

December 9, 2014

**REQUEST FOR A COPY OF A
MANUAL, HANDBOOK OR GUIDELINES FOR THE CLERK OF
COURT & DEPUTY CLERK OF COURT FOR THE APPELLATE COURT**

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

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

RECEIVED

DEC 11 2014

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

SC Court of Appeals

I am still new at this so...please advise me of errors and/or any incorrect protocol. I am requesting a copy of a Manual, Handbook or Guidelines relative to the authority of the Clerk of Court or Deputy Clerk of Court to extend time for filing the Respondent's Initial Brief and Designation of Matters for the Record on Appeal. My request came into existence because I received an Order signed by *V. Claire Allen* on December 5, 2014 extending time for Respondent Wells Fargo to file the Respondent's "Initial Brief" until January 2, 2015. The Order is dated; 4 Dec 2014. *{See attached Exhibit 373}*

V. Claire Allen's approval came after I sent the Clerk of Court and/or Deputy Clerk of Court a letter requesting Clarification or an Explanation relative to 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 was: "Due to other conflicting deadlines and work obligations." I needed to know whether or not to treat attorney Anzelmo's letter as a motion. *{Refer to My Letter Dated: December 1, 2014 & the Attached Exhibit 372}*

Since I have every intention of opposing and objecting to any motion by Respondent Wells Fargo to Extend Time to file the "Initial Brief", I need to know the source of the Deputy Clerk's authority to deny my right to defend and oppose or object to any motion or "**Request**" by Wells Fargo to Extend Time. I cannot find the Deputy Clerk's authorization in South Carolina's Rules of Civil Procedure or in South Carolina's Appellate Court Rules. Therefore, the authorization must exist in another source that, as of the date of this letter, my husband cannot find.

Since the Appellate Court does not violate its rules, as a direct result of *V. Claire Allen's* signed Order [Exhibit 373] and attorney Michael Anzelmo's letter [Exhibit 372], I am once again placed in the unenviable position of deciphering Appellate Court Rules.

MOTIONS AND PETITIONS GENERALLY
"ANOTHER REVIEW OF APPELLATE COURT RULE 240"

Rule 240(a), SCACR - 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."

I am restating my original question: "**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 and specifically states it as such.

Rule 240(c), SCACR - Form and Content of Motions and Petitions. Clearly states the following; "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 **Exhibit 372**, I only received 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 as required by *Rule 240(c), SCACR*.

Rule 240(d), SCACR - Filing of Motions and Petitions. Clearly states, "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.

Referring back to the first sentence in ¶ #3 in attorney Anzelmo's letter, "The required motion fee is enclosed." I am repeating my question: "**Does this mean his letter [Exhibit 372] is the motion or must be treated or accepted as a motion ?**"

Rule 240(e), SCACR - Return to Motion. V. Claire Allen's approval violated my right to defend, oppose and object to Respondent Wells Fargo Bank, N.A.'s motion to extend time by clearly stating; "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 was no proof of service, did I have to 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**

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

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Attorney for Appellant

Wanda D. Jones, Esquire
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Attorney for Respondent"

As you can see from filed **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 and did not comply with the requirements of **Rules 267(a), and 240(c)(1)-(3), SCACR.**

Rule 240(g), SCACR - Failure to Comply. Clearly states; "Failure of the moving party to perform any act required by this Rule may be deemed an abandonment of the motion or petition." These rules are all I have to go on to guide me in this proceeding.

CAN THE DEPUTY CLERK IGNORE APPELLATE COURT RULES?

Based on my husband's research, several states and the Federal Courts allow the Clerks of Court to extend time for unopposed motions after consultation and signed agreements from the litigant/s or party/ies. There was no consultation with me and no signed agreement to extend time. Since I only had ten (10) days to respond, I still 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. Since I am bound by the Appellate Court's Rules and must do everything within reason to comply with them, these actions are prejudicial. Therefore, can the Deputy Clerk ignore "Compliance" with Appellate Court Rules?

REASONS FOR OBJECTING TO WELLS FARGO'S NOVEMBER 25, 2014 REQUEST TO EXTEND TIME

I am objecting to Wells Fargo's current "Request" for the following reasons.

1. Wells Fargo's "Request" to Extend Time does not meet the guidelines of *Rule 240(a), SCACR*. There is no language in *Rule 240(a), SCACR* that refers to a "Request" to Extend Time. The Rule only refers to Motions to Extend Time and not a "Request/s".
2. Wells Fargo's "Request" failed to meet the requirements of *Rule 240(c)(1)-(3), SCACR*. There is no certificate or affidavit of service, no memorandum with citations to authorities and no affidavit/s or any other document/s supporting Respondent Wells Fargo Bank, N.A.'s "Request" as required by *Rule 240(c), SCACR*.
3. Wells Fargo's "Request" failed to meet the requirements of *Rule 240(d), SCACR*. There is no reference to an original and six (6) copies of the motion that shall be filed with the clerk of the appellate court. "Shall" means it is mandatory.
4. Wells Fargo's "Request" failed to meet the requirements of *Rule 267(a), SCACR*.
5. There has been no answer to my request for information about Wells Fargo's "Request" in a timely manner that would allow me to file a timely response as required by *Rule 240(e), SCACR*.
6. Any Motion by Respondent Wells Fargo's to Extend Time will be opposed on other grounds. There has been no "Substitution of the Appellant" that will necessitate rewriting the "Brief" for another Appellant of Record just days before the "Initial Brief" is due.

MAILING INTENTIONALLY DELAYED

I am intentionally delaying the mailing of this letter until Tuesday, December 9, 2014. Instead of mailing this letter on Monday, December 8, 2014, I will wait until Tuesday. I want to give the Clerk of Court sufficient time to respond to my need for "Clarification" or an "Explanation" relative to "Wells Fargo's Request to Extend Time", that was not filed as a motion pursuant to Appellate Court Rules.

**IF NO MANUAL, HANDBOOK OR GUIDELINES EXIST
OR CAN BE MAILED OR PURCHASED FOR THE AUTHORITY
OF THE CLERK OF COURT TO APPROVE EXTENSIONS OF TIME**

If no publication exists to review or purchase, a brief letter will do relative to the Clerk of Court's authority to allow the Respondent Wells Fargo Bank, N.A. to Extend Time to File the "Initial Brief". For 6 years I had to endure prejudicial treatment in Judge Diane Shafer-Goodstein's Courtroom and sat helplessly as she showered preferential treatment on Wells Fargo and/or Wells Fargo's attorneys; most notably, Brian A. Calub and James H. Burns. There is no one to appeal to in Orangeburg for a fair hearing.

This unnecessary lawsuit has cost me thousands of dollars in unnecessary legal expenditures and lost income for a Verifiable Mortgage Fraud that was perpetrated by 2nd and/or 3rd parties; most notably, the Seller, the Appraiser, the Broker, the Player Law Firm and Wells Fargo's own employees. I cannot continue to allow this law firm to constantly take advantage of me. I do not have "Deep Pockets" and cannot print money. Please respond to my request for information ASAP because the clock is ticking and I still want to file my objections to Wells Fargo's "Request" or "Motion" to Extend Time. 6 years of this is enough for any person to endure. Lawyers can get paid for their time and services. No one pays me a penny..... and I will have to fight every step of the way to recover my losses. Thank you.

/s/ Dorothy Sistrunk
Dorothy Sistrunk

CC:

Michael Anzelmo
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12/5/14

The South Carolina Court of Appeals

Wells Fargo Bank, N.A., Respondent,

v.

Dorothy Sistrunk, Appellant.

Appellate Case No. 2014-001683

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SC Court of Appeals

The Honorable Diane Schafer Goodstein
Orangeburg County
Trial Court Case No. 2008CP3801024

ORDER

The time for serving and filing the respondent's initial brief and designation of matter is hereby extended until January 2, 2015.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:
Dorothy Sistrunk
Elizabeth Scott Moise, Esquire
Michael J. Anzelmo, Esquire

FILED

4 Dec 2014

Exhibit 373

cc

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