

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Case No. 2014-001655

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SC Court of Appeals

MOTION TO RECONSIDER ORDER OF DISMISSAL

BACKGROUND

Appellant has been evicted from his home.

Appellant Asserts:

A). That he based his appeal on **CHAPTER 9 SECTION 18-9-130**. (B)(1) and (2).

(B)(1) The appeal of a judgment awarding relief in a civil action, under any legal theory, involving a signatory of the Master Settlement Agreement, as defined in Section 11-47-20(e), or a successor to or affiliate of a signatory to the agreement, automatically stays the execution of that judgment.

(2) The stay described in this subsection is effective upon the filing of the notice of appeal and during the entire course of appellate review of the judgment.

B). That **SECTION 18-9-130** (2) is not written logically in that Appellant was not a Plaintiff but a Defendant.

(2) A plaintiff may not enforce a sale of property after a notice of appeal is filed without giving an undertaking or bond to the defendant, with two good sureties, in double the appraised value of the property or double the amount of the judgment, conditioned...

a). "bond to the Defendant" is what it states.

b). That Appellant could not have realized this applied to him.

c). That Appellant's pro se status should not hinder his ability to file an appeal.

d). That Appellant and pro se's in general should be informed of this Rule by the Court of Appeals as it effectually takes away the Right of Appeal under confusing circumstances.

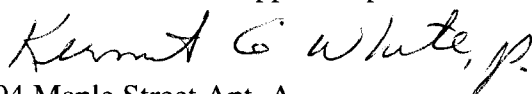
C). That this Court, by not informing Appellant, gave him the impression that nothing was wrong with his appeal.

a). That this Court has wasted Appellant's money (transcript \$130.00), time and energy.

D). That Respondents Motion To Dismiss has nothing to do with Appellant's case against Bank of America for filing a foreclosure action while Appellant was in the HAMP program continuing to make payments.

Appellant therefore asks the Court to reconsider its Order of Dismissal, allow his appeal to go forward and waive the filing fee for this motion due to Appellant's present income from Social Security.

Kermit G. White, Jr. Appellant pro se



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Certificate of Service:

I hereby certify that a true and correct copy of the foregoing has been furnished to The Korn Law Firm, P.A. , 1300 Pickens Street, Columbia, SC 29211, Bank of Omaha, c/o Cynthia M. Lover, Esquire, 212 North Oak Street Suite 305-D, Myrtle Beach, SC 29577 and to Damon C. Wlodarczyk, Esquire 2838 Devine St. Columbia, SC 29205 by regular mail this 25th day of January 2015.