

NOTICE OF APPEAL TO SOUTH CAROLINA COURT OF APPEALS

PLAINTIFF(S) : FELICIA WELLS AND LYDIA ELAINE HAGGWOOD

DEFENDANT(S) : US BANK NATIONAL ASSOCIATION

APRIL 27, 2015

NOTE: I, FELICIA WELLS, AM REQUESTING THAT THE COURT OF APPEALS
RELEASE BRIAN L. BOGER AS MY ATTORNEY, DUE TO GROSS INADEQUATE
REPRESENTATION.

Sincerely Felicia G. Wells
Felicia G. Wells
Court appointed Personal Representative

RECEIVED

APR 30 2015

SC Court of Appeals

⑤
April 23, 2015

To: The Law Offices of Brian L. Boger
1331 Elmwood Avenue, Ste. 210, P.O. Box 65
Columbia, SC 29202

75837

Attention Brian L. Boger,

I am writing to officially notify you that I will no longer need your services as my attorney. This is due to gross and inadequate representation.

Please do not take any further action on my behalf. I advise that you inform the court that you are no longer representing my case. I will be in to pick my file, with all its pertinent documents (including serialization papers) on Monday, April 27, 2015.

Sincerely,

Felicia G. Wells



CC: South Carolina Court of Appeals
South Carolina Bar Association

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LAW OFFICES OF BRIAN L. BOGER

1331 ELMWOOD AVENUE, SUITE 210
P.O. BOX 65
COLUMBIA, SOUTH CAROLINA 29202

BRIAN L. BOGER
CERTIFIED CIRCUIT COURT MEDIATOR
PHILLIP A. CURIALE
ASSOCIATE

TELEPHONE: (803) 252-2880
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EMAIL: brian@brianboger.com
phill@brianboger.com

April 20, 2015

Felicia Wells
11804 Park Road
Charlotte, NC 28226

RE: US Bank National Association v. Lydia Elanie Haggwood, et al.
C/A # 2012-CP-40-00138

Dear Felicia:

I am writing to update you on the foreclosure matter referenced above. Recently, the bank's attorney has scheduled a hearing for summary judgment against some of the claims we brought against the bank. The hearing is Wednesday, April 22, 2015 at 2 pm, at the Richland County Courthouse before Judge Andrea Benjamin. The specific issues that the bank is attacking is our claim that it does not have proper standing to bring this foreclosure, as well as our claims that stem from such argument. This means that they are attempting to have the court declare that they automatically win on these issues.

The argument to us at the time we answered the complaint was the idea that the Plaintiff could not legally hold the note and mortgage because the documents were obtained after the "closing date" of the Plaintiff's trust account. This last week, my office has been performing research in an effort to hold on to our claims. Unfortunately, we discovered there is a recent case out of Nevada that directly rules on this issue and is against us. It simply states that because we are not members or beneficiaries of the trust, we are not allowed to question whether the trust should have the note and mortgage at all. Furthermore, there is standing case law in South Carolina that simply states that as long as the legal entity has possession of the note and mortgage, it can foreclose. Whether an assignment is valid is inconsequential to our courts.

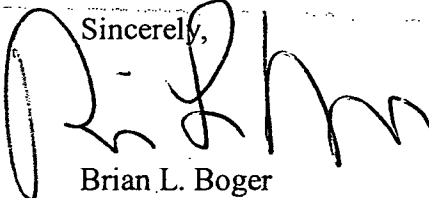
Because of the current status of the law, I expect the bank will prevail on its attempt to remove that specific defense and associated counter claims. The case will then be taken from a jury and changed to be heard in front of a single judge. From there, I do not know how much longer I can continue to hold off the bank's attempt at foreclosure. I do not know if the Guardian issue has been resolved, but I will definitely inform the Court at the hearing. But as this case continues, I do not foresee a favorable outcome on our defenses alone.

MA Boger fails to mention that US BANK NATIONAL has no legal contract to the mortgage, I am attaching what they do have unwitnessed and ~~not~~ ~~signed~~.

April 20, 2015
Felicia Wells
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I recognize you have spent a significant sum of money to make sure the house has been properly kept and in good condition. Unfortunately, the Judge will be unsympathetic to your plight because the documents demand the bank should get paid. Unless you are able to make some sort of financial arrangement to keep the house, I believe the foreclosure will ultimately go through. Please start looking at other alternatives to save this house beyond the South Carolina court system.

I will continue to update you with anything new as it happens. In the meantime, if you have any questions or concerns, please feel free to contact my office.

Sincerely,

Brian L. Boger

Unsigned.

Also I am the daughter of so called borrower of Loan and last but not least the serialization Boxes given to MR. Boger clearly shows that US BANK National Assn is about number 8 in handling the so called note.

bought & sold continuously
and attempted to close on house some
12 years later.

Sincerely Mrs.
Felicia^{G.} Wells - Felicia D Wells

(Court appointed Personal Rep