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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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DEC 31 2014
SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of the Master in Equity

The Honorable Mikell R. Scarborough, Master in Equity
Case No.: 2010-CP-10-6060

APPELLATE CASE No.: 2014-001323

Bank of America, N.A.,.....Respondent,

v.

Johnson D. Koola, First Citizens Bank and Trust Company, Inc.,
f/k/a First Citizens Bank and Trust Company of South Carolina, and
Cambridge Lakes Condominium Homeowners Association, Inc.,
f/k/a Cambridge Lakes Horizontal Property Regime, Defendants,

Of whom Johnson D. Koola is the..... Appellant.

**APPELLANT'S REPLY TO RESPONDENT'S RETURN TO THE MOTION
TO COMPEL THE RESPONDENT TO SERVE RESPONDENT'S BRIEF ON THE
APPELLANT AND MOTION TO SANCTION THE RESPONDENT**

Appellant hereby replies to respondent's Return to appellant's "Motion to Compel the Respondent to Serve Respondent's Brief on the Appellant and Motion to Sanction the Respondent".

On December 19, 2014, respondent filed two returns: "Respondent's Return to Appellant's Motion to Compel the Respondent to Serve Respondent's Brief on the Appellant" and "Respondent's Return to Appellant's Motion to Sanction the Respondent". Subsequently, appellant received a copy of Respondent's Brief on December 22, 2014.

Respondent's Return to Appellant's 'Motion to Sanction the Respondent' avers that the respondent, because of a scrivener's error, mailed the Respondent's Brief to the appellant to a wrong address, and that scrivener's error and excusable neglect are not grounds for sanctions to be imposed on a party without the party first being afforded the opportunity to correct its mistake, and therefore, this Court shall deny the Appellant's Motion to Sanction.

Appellant responds that the respondent received actual and constructive notices four times that the service of process was improper, and respondent did not take any corrective actions until the appellant filed the Motion to Sanction.

If, indeed, the respondent served the Respondent's Brief on the appellant on November 14, 2014 at a wrong address, the U.S. Postal Service will return the mail undelivered to the sender within a short period of time, usually ten days which would serve as an actual and constructive notice that the service of process was wrong, and the respondent should take corrective action to serve the Respondent's Brief on the appellant. The respondent did not take any corrective action.

On October 29, 2014, appellant wrote a letter to the Clerk of the Court with a copy to the respondent's consul of record that the appellant has not received the respondent's brief, which was initially due on October 15, 2014. This letter was the second actual and constructive notice to the respondent that if, indeed, the respondent served the Brief on the appellant, the service of process was wrong, and the respondent should take corrective action to serve the Brief on the appellant. The respondent did not take any corrective action.

Through a letter from the Clerk of the Court dated October 27, 2014, appellant learnt that respondent's attorney Robert Jackman, Esq., filed a motion to extend the

time to file and serve the Respondent's Brief sometime in October 2014. Either the respondent did not serve a copy of the said motion on the appellant, or the respondent served the copy of the motion on the appellant at a wrong address. In the later case, the U.S. Postal Service will return the mail undelivered to the sender within a short period of time. Therefore, this was the third actual and constructive notice to the respondent that if the respondent served the Brief and the Motion on the appellant, the service of process was improper. The respondent did not take any corrective action.

On November 5, 2014, appellant wrote to the Clerk of the Court with copy to two of the respondent's consuls that the respondent did not serve a copy of the motion to request an extension of time on the appellant. If the respondent served the copy of the motion on the appellant at a wrong address, then the U.S. Postal Service will return the mail undelivered to the sender within a short period of time. Therefore this was the fourth actual and constructive notice to the respondent that the respondent's service of process was wrong, and the respondent should take corrective action to serve the Brief and Motion on the appellant.

The respondent received four actual and constrictive notices that the service of process was wrong, and the respondent should take corrective actions to address the issue. The respondent did not take any corrective action. This failure is a willful and wanton defiance of the Appellate Court rules. Appellant requests this Court to take appropriate actions including sanctioning the respondent.

Appellant's Reply Brief is due on January 5, 2015 because of the intervening New Year holidays and weekend. The Table of Authorities in the Respondent's Brief includes around fifteen new case law citations. Appellant, being a pro, uses the Trident Technical College Paralegal Law Library to review statutes and case laws. The law

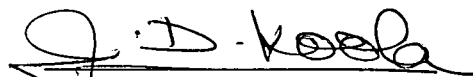
library is closed till January 5, 2015 for Christmas and New Year holidays. Without studying the cited case laws, appellant cannot file a meaningful Reply Brief. Appellant respectfully requests this Court to grant him ten days of extension to January 14, 2015 to file the Reply Brief and serve the same on the respondent.

Appellant has requested the respondent to provide him with copies of all the Designation of Matter that the respondent designates to include in the final Record on Appeal. Appellant respectfully requests this Court to issue an Order requiring the respondent to provide the appellant with copies of all the Designation of Matter to be included in the final Record on Appeal and granting appellant thirty days of time after receipt of the copies of the respondent's Designation of Matter to serve the Record on Appeal on the respondent.

Appellant has requested this Court in his original Motion filed on December 16, 2014 to grant him sufficient time to file the reply brief and record on appeal.

December 29, 2014

Respectfully submitted,



Johnson D. Koola
1587 Cambridge Lakes Dr
Mt. Pleasant, SC 29464
(843) 849-9241

Appellant pro se

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APPEAL FROM CHARLESTON COUNTY
Court of the Master in Equity

The Honorable Mikell R. Scarborough, Master in Equity
Case No.: 2010-CP-10-6060

APPELLATE CASE No.: 2014-001323

Bank of America, N.A., Respondent,

v.

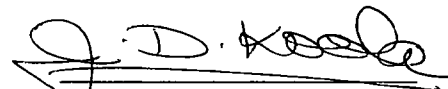
Johnson D. Koola, First Citizens Bank and Trust Company, Inc.,
f/k/a First Citizens Bank and Trust Company of South Carolina, and
Cambridge Lakes Condominium Homeowners Association, Inc.,
f/k/a Cambridge Lakes Horizontal Property Regime, Defendants,

Of whom Johnson D. Koola is the Appellant.

PROOF OF SERVICE

I, Johnson D. Koola, Appellant pro se, under penalty of perjury, certify that on December 29, 2014, I served a copy of the "Appellant's Reply to Respondent's Return to the Motion to Compel the Respondent to Serve Respondent's Brief on the Appellant and Motion to Sanction the Respondent" by mailing a true copy of the same through U.S. mail, first class postage affixed, to the following counsel for the respondent:

Robert Powell Jackman, Esq.
Korn Law Firm, P.A.
P.O. Box 12369
Columbia, SC 29211-2369


Johnson D. Koola
1587 Cambridge Lakes Dr.
Mt. Pleasant, SC 29464

December 29, 2014

JOHNSON D KOOLA
1587 Cambridge Lakes Dr
Mt. Pleasant, SC 29464

December 29, 2014

The Hon. Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1015 Sumter Street
Columbia, S.C. 29201

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SC Court of Appeals

Re: Bank of America v. Johnson D. Koola: **Appellate Case No.: 2014-001323**
Sub: Appellant's Reply to Respondent's Return

Dear Honorable Ms. Kitchings,

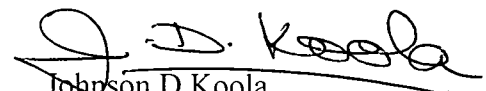
Enclosed please find seven copies of "Appellant's Reply to Respondent's Return to the Motion to Compel the Respondent to Serve Respondent's Brief on the Appellant and Motion to Sanction the Respondent". Appellant has served copy of this Reply on consul of record for the respondent. Proof of service is attached.

Appellant has requested to grant him ten days of extension to January 14, 2015 to file the Appellant's Reply Brief and serve the same on the respondent.

Appellant has also requested to grant him thirty days of extension after receipt of copies of respondent's Designation of Matter to be included in the final Record on Appeal to serve the Record on Appeal on the respondent.

I thank you in advance for your kind efforts to review the matter.

Yours sincerely,

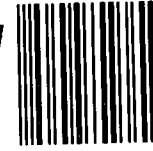

Johnson D Koola
1587 Cambridge Lakes Dr
Mt. Pleasant, SC 29464
(843) 849-9241

Copy to:
Attorney Robert Powell Jackman, Esq.
Attorney for Respondent
Korn Law Firm

Mr. Johnson Koola
1587 Cambridge Lakes Dr
Mt Pleasant, SC 29464-7300



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