

IN THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHESTER COUNTY
Court of Common Pleas

Lamar H. Kelsey, III, Special Referee

Case No. 2007-CP-12-559

RECEIVED
AUG 22 2012
SC Court of Appeals

HSBC Bank as Trustee, for the registered
holders of Nomura Home Equity Loan, Inc.
Asset-Backed Certificates, Series 2007-2 Respondent,

v.

Nathaniel McMickens,
Glenda L. McMickens and Robert Cooke,
of whom
Nathaniel McMickens and Glenda L. McMickens are Appellants.

Case No. 2007-CP-12-0034

Robert Cooke ,

v.

Nathaniel McMickens, Glenda L. McMickens
and Mortgage Electronic Registration Systems,
Inc. as nominee for Coastal Capital Corp.,
of whom
Nathaniel McMickens and Glenda L. McMickens are Appellants,
and
HSBC Bank as Trustee as successor
in interest to Mortgage Electronic Registration Systems,
Inc. as nominee for Coastal Capital Corp. is Respondent.

RESPONDENT'S RETURN TO APPELLANTS'
PETITION FOR REHEARING

Nathaniel McMickens
Glenda L. McMickens
2834 James F. Wherry Road
Chester, SC 29706
(803) 581-8700
pro se Appellants

H. Guyton Murrell
P.O. Box 11264
Columbia, SC 29211
(803) 252-5817
Attorney for Respondent

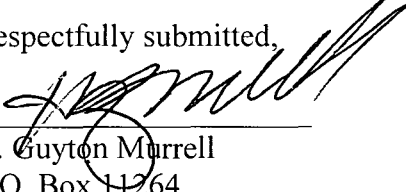
The Respondent would respectfully return to the Appellant's Petition for Rehearing as follows:

1. The Petition for Rehearing was filed on August 6, 2012 with the accompanying Proof of Service stating that the petition was served on Respondent on August 5, 2012.
2. The petition was not mailed by Respondents until August 9, 2012 as reflected on the post marked envelope. (See envelope).
3. The Appellants filed a prior Chapter 13 Bankruptcy in which the subject debt was listed by the Appellants as a secured claim. (See Schedule D).
4. The doctrine of judicial estoppel bars the Appellants from listing the debt as a valid secured claim to be included in their Chapter 13 case and then seeking to wholly deny the validity of the debt in the subsequent foreclosure action.

For the reasons stated, Respondent would argue that the Appellants' Petition for Rehearing be denied.

August 21, 2012

Respectfully submitted,



H. Guyton Murrell
P.O. Box 11264
Columbia, SC 29211
(803) 252-5817
Attorney for Respondent

Glenda McMickens
2834 James F. Wherry Rd.
Chester, SC 29706

CHARLOTTE NC 282

09 AUG 2012 PM 2 P



Korn Law Firm, PA
Henry Guyton Murrell
P.O. BOX 11264
Columbia, SC 29211

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AUG 10 2012

KORN LAW FIRM

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(Official Form 6D) (12/07)

In re **Nathaniel McMickens, Sr.,
Glenda L McMickens**

Case No. _____

Debtors

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor", include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community".

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion" on the Statistical Summary of Certain Liabilities and Related Data.

Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B T O R	Husband, Wife, Joint, or Community		C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
		H	W					
Account No. 576388301								
CITIAUTO 2208 HIGHWAY 131 SUITE 100 Bedford, TX 76021	J	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN						
		11/98 AUTO LOAN 1993 FORD TAURUS: TO BE PAID THROUGH PLAN						
		Value \$	725.00				1,312.00	587.00
Account No. 0010117661								
CPS SERVICING CENTER PO BOX 98714 Phoenix, AZ 85038	J	05/05 AUTO LOAN 2005 FORD ESCAPE: TO BE PAID THROUGH PLAN						
		-Value-\$ 5,955.00					408.00	0.00
Account No. 0006355630								
OCWEN LOAN SERVICING PO BOX 785056 Orlando, FL 32878	J	07/04 First Mortgage DEBTORS RESIDENCE: 2834 HAMES F WHERRY ROAD, CHESTER, SC 29706; ARREARS TO BE PAID THROUGH PLAN (\$9,000), RESUME REGULAR PAYMENTS FEBRUARY 2008						
		Value \$ 120,000.00					92,000.00	0.00
Account No. 9824								
ROBERT COOK 117 PINE LANE Pickens, SC 29671	J	2005 Second Mortgage DEBTORS RESIDENCE: 2834 HAMES F WHERRY ROAD, CHESTER, SC 29706; TO BE VALUED THROUGH PLAN						
		Value \$ 120,000.00					26,000.00	0.00
Subtotal (Total of this page)							119,720.00	587.00

1 continuation sheets attached

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and
HSBC Bank as Trustee as successor
in interest to Mortgage Electronic Registration Systems,
Inc. as nominee for Coastal Capital Corp. is Respondent.

PROOF OF SERVICE

I certify that I have served the Respondent's Return to Appellants' Petition for Rehearing by depositing a copy in the United States Mail, postage prepaid, on August ____, 2012, addressed to the pro se Appellants, Nathaniel McMickens & Glenda L. McMickens, 2834 James F. Wherry Road, Chester, SC 29706.



H. Guyton Murrell
P.O. Box 11264
Columbia, SC 29211
(803) 252-5817
Attorney for Respondent HSBC Bank

KORN LAW FIRM, P. A.
POST OFFICE BOX 11264,
1300 PICKENS STREET
COLUMBIA, SOUTH CAROLINA 29211
(803) 252-5817

August 21, 2012

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

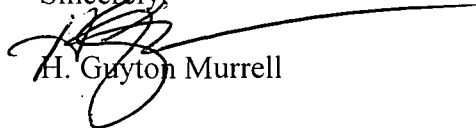
RE: HSBC Bank v. Nathaniel McMickens, et al
Docket No. 2007-CP-12-559
Robert Cooke v. Nathaniel McMickens, et al
Docket No. 2007-CP-12-0034
File No. F27-03230

Dear Sir or Madam:

Enclosed please find the original and six (6) copies of respondent's Return to appellants' Petition for Rehearing with Proof of Service in the above noted matter. By copy of this correspondence, I am also serving the appellants with the return.

Thank you for your attention in this matter.

Sincerely,



H. Gayton Murrell

cc:
Nathaniel McMickens
Glenda L. McMickens
2834 James F. Wherry Road
Chester, SC 29706

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