

75438

**RECEIVED**

MAR 23 2015

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM SUMTER COUNTY  
Court of Common Pleas

The Honorable Richard L. Booth, Sumter County Master-in-Equity

Case No. 2015-000349

Wells Fargo Bank, N.A.,

Respondent,

v.

Delores Prescott and Wells Fargo Financial Bank (SD), Defendants,  
Of Whom Delores Prescott is the Appellant.

MOTION TO WITHDRAW COUNSEL

Delores Prescott, Appellant, *Pro Se*  
10 Skytop Gardens, Apt. 23  
Parlin, New Jersey 08859  
(732) 485-8145

Matthew Todd Carroll, Esquire  
Womble Carlyle Sandridge & Rice, LLP  
1727 Hampton Street  
Columbia, SC 29201  
(803) 454-7730  
Attorney for Respondent

This matter comes before The South Carolina Court of Appeals on the Motion of Delores Prescott, Appellant *pro se* in the above-captioned matter, and respectfully files this Motion to release of Robert C. Ray and Donald Michael Mathison counsel of record for Appellant, pursuant to Rule 264 SCACR.

January 30, 2015 at 4:53 p.m. Appellant received an email from counsel stating the Order of Summary Judgment from the Honorable Richard L. Booth; which resulted in the conclusion of the case with Respondent [Wells Fargo]. Counsel advised Appellant that the deadline to appeal in this matter was February 12, 2015 and reminded Appellant that the scope of his representation did not include an Appeal.

March 6, 2015 Appellant received a phone call from Robert C. Ray's office requesting consent for the withdrawal of Donald Michael Mathison due to counsel's potential employment at Brock and Scott, the law firm that previously represented Respondent and initiated this foreclosure action. The actions of Brock and Scott are documented in Appellant's Appeal Motion. See, *In Re Conway*, 305 S.C. 388 (1991). Appellant did not give consent.

March 9, 2015 10:22 a.m. Appellant received an email from Donald Michael Mathison advising attorney Jason Branham at the law firm of Brock and Scott to withdraw his name from consideration of employment.

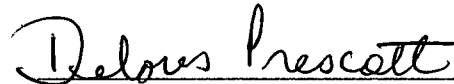
Whereas, the Notice of Motion to Withdraw as counsel (Donald Michael Mathison and Robert C. Ray) is attached as Exhibit A.

Whereas, the consent of Robert C. Ray to withdraw as counsel is attached as Exhibit B.

Whereas, the consent of Donald Michael Mathison to withdraw as counsel is attached as Exhibit C.

Whereas, the email consent of Matthew Todd Carroll, Esquire, Womble Carlyle Sandridge & Rice giving permission to Robert C. Ray and Donald Michael Mathison to sign on his behalf is attached as Exhibit D.

Certificate of service to all counsel is attached as Exhibit E.

A handwritten signature in cursive script that reads "Delores Prescott". The signature is written in black ink and is positioned above a horizontal line.

Delores Prescott, *Pro se*  
10 Skytop Gardens, Apt. 23  
Parlin, NJ 08859  
(732) 485-8145  
[deedenov@hotmail.com](mailto:deedenov@hotmail.com)

March 19, 2015  
Parlin, New Jersey

CERTIFICATE OF SERVICE

The undersigned hereby certifies on the 19<sup>th</sup> day of March 2015, she served a copy of the foregoing Motion to Withdraw Counsel by depositing same in the United States Mail first class, mail, proper postage, affixed, addressed to the person(s) hereinafter named, at the place(s) and address(es) stated below, which is/are the last known address(es):

James C. Campbell  
Sumter County Court of Clerk  
215 N, Harvin Street  
Sumter, SC 29150  
(803) 436-2227

Honorable Richard L. Booth  
141 North Main Street  
Sumter, SC 29150  
(803) 774-3884

Matthew Todd Carroll, Esquire  
Womble Carlyle Sandridge & Rice, LLP  
1727 Hampton Street  
Columbia, SC 29201  
(803) 454-7730  
Attorney for Respondent

Robert C. Ray, Esquire  
305A Mills Ave  
Greenville, SC 29605  
(864) 233-4555  
Withdrawing Attorney for the Appellant

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MAR 23 2015  
**SC Court of Appeals**

  
Delores Prescott, Appellant *Pro Se*  
10 Skytop Gardens, Apt. 23  
Parlin, NJ 08859  
(732) 485-8145  
[deedenov@hotmail.com](mailto:deedenov@hotmail.com)

March 19, 2015  
Parlin, New Jersey

# EXHIBIT A

**RECEIVED**

MAR 23 2015

**SC Court of Appeals**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SUMTER )  
 )  
Wells Fargo Bank, N.A., )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
Delores Prescott and Wells Fargo )  
Financial Bank (SD), )  
 )  
Defendants, )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
Case No. 2010-CP-43-00823

Appellate Case No. 2015-000349

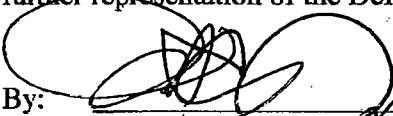
NOTICE AND MOTION TO  
WITHDRAW AS COUNSEL  
(D. Michael Mathison and Robert C. Ray)

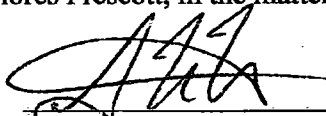
This matter comes before the court on the motion of Delores Prescott, Defendant, and D. Michael Mathison and Robert C. Ray, as withdrawing counsel for the Defendant, pursuant to Rule 11(b), SCRCF and Rule 246, SCACR.

Whereas Ms. Prescott has requested that Mr. Mathison and Mr. Ray withdraw from representing her in this matter at the trial and appellate level; and

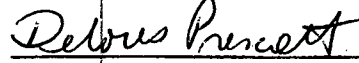
Whereas Mr. Mathison and Mr. Ray desire to be relieved as counsel and have attempted to contact opposing counsel, Todd Carroll, regarding this this request.

The undersigned attorneys hereby join in Ms. Prescott's request to be relieved from any further representation of the Defendant, Delores Prescott, in the matters captioned above.

By:   
Robert C. Ray  
Withdrawing Attorney for the  
Defendant, Delores Prescott

By:   
D. Michael Mathison  
Withdrawing Attorney for the  
Defendant, Delores Prescott

I CONSENT:

By:   
Delores Prescott, Defendant

By: \_\_\_\_\_  
M. Todd Carroll  
Attorney for the Plaintiff  
Wells-Fargo

March 18, 2015.  
Columbia, South Carolina.

# EXHIBIT B

**RECEIVED**

MAR 23 2015

**SC Court of Appeals**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SUMTER )  
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Wells Fargo Bank, N.A., )  
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Plaintiff, )  
 )  
v. )  
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Delores Prescott and Wells Fargo )  
Financial Bank (SD), )  
 )  
Defendants, )  
 )

IN THE COURT OF COMMON PLEAS  
Case No. 2010-CP-43-00823  
  
Appellate Case No. 2015-000349

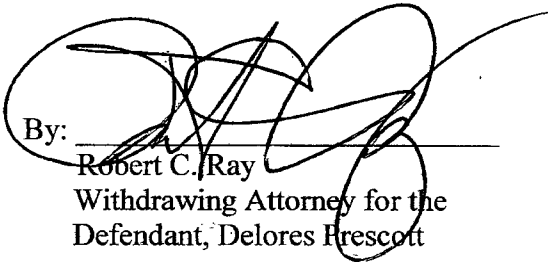
NOTICE AND CONSENT TO  
WITHDRAW AS COUNSEL  
(Robert C. Ray)

This matter comes before the court on the motion of Delores Prescott, Defendant, who has requested that Robert C. Ray withdraw from representing her in all matters pursuant to Rule 111(b), SCRCP and Rule 246, SCACR.

Whereas Ms. Prescott has requested that Mr. Ray withdraw from representing her in this matter at the trial and appellate level; and

Whereas Mr. Ray desires to be relieved as counsel;

The undersigned attorney hereby consents in Ms. Prescott's request that he be relieved from any further representation of the Defendant, Delores Prescott, in the matters captioned above.

By:   
Robert C. Ray  
Withdrawing Attorney for the  
Defendant, Delores Prescott

March 18, 2015.  
Columbia, South Carolina.

# EXHIBIT C

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MAR 23 2015

**SC Court of Appeals**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SUMTER )  
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Wells Fargo Bank, N.A., )  
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Plaintiff, )  
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v. )  
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Delores Prescott and Wells Fargo )  
Financial Bank (SD), )  
 )  
Defendants, )  
 )

IN THE COURT OF COMMON PLEAS  
Case No. 2010-CP-43-00823

Appellate Case No. 2015-000349

NOTICE AND CONSENT TO  
WITHDRAW AS COUNSEL  
(D. Michael Mathison)

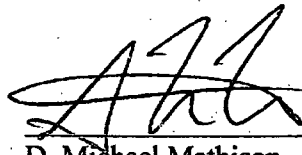
This matter comes before the court on the motion of Delores Prescott, Defendant, who has requested that D. Michael Mathison withdraw from representing her in all matters pursuant to Rule 11(b), SCRPC and Rule 246, SCACR.

Whereas Ms. Prescott has requested that Mr. Mathison withdraw from representing her in this matter at the trial and appellate level; and

Whereas Mr. Mathison desires to be relieved as counsel;

The undersigned attorney hereby consents in Ms. Prescott's request that he be relieved from any further representation of the Defendant, Delores Prescott, in the matters captioned above.

By:



D. Michael Mathison  
Withdrawing Attorney for the  
Defendant, Delores Prescott

March 18, 2015.  
Columbia, South Carolina.

# EXHIBIT D

RECEIVED

MAR 28 2015

SC Court of Appeals

Bob Ray  
to Delores Prescott

Wed, Mar 18 6:21 PM

FW: PRESCOTT- CONSENT MOTION AND NOTICE 2010-00823 /  
Appeal Case: 2015-000349

**From:** Carroll, Todd [mailto:Todd.Carroll@wcsr.com]  
**Sent:** Wednesday, March 18, 2015 3:23 PM  
**To:** Bob Ray; 'Donald Mathison'  
**Cc:** Laney, Sterling  
**Subject:** RE: PRESCOTT- CONSENT MOTION AND NOTICE 2010-00823 / Appeal Case: 2015-000349

Bob and Mike,

I consent, and you have my permission to sign on my behalf. Thanks,

Todd

**TODD CARROLL**  
ATTORNEY AT LAW

**WOMBLE CARLYLE SANDRIDGE & RICE, LLP**  
1727 Hampton Street | Columbia, SC 29201  
T 803 454 7730 | F 803 381 9130 | todd.carroll@wcsr.com  
Firm Website | My Biol VCard

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**From:** Bob Ray [mailto:bobraylaw@gmail.com]  
**Sent:** Wednesday, March 18, 2015 3:20 PM  
**To:** Carroll, Todd  
**Cc:** 'Donald Mathison'; 'Delores Prescott'  
**Subject:** PRESCOTT- CONSENT MOTION AND NOTICE 2010-00823 / Appeal Case: 2015-000349  
**Importance:** High

Mr. Carroll: Please find attached Mr. Ray and Mr. Mathison's Notice to Withdraw as counsel for the above referenced case. I will place the original in the mail, for your consent and signature. Upon receipt please sign and return the original to our office.

Respectfully,

Sharon Lindley  
Paralegal for Robert C. Ray  
306A Mills Ave.  
Greenville, SC 29605  
P: (864) 233-4555  
F: (864) 233-9739

# EXHIBIT E

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MAR 23 2015

ISC Court of Appeals

STATE OF SOUTH CAROLINA )  
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COUNTY OF SUMTER )  
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Wells Fargo Bank, N.A., )  
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Financial Bank (SD), )  
 )  
Defendants, )  
 )

IN THE COURT OF COMMON PLEAS  
Case No. 2010-CP-43-00823  
  
Appellate Case No. 2015-000349

**CERTIFICATE OF SERVICE**

I, the undersigned Paralegal to Robert C. Ray, do hereby certify that I have served all counsel of record and the above named Defendant, Delores Prescott this 18<sup>th</sup> day of March, 2015, in the above captioned matter with a copy of Counsel(s) Consent to Withdraw herein below specified by *email* and by mailing a copy of the same by first class mail to the following address(es):

**Consent Motion and Notice(s):**

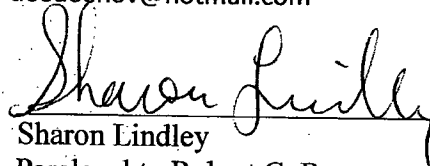
Notice and Consent to Withdraw as Counsel (D. Michael Mathison and Robert C. Ray);

Notice and Consent to Withdraw as Counsel (Robert C. Ray), and

Notice and Consent to Withdraw as Counsel (D. Michael Mathison).

M. Todd Carroll  
Wombyle Carlyle Sandridge & Rice, LLP  
1727 Hampton St.  
Columbia, SC 29201  
Todd.carroll@wcsr.com

Delores Prescott  
10 Skytop Gardens, Apt. 23  
Parlin, New Jersey 08859  
deedeenov@hotmail.com

  
Sharon Lindley  
Paralegal to Robert C. Ray

March 18, 2015.  
Columbia, South Carolina.