January 5, 2015

VIA FACSIMILE AND US MAIL

The South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201
(803) 734-1839

RE: Townes at Pelham v. Donna Boyd
Appellate Case No. 2014-000701

Dear Ms. Abbott Kitchings:

The Respondent, Townes at Pelham Owner's Association, Inc failed to file its initial brief and designation of matter on November 8, 2014, and on October 28, 2014, moved for a (30) day continuance to file its initial brief and designation of matter in the above referenced matter. The Appellant noted that the Respondent asserted in its October 28, 2014, motion for a continuance that it had elected to associate other counsel to assist with the filing of its brief and that counsel had requested more than three weeks to prepare its initial brief and designation of matter.

However, on December 1, 2014, the Respondent submitted another motion for continuance but this time moved for a (90) day continuance. The Respondent asserted in its motion that Lakewood Loan Servicing, LLC (Foreclosure Plaintiff) holds the superior lien against the first property owned by the Appellant and that Lakeview Loan Servicing, LLC filed a foreclosure action involving the Appellant's property on August 22, 2014. Moreover, the Respondent asserts in its motion that the Foreclosure Plaintiff has requested a judgment of foreclosure and, if granted by the court, said judgment will eliminate any legal or equitable interest that Appellant or Respondent has in the subject property and eliminate both parties' standing to have appellate case decided before this court.

The Appellant asserts that Lakewood Loan Servicing is the superior lien holder and was also the superior lien holder on February 11, 2014, when Honorable Judge Charles B. Simmons signed the Written Order to foreclose upon the Appellant's property. However, the Respondent did not give notice to the superior lien holder of its intent to foreclose on the Appellant's property nor did the Respondent give notice to the superior lien holder that a hearing to foreclose on Appellant's property would be held on January 10, 2014. As evidenced in the Court Order, the court asserted that Bank of America filed an answer on December 6, 2012, but did not attend the hearing, giving the false impression that Bank America had notice of a hearing but chose not to attend the hearing held on January 10, 2014. Also, the Written Order falsely asserted that all parties herein and/or all attorneys of record were notified of the time, date, and place of the hearing in

this matter. It is evident that the Respondent failed to conduct a title search of the Appellant's property prior to the HOA foreclosure hearing held on January 10, 2014 and had it done so would have known that Bank of America was not the superior lien holder when the Written Order to foreclose was granted against the Appellant's property. Further it was asserted in the Written Order, Respondent's attorney had assumed responsibility for the institution of this action and had searched and updated the title on the subject property from the date the current owner received the property to the date the Lis Pendens was filed.

On October 28, 2014, The Respondent filed a Motion for Continuance asserting that it elected to associate other counsel and requested an additional three weeks to prepare. However, as of date, Respondent's counsel has not elected other counsel nor submitted its brief and designation of matter. But, instead the Respondent has delayed the filing of its brief and is now asking for an additional (90) days, contemplating that the circuit court will grant the Foreclosure Plaintiff's judgment of foreclosure so that the Respondent will not be held accountable for its improper actions against the Appellant and Superior Lien Holder. The Respondent's motion for a continuance is a dishonest ploy to evade detection and another attempt to circumvent the judicial process.

The Appellant finds it very suspect that the Respondent has not submitted a single argument to justify the ruling to foreclose upon her property. Moreover, the Appellant asserts that the Judge's decision to foreclose upon her property must comport with the rule of law. The Appellant noted in the Written Order that the Respondent's attorney failed to put forth any plausible legal arguments and that absolutely no rules were cited in the Written Order to support the decision to foreclose on the Appellant's property. For example, in the Written Order, Findings of Fact, the Judge only submitted conclusions but did not submit any rule of law to justify those conclusions. Moreover, legal analysis requires facts to be governed by the rule of law, simply repeating 'I find' does not comport well with sufficient legal analysis.

Further, the motion for continuance evinces that the Respondent can not and did not intend to assert any legal arguments to justify or sustain the Written Order. The Appellant has asserted since the outset of this matter that the Respondent concocted this frivolous action as a ploy to intimidate the Appellant to make settlement with the HOA. Case in point, the record shows that this foreclosure action was filed on June 11, 2012; however, the notice to foreclose was not served upon the Appellant until November 14, 2012, five months later and well outside the (60) days as prescribed by S.C. Statute 15-11-30.

Further, the Respondent's attorney never attempted service on the Appellant or the Superior Lien Holder. But, Third Party Defendant Eric Hedrick ostensibly walked around for five months looking for an opportunity to serve the Appellant. The Appellant asserts that the notice to foreclose could have been sent via mail. But instead Third Party Defendant Eric Hedrick chose to use a process server to stalk, approach and assault the Appellant as she stood in line to vote on October 30, 2012. Further, the Appellant asserts that she never received any correspondence from the Respondent's attorney but did

consistently receive monthly notices from Third Party Defendant Eric Hedrick. The Appellant thought it strange that she received notices from Third Party Defendant Hedrick and not the Respondent's attorney.

Moreover, the Appellant asserts that the Respondent's attorney did not get involved in this matter until the service of process went awry and the Appellant made a complaint of assault against the process server on October 30, 2012. Further, the Appellant asserts that the Respondent's attorney had to get involved because he drew up the Summons and Complaint and did file it with the court on June 11, 2012. Further, the Respondent's attorney is trying to conceal the fact that he was not the Respondent's attorney on October 30, 2012 and that he did conspire with Third Party Defendant Eric Hedrick to submit a frivolous cause of action.

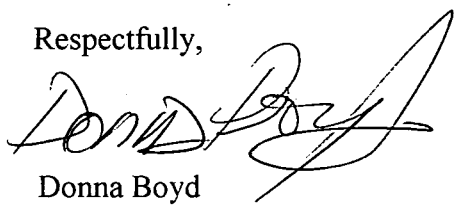
The Respondent asserts that it is concerned with judicial efficiency. But, the Respondent and Judge knew the following facts when the Appellant appeared for the hearing on January 10, 2014:

- HOA Foreclosure action filed on June 11, 2012.
- Foreclosure served against Appellant on November, 14, 2012. Lis Pendens was not timely served upon the Appellant or the Superior Lien Holder.
- Service of the Lis Pendens must be made within (60) days after the date of filing or it will be rendered invalid.
- Former Builder/Developer of Townes at Pelham and Third Party Defendant Eric Hedrick did not have standing to bring a cause of action against the Appellant and Superior Lien Holder.

However, the Respondent continues to waste administrative resources, tax payer dollars and time pursuing its frivolous and unlawful actions against the Appellant. Now, the Respondent is asking for an additional (90) days so that the lower court is afforded the opportunity to undo its despicable and unlawful ruling against the Appellant. Since the inception of this ordeal, the Appellant has been denied the right of Due Process. The Appellant appealed the Written Order on April 2, 2014, praying that this Honorable Court would hear this matter to its conclusion.

The Appellant respectfully request that this Honorable Court deny Respondent's Motion for Continuance.

Respectfully,



Donna Boyd
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Mauldin, SC 29662

cc: J. Chris Brown
Babb & Brown, P.C.
505 W. Butler Road
Greenville, South Carolina
29607

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Charles B. Simmons, Jr., Circuit Court Judge

Case No. 2014-000701

Townes at Pelham Owners' Association, Inc.

Respondent,

v.

Donna Boyd, Appellant.

PROOF OF SERVICE

I certify that I have served the letter response to the Respondent's Motion for Continuance by depositing a copy of it in the United States Mail, postage prepaid, on Monday, January 5, 2015, addressed to his attorney of record, J. Chris Brown, Babb & Brown, P.C., 505 W. Butler Road, Greenville, South Carolina 29607.

January 5, 2015

s/ Donna Boyd
Donna Boyd
Post Office Box 1168
Mauldin, South Carolina 29662
29662

DCB
P.O. Box 1168
Mauldin SC 29662

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Honorable Ms Abbott Kitchings
South Carolina Court of Appeals
1015 Sumter Street
Columbia SC 29201

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