respondent),

v.

Mary M. Roe,Respondent (or Appellant).

RECORD ON APPEAL

John T. Smith, Esquire
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Attorney for Appellant

Wanda D. Jones, Esquire
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Attorney for Respondent"

As you can see from [Exhibit 372], attorney Anzelmo's letter with Respondent Wells Fargo Bank, N.A.'s request that the current deadline be held in abeyance, does not comply with the requirements of *Rules 267(a)*, and *240(c)(1)-(3)*, *SCACR*.

Rule 240(g), SCACR Failure to Comply. "Failure of the moving party to perform any act required by this Rule may be deemed an abandonment of the motion or petition."

REASON FOR CLARIFICATION OR EXPLANATION

For 6 years, going on 7 years, I had to endure false statements and false accusations from Wells Fargo Bank, N.A.'s employees, most notably, Janet Frotscher and Ben Windust. For 6 years, going on 7 years I had to endure false statements, false testimony, false accusations and in some instances, OUTRIGHT LIES from members of this same law firm (Nelson Mullins Riley & Scarborough, LLP); most notably, Brian A. Calub, Elizabeth Scott Moise and James H. Burns and this does not include what I had to go through with Judge Diane Shafer-Goodstein.

Since I have ten (10) days to respond, I need to know whether or not to treat attorney Anzelmo's letter as the motion or wait until a formal motion is filed pursuant to the rules. Please respond ASAP because the clock is ticking and I do not want to violate the Appellate Court's ten (10) day time limit to object to or not object to the motion or to attorney Anzelmo's letter.

Thank you.

1/s Dorothy Sistrunk

Dorothy Sistrunk

CC:

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SC Court of Appeals

Received 11/27/14

Nelson Mullins

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November 25, 2014

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street - 5th Floor
Columbia, SC 29201

RE: Wells Fargo Bank, N.A. v. Dorothy Sistrunk
Wells Fargo Matter #: 0362522-01
Case No.: 08-CP-38-1024
NMRS File No.: 10275/01528

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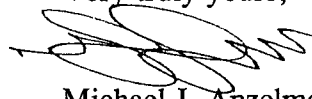
Dear Ms. Kitchings:

Due to other conflicting court deadlines and work obligations, Respondent Wells Fargo Bank, N.A respectfully requests a thirty (30) day extension of time to file its Initial Respondent's Brief and Designation of Matters in the above-referenced matter. This is Respondent's first request for an extension of time.

Respondent's Initial Brief and Designation of Matters are currently due on December 3, 2014. With the 30 day extension, the Initial Brief and Designation of Matters would be due on January 2, 2015. Respondent requests that the current deadline be held in abeyance while the Court considers this request.

The required motion fee is enclosed. We thank the Court for its kind consideration of this request.

Very truly yours,



Michael J. Anzelmo

MJA:jbl

cc: Ms. Dorothy Sistrunk

Exhibit 372

Dorothy Bistunk
423 Bayne Street
Grangeburg, South Carolina 29115

COLUMBIA SC 292

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The Honorable Jenny Abbot Kitchings
Clerk of Court
South Carolina Court of Appeals
POB 11629
Columbia, SC 29211

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