

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Appeal from RICHLAND COUNTY

Joseph M. Strickland, Master in Equity

Court of Common Pleas

RECEIVED

DEC 08 2014

SC Court of Appeals

Case No. 2014-000140

Bank of America, N.A.,Respondent

v.

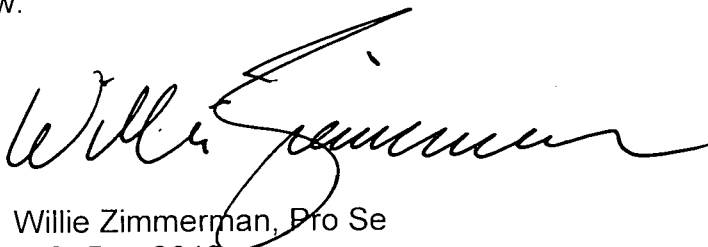
Duce Staley, Felicia Woods a/k/a Felicia B. Woods, SCBT, N.A., South Carolina Department of Revenue, Palmetto Health, Manheim Automotive Financial Services, Inc., and Spring Valley Homeowners' Association, Defendants,

And Willie Zimmerman, Third Party Participant,Appellant

**RETURN TO RESPONDENT'S
MOTION TO DISMISS FOR FAILURE TO
COMPLY WITH RULE 211(b), SCACR**

Appellant now replies to the Respondent's Motion to Dismiss for Failure to Comply with Rule 211(b), SCACR, dated November 18, 2014 with a Proof of Service date and US Postmark date of the same. The Appellant contends that this motion lacks merit considering that it would nullify a state law.

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THE APPELLANT HEREBY REPLIES TO RESPONDENT'S MOTION TO DISMISS FOR FAILURE TO COMPLY WITH RULE 211(b), SCACR. THE APPELLANT MOVES THE COURT TO DENY RESPONDENT MOTION AND ALLOW CASE NO 2014-000140 TO PROCEED AS NORMAL:

1. Appellant acknowledges that the July 31, 2013 Order to Vacate was against precedence set by two SC Court of Appeals opinions:
 1. Opinion No. 4234, Eastern Savings Bank, FSB v. Albert J. Sanders, Jr.
 2. Opinion No. 4376, Wells Fargo Bank, N.A. v. Barbara S. Tuner
2. Because the Appellant in no way contributed to the mistake(s) made by the Respondent, the court erred in setting aside the April 1, 2013 foreclosure sale.
3. Because the Judicial Sale neither involved an inadequate price so gross as to shock the conscience, nor were there other circumstances that warranted interference for the court, the court erred in setting aside the April 1, 2013 foreclosure sale.
4. Appellant believes Respondent's motion to dismiss lacks merit and is frivolous. If the case were to be dismissed, it would essentially mean that any SC Court would rule against precedence.

Appellant respectfully requests that this court deny Respondent's motion to dismiss for failure to comply with Rule 211(b) SCACR and rule in favor of the Appellant.

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And Willie Zimmerman, Third Party Participant,Appellant

PROOF OF SERVICE

I, Willie Zimmerman, served upon the Respondent this RETURN TO RESPONDENT'S MOTION TO DISMISS FOR FAILURE TO COMPLY WITH RUL 211(b), SCACR by placing the same in the United States Mail, first class postage prepaid, addressed to the following as shown this 8th day of December, 2014.



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