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IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Joseph M. Strickland, Master in Equity

Case No. 2014-000140

RECEIVED

MAR 04 2015

SC Court of Appeals

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 AssociationDefendants

And Willie Zimmerman, Third Party Participant.....Appellant.

**SECOND MOTION TO DISMISS FOR FAILURE
TO COMPLY WITH RULE 211(b), SCACR**

Pursuant to Rule 240, SCACR, Respondent Bank of America, N.A. moves to dismiss this appeal on the grounds that Appellant Willie Zimmerman has consistently failed to comply with Rule 211(b), SCACR. Rule 211(b), SCACR provides that the content of a party's final brief to be identical to the initial brief, with the exception of including references to the record on appeal and correcting obvious typographical errors.

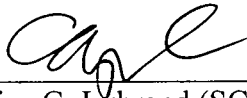
As grounds for this motion, this Court issued an Order on February 4, 2015, giving the Appellant twenty days to file an amended final brief that is identical to his initial brief with the exception of including references to the record on appeal and correcting obvious typographical errors. Respondent respectfully submits that Appellant's Amended Final Brief is not identical to his initial brief, some of which change the facts of the case.

For a specific breakdown of the changes, please see the below chart:

<u>Page/Reference</u>	<u>Initial Brief</u>	<u>Revised Final Brief</u>
Page 3 Last Sentence of First Paragraph	Korn Law Firm gave verbal and/or written approval	Korn Law Firm gave written approval
Page 3 second Paragraph	No Items underlined	Items are underlined for emphasis
Page 3 Last Sentence of Third Paragraph	On June 18, Earle Reese sent Appellant an email approving the adjusted...	On June 18, Earle Reese forwarded an "Approved" email from the Respondent, approving the adjusted....
Page 4		The Arguments Header is missing
Page 4 Conclusion		Conclusion Sentence was removed
Page 4 Conclusion		Paragraph from previous section moved to Conclusion.

Respondent, therefore, requests that Appellant's case be dismissed for his knowing violation of this Court's February 4, 2015, order, and for his consistent failure to meet the requirements of Rule 211(b), SCACR.

Respectfully submitted,



Erica G. Lybrand (SC Bar # 79052)
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 220 Executive Center Drive – Suite 109 (29210)
 P.O. Box 100200
 Columbia SC 29202-3200
 Telephone (803) 771-7900
 Attorneys for Respondent Bank of America, N.A.

February 26, 2015

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Joseph M. Strickland, Master in Equity

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 AssociationDefendants

And Willie Zimmerman, Third Party Participant.....Appellant.

PROOF OF SERVICE

I certify that I have served the **MOTION TO DISMISS FOR FAILURE TO COMPLY WITH RULE 211(b), SCACR** on Willie Zimmerman by depositing a copy of it in the United States Mail, postage prepaid, on February 26, 2015, addressed to Appellant Willie Zimmerman at Post Office Box 2013, Irmo, South Carolina, 29063.



Erica G. Lybrand (SC Bar # 79052)

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MAR 04 2015

SC Court of Appeals

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February 26, 2015

The Honorable Jenny Abbot Kitchings
Clerk of Court for South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

Re: Bank of America, N.A. 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
Appeal Case No. 2014-000140
Our File: 511263.02625

Dear Madam Clerk:

Please find enclosed the original and seven copies of the Second Motion to Dismiss For Failure to Comply with Rule 211(b), SCACR in the above referenced matter. Please file the original and six copies and return a clocked copy in the envelope provided for your convenience.

By copy of this letter, I am hereby serving the Appellant with copy of same.

With kind personal regard, I am,

Very truly yours,

A handwritten signature in black ink, appearing to read "Erica", written in a cursive style.

Erica G. Lybrand

EGL:rd

Enclosure

cc:

Willie Zimmerman
PO Box 2013
Irmo, SC 29063

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SC Court of Appeals