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NOTICE OF OBJECTION TO DENIAL ORDER
"MANDATORY JUDICIAL NOTICE OF ADJUDICATIVE FACT MOTION" and another motion captioned
"APPELLANT'S NOTICE OF OPPOSITION TO NOTICE OF APPEARANCE OF COUNSEL"

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

Philip E. Wright, Special Referee

Case No. 2013-002373

H & R Block Bank, FSB,

Respondent

v.

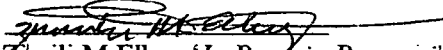
Ziraili M Elbey, a/k/a/ Ziraili Mohassan El Bey, WKFC Living
Trust Under Trust Agreement dated June 4, 2010 by and
through its Trustee Wellesley K. Clayton and American Home
Mortgage Servicing, Inc. s/b/m to Option One Mortgage
Servicing, Inc. s/b/m to Option One Mortgage Corporation,
Defendants,

Appellant

Of Whom Ziraili M. Elbey is the Appellant.

NOTICE OF OBJECTION TO DENIAL ORDER
"MANDATORY JUDICIAL NOTICE OF ADJUDICATIVE FACT MOTION" and another motion captioned
"APPELLANT'S NOTICE OF OPPOSITION TO NOTICE OF APPEARANCE OF COUNSEL"

December 9th, 2014

By: 
Ziraili M Elbey, 'In Propria Persona'
9789 Charlotte Highway, #400-191
Ft. Mill, South Carolina, 29707
(803) 233-2665

Chad Burgess, Brock & Scott, PLLC
3800 Fernandina Rd., Ste 110
Columbia, South Carolina, 29210
803-454-3340

George B. Milam, New Counsel for Respondent
1800 Baity Hill Dr., Apt 126
Chapel Hill, NC 27514

RECEIVED

DEC 11 2014

SC Court of Appeals

NOTICE OF OBJECTION TO DENIAL ORDER

"MANDATORY JUDICIAL NOTICE OF ADJUDICATIVE FACT MOTION" and another motion captioned
"APPELLANT'S NOTICE OF OPPOSITION TO NOTICE OF APPEARANCE OF COUNSEL"

Appellant objects to Justice H Bruce Williams denial order, dated December 2, 2014, (see order attached). Appellant is not an attorney. Appellant is instructed to read and apply the SCACR rules 208(a) and contemporaneously object to bar counsel¹ for the bank being exempt from the SCACR 208(b)(2) rules. Let it be known that on and for the record Appellant objects to this order and therefore, preserves this objection for the record.

Further, the Appellate Court received Appellant's objection to Notice of Appearance of Counsel stamped on October 10, 2014. As of October 15, 2014, Clerk of Court advises Appellant to send, yet approved by ORDER, a bar attorney, George B Milam, copies of all documents. Apparently, George B. Miliam was pre-approved by the Clerk on 15th October 2014, however, Justice H. Bruce Williams Order was not received by Appellant until December 2, 2014 to include George B. Miliam as counsel for the bank, Respondent. George B. Miliam was not involved in the lower court law suit or his firm. Let it be known that on and for the record Appellant objects to this order and therefore, preserves this objection for the record. (see attached letter from Clerk dated

¹ SCACR RULE 208 in it's entity, to include Rule 208(b)(2) **Brief of Respondent**. The brief of respondent shall conform to the requirements of Rule 208(b)(1)(A)-(E), except that a statement of the issues or of the case need not be made unless the respondent is dissatisfied with the statement of the issues or of the case by appellant. If a respondent does not include his own statement of the case, he shall be bound by the matters stated or alleged in appellant's statement of the case. If a respondent does include his own statement of the case, he shall be bound by the matters stated or alleged in his statement of the case. Respondent's brief may also contain argument asking the court to affirm for any ground appearing on the record as provided by Rule 220(c).

NOTICE OF OBJECTION TO DENIAL ORDER

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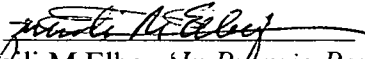
October 15, 2014, and Objection to Notice of Appearance of Counsel dated Oct 10, 2014).

It is a fundamental **rule of law** that an **appellate court** will affirm a ruling by a lower **court** if the offended party does not challenge that ruling. Biales v. Young, 315 S.C. 166, 432 S.E.2d 482 (1993). Failure to challenge the ruling "is an abandonment of the issue and precludes consideration on appeal." *Id.* at 168, 432 S.E.2d at 484. The unchallenged ruling, "right or wrong, is the **law** of the case and requires affirmance." Buckner v. Preferred Mut. Ins. Co., 255 S.C. 159, 161, 177 S.E.2d 544, 544 (1970).

Further, ("A cardinal rule of law in **South Carolina** edifies: When issues not raised in the pleadings are tried by consent, they will be treated as if they had been raised in the pleadings."); Woods v. Rabon, 295 S.C. 343, 347, 368 S.E.2d 471, 474 (Ct.App.1988).

This is preserved for Appellant's record.

December 9th, 2014

By: 
Ziraili M Elbey, 'In Propria Persona'
9789 Charlotte Highway, #400-191
Ft. Mill, South Carolina, 29707
(803) 233-2665

Attachments

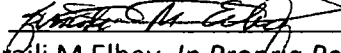
1. Order dated December 02, 2014
2. Appellant's Notice of Objection to Notice of Appearance of Counsel dated October 10, 2014
3. Clerk of Court's Letter pre-approving George B Miliam, bar attorney for Respondent dated October 15, 2014

NOTICE OF OBJECTION TO DENIAL ORDER
"MANDATORY JUDICIAL NOTICE OF ADJUDICATIVE FACT MOTION" and another motion captioned
"APPELLANT'S NOTICE OF OPPOSITION TO NOTICE OF APPEARANCE OF COUNSEL"

Certificate by Appellant

The undersigned hereby certifies that the **NOTICE OF OBJECTION TO DENIAL ORDER "MANDATORY JUDICIAL NOTICE OF ADJUDICATIVE FACT MOTION"** and another motion captioned **"APPELLANT'S NOTICE OF OPPOSITION TO NOTICE OF APPEARANCE OF COUNSEL"** contains all material proposed to be included by any of the parties and not any other material to include George B Milam, bar attorney whom was not counsel of record in Lancaster Court of Common Pleas case # 2011-CP-29-00035 and has no knowledge of such.

December 9th, 2014

By: 
Ziraili M Elbey, *In Propria Persona*
9789 Charlotte Highway, #400-191
Ft. Mill, South Carolina, 29707
(803) 233-2665

Chad Burgess, Brock & Scott, PLLC
3800 Fernandina Rd., Ste 110
Columbia, South Carolina, 29210
803-454-3340

George B. Milam, New Counsel for Respondent
1800 Baity Hill Dr., Apt 126
Chapel Hill, NC 27514

NOTICE OF OBJECTION TO DENIAL ORDER
"MANDATORY JUDICIAL NOTICE OF ADJUDICATIVE FACT MOTION" and another motion captioned
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Certificate of Service
State of South Carolina
Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

Philip E. Wright, Special Referee

Case No. 2013-002373

H & R Block Bank, FSB,

Respondent

v.

Ziraili M Elbey, a/k/a/ Ziraili Mohassan El Bey, WKFC Living Trust Under Trust Agreement dated June 4, 2010 by and through its Trustee Wellesley K. Clayton and American Home Mortgage Servicing, Inc. s/b/m to Option One Mortgage Servicing, Inc. s/b/m to Option One Mortgage Corporation, Defendants,
Of Whom Ziraili M. Elbey is the Appellant.

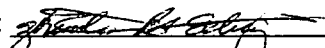
Appellant

RECEIVED
DEC 11 2014
SC Court of Appeals

PROOF OF SERVICE

I certify that Brock & Scott, PLLC, Attn: Chad Burgess, 3800 Fernandina Rd., Ste 110, Columbia, South Carolina, 29210; George B. Miliam, 1800 Baity Hill Dr., Apt. 126, Chapel Hill, NC 27514 received a copy of the **Notice of Object to Order** (see attached) by depositing a copy of it in the U.S. Mail, postage prepaid, on December 9th, 2014 addressed to above counsel listed and this Appellate Court.

December 9th, 2014

By: 
Ziraili M Elbey, *In Propria Persona*
9789 Charlotte Highway, #400-191
Ft. Mill, South Carolina, 29707
(803) 233-2665

The South Carolina Court of Appeals

H & R Block Bank, FSB, Respondent,

v.

Ziraili M. Elbey a/k/a Ziraili Mohassan El Bey, WKFC
Living Trust Under Trust Agreement Dated June 4, 2010
by and through its Trustee Wellesley K. Clayton and
American Home Mortgage Servicing, Inc. s/b/m to
Option One Mortgage Servicing, Inc. s/b/m to Option
One Mortgage Corporation, Defendants,

Of whom Ziraili M. Elbey is the Appellant.

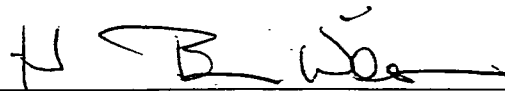
Appellate Case No. 2013-002373

COPY

ORDER

Appellant filed a motion captioned "Mandatory Judicial Notice of Adjudicative Fact Motion" and another motion captioned "Appellant's Notice of Opposition to Notice of Appearance of Counsel."

After careful consideration, this Court denies both motions.



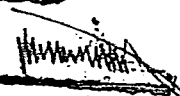
FOR THE COURT

Columbia, South Carolina

cc: Ziraili M. Elbey

COPY

FILED

12/2/14 



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

October 15, 2014

Ziraili M. Elbey
9789 Charlotte Highway #400-191
Fort Mill SC 29707

Mr. Chad Wilson Burgess, Esquire
Brock & Scott, PLLC
3800 Fernandina Road, Suite 110
Columbia SC 29210

Mr. George Benjamin Milam, Esquire
1800 Baity Hill Dr.
Apt. 126
Chapel Hill NC 27514

Re: H & R Block v. Ziraili M. Elbey
Appellate Case No. 2013-002373

Dear Ms. Elbey and Counsel:

All parties are advised that the originals of all records on appeal and final briefs filed with the appellate courts are scanned. Therefore, in accordance with the May 1, 2008 Amendments to the South Carolina Appellate Court Rules, DO NOT staple, spiral bind, velobind, or otherwise permanently bind the ORIGINALS of these documents. The original brief(s) and record on appeal should still have front and back covers in compliance with Rule 267(e) of the South Carolina Appellate Court Rules, but should not be bound. You may secure the originals with paper

**APPELLANT'S NOTICE OF OPPOSITION TO
NOTICE OF APPEARANCE OF COUNSEL**

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

OCT 10 2014

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

SC Court of Appeals

Philip E. Wright, Special Referee

Case No. 2013-002373

H & R Block Bank, FSB,

Respondent

v.

Ziraili M Elbey, a/k/a/ Ziraili Mohassan El Bey, WKFC Living Trust Under Trust Agreement dated June 4, 2010 by and through its Trustee Wellesley K. Clayton and American Home Mortgage Servicing, Inc. s/b/m to Option One Mortgage Servicing, Inc. s/b/m to Option One Mortgage Corporation, Defendants,

Appellant

Of Whom Ziraili M. Elbey is the Appellant.

**APPELLANT'S NOTICE OF OPPOSITION TO
NOTICE OF APPEARANCE OF COUNSEL**

Come now Appellant, Ziraili M Elbey, a natural born woman on the land, not an attorney, hereby states that more than two hundred and forty days (240+) after the filing of Appellant's SCACR 208 initial brief, SCACR 209 designation of matters and other pertinent materials previously documented in this case, is filing a timely opposition to NOTICE OF APPEARANCE OF COUNSEL representing Nationstar Mortgage LLC (hereafter refers as NSMLLC), as another Respondent in Appellant's case no. 2013-002373. The only Respondent in this Appellate case is H & R Block Bank, FSB as seen in the caption above and as seen in the caption of the SC Court of Common Pleas lawsuit **complaint** filed by H & R Block Bank, FSB in case no. 2011-CP-29-00035, dated January 14, 2011 which resulted in a foreclosure. (See exhibit "A" first pg 'only') [total/full copy previously filed in compliance with SCACR 209]