

70154

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

JUN 01 2015

SC 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 HOLD IN ABEYANCE

May 26, 2015

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

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

Pursuant to the authority granted in Rule 60(b) (1)-(3) allowing an independent action, not subject to the one-year limitation, for fraud on the court, or under the authority in Rule 60 to hear an independent action for exceptional circumstances warranting equitable relief. *See Mr. T. v. Ms. T.*, 378 S.C. 127, 135, 662 S.E.2d 413, 417 (Ct. App. 2008) (stating Rule 60 permits these two potential independent attacks on a judgment).

Appellant, Delores Prescott requests Motion to hold appeal in Abeyance for a period of six months¹ or Motion to Dismiss with leave to file the Notice of Appeal again rather than hold the appeal in Abeyance.

The Order was filed January 13, 2015 and the Appellant was notified Friday, January 30th, 2015 at 4:53p.m. via electronic mail.

Appellant did not have the opportunity to submit a timely Motion for Reconsideration, Rule 59 (a) (b) or (e) due to the fact the her former counsel did not inform her of the Order of Summary Judgement until after the 10 day deadline to submit a timely Motion for Reconsideration and to appropriately preserve issues for review on appeal.

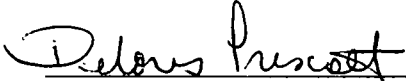
Appellant did not attend any of the 3 hearings held regarding the subject at matter[s] and relied on her formal counsel Robert C. Ray and Donald Michael Matthison to represent and present all of the relevant facts and documents to the lower court.

Due to the complexity of this case a court reporter was requested by counsel but no reporter was in attendance at any of the 3 hearings.

[1] Or until a ruling has been made in the lower court.

See Allegro, Inc. v. Scully, 409 S.C. 392, 411, 762 S.E.2d 54, 64 (Ct. App. 2014) (finding certain issues were unpreserved for appellate review because there was nothing in the record on appeal indicating the objections at trial included arguments on those issues). Appellant was forced to file a timely appeal with this court without first addressing and preserving relevant issues to be reviewed on appeal.

Therefore, Appellant wishes to move the lower court with all outstanding issues, present all relevant documents and evidence in support of the Motion Rule 60(b) and to ensure that the record reflects the correct rulings and findings outlined in this action.


Delores Prescott May 26, 2015

CERTIFICATE OF SERVICE

The undersigned hereby certifies on the 26th day of May 2015, she served a copy of the foregoing MOTION TO HOLD IN ABEYANCE 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):

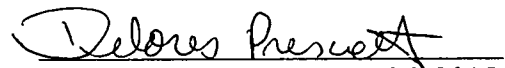
Matthew Todd Carroll, Esquire
Womble Carlyle Sandridge & Rice, LLP
1727 Hampton Street
Columbia, SC 29201
Attorney for Plaintiff
(803) 454-7730

RECEIVED

JUN 01 2015

SC Court of Appeals

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


May 26, 2015

Delores Prescott
16 Skytop Gardens, Apt 23
Parlin, NJ 08859

RECEIVED

JUN 01 2015

SC Court of Appeals



Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

29211162929

