

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
Appellant Case No. 2015-000942

RECEIVED
JUN 25 2015
SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
Charles B. Simmons, Master in Equity Judge

Case No. 2010-CP-23-8330

Joel Clay Bracken, Appellant.

v.

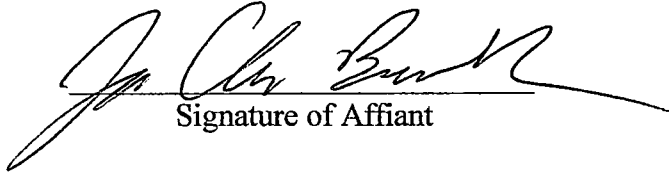
Green Tree Servicing, LLC., Respondent.

AFFIDAVIT OF APPELLANT JOEL CLAY BRACKEN

BEFORE ME, the undersigned notary, on this 24th day of June, 2015, personally appeared JOEL CLAY BRACKEN, whom being by me first dully sworn, on his oath, of legal age and sound mind, deposes and hereby says,

1. On May 1, 2015 at 5:00PM, I did call phone number 1-864-467-8556 of the Master in Equity's Greenville offices to request court transcripts. I did make formal requests of those transcripts on a court reporters voicemail.
2. On May 1, 2015, I did place a formal request letter in my mailbox addressed to Court Reporter of Master in Equity Charles B. Simmons, Greenville County Courthouse, 305 East North Street, Suite 313, Greenville SC 29601.
3. On May 21, 2015 at 11:55AM, I did file a notice with the local court and immediately thereafter hand delivering it to the Master in Equity's offices requesting emailed court hearing transcripts on dates June 13, 2011, August 15, 2011 and April 8, 2015.

4. On June 12, 2015 at 1:16PM, I did call the Master in Equity's offices phone number 1-864-467-8556 to speak with the court reporter to resolve any issues and obtain the transcripts.
5. On June 12, 2015 at 1:45PM I did send an email to Ms. Wanda Fudge at nwfudge@greenvillecounty.org requesting transcripts and resolution of any issues.
6. On June 12, 2015 at 1:46PM, I did receive an auto reply email that Ms. Fudge was out of the office Friday, June 12, 2015.
7. On June 15, 2015, at 7:41PM, I did receive a reply email from court reporter Ms. Ann Campbell referencing her recent retirement and an incomplete estimate of transcription pages and fees.
8. On June 16, 2015, at 5:28PM, I did reply to Ms. Campbell's reply email address of campbell.ann19@gmail.com for a more definitive page count and explanation of fees.
9. On June 18, 2015, at 9:23PM, I did send another email to Ms. Campbell email address of campbell.ann19@gmail.com.
10. On June 22, 2015, I did receive a letter by USPS mail from South Carolina Appellate Deputy Clerk of Court Claire Allen instructing to within ten days of June 17, 2015, file a copy of the letter Appellant had ordered directly from the court reporter, along with this motion requesting permission to order the transcripts outside the deadlines of SCACR Rule 207 or the appeal will be dismissed if no motion is made.
11. On June 22, 2015, at 3:41PM, I did call phone number 1-864-467-8556 of the Master in Equity's offices and was deferred to the court reporter's voicemail of Wanda Fudge and left a message regarding issues with ordering the transcripts.
12. On June 23, 2015, at 9:34AM, I did receive an email reply from Ms. Campbell, providing an itemized page count quote per hearing transcript and informing me her previously prepared transcript may be obtain a from the Clerk of Court.
13. On June 23, 2015 at 3:47pm, I did contact the local Greenville County Clerk of Court office by phone at 1-864-467-8551 and a Deputy Clerk emailed the previously ordered transcripts by Green Tree LLC. counsel Finkel Law Firm, via email of roster@greenvillecounty.org.


Signature of Affiant

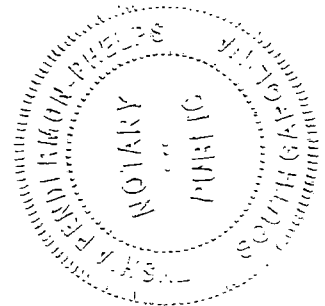
Joel Clay Bracken

Subscribed to and sworn before me on the 24th day of June, 2015.


Notary Signature

Tyschia Pendermon-Phelps
Notary printed name

Seal



My commission expires on August 30, 2022.

My Commission Expires
August 30, 2022

ATTACHMENT

A

To: Court Reporter of Master in Equity Court of Charles B. Simmons
Greenville County Courthouse, 305 East North Street, Suite 313
Greenville SC 29601

Date: May 1, 2015

From: Joel Clay Bracken
313 Lanewood Drive
Greenville, SC 29607

REQUEST FOR TRANSCRIPTS

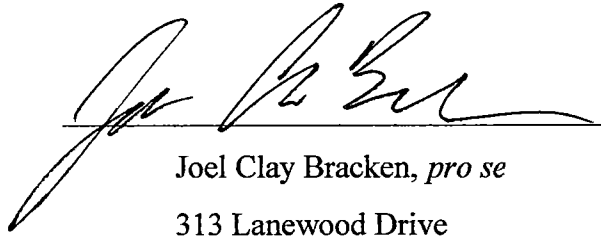
NOTICE IS HEREBY GIVEN, to the Master in Equity Court of Charles B. Simmons, his Offices and court reporter, that Defendant Joel Clay Bracken, formally requests pursuant to the South Carolina Appellate Court Rules (SCACR) Rule 207 and 607, all written records and transcripts from hearings in the above named case. Transcripts are required from the aforesaid Court pursuant to an pending Appeal with the South Carolina Court of Appeals, Case No. 2015-000942.

According to SCACR Rule 207(a)(2), the court reporter shall deliver the requested transcripts to the Appellant no later than sixty (60) after the request and records shall be transcribed in the order in which the requests are made, in the manner here as follows:

1. All written records and transcripts of the court hearing on date June 13, 2011.
2. All written records and transcripts of the court hearing on date August 15, 2011.
3. All written records and transcripts of the court hearing on date April 8, 2015.
4. The record documents are requested preferably by PDF or TXT, DOC, DOCX or RTF formats, via email address tigerclaw@kryptomail.net within the allotted time.
5. Defendant agrees to pay the \$35.00 court reporter's fee for the emailed transcripts according to SCACR Rule 607(h)(1)(H).

Please email or mail an acknowledgement and other information to complete this request, If you have any questions, please feel free to contact me by info below. Thank you.

Respectfully submitted on May 1, 2015.

A handwritten signature in black ink, appearing to read "Joel Bracken", written over a horizontal line.

Joel Clay Bracken, *pro se*

313 Lanewood Drive

Greenville, S.C. 29607

Home: 864-402-9329

Fax: 864-252-9340

tigerclaw@kryptomail.net

ATTACHMENT

B

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE

Case No. 2010-CP-23-8330

Green Tree Servicing, LLC.,

Plaintiff,

v.

Joel Clay Bracken;
and Bank of America, N.A.,

Defendants.

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**DEFENDANT’S FORMAL REQUEST OF
COURT TRANSCRIPTS FOR APPEAL**

TO THE COURT REPORTER OF MASTER IN EQUITY CHARLES B. SIMMONS:

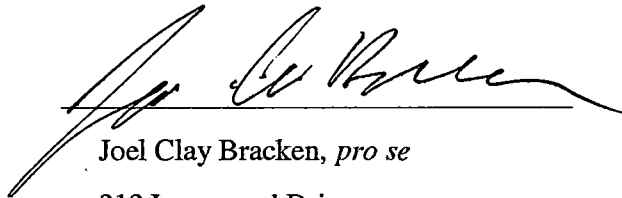
NOTICE IS HEREBY GIVEN, to the Master in Equity Court of Charles B. Simmons, his Offices and court reporter, that Defendant Joel Clay Bracken, formally requests pursuant to the South Carolina Appellate Court Rules (SCACR) Rule 207 and 607, all written records and transcripts from hearings in the above named case. Transcripts are required from the aforesaid Court pursuant to an pending Appeal with the South Carolina Court of Appeals, Case No. 2015-000942.

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2. All written records and transcripts of the court hearing on date August 15, 2011.
3. All written records and transcripts of the court hearing on date April 8, 2015.
4. The record documents are requested preferably by PDF or TXT, DOC, DOCX or RTF formats, via email address tigerclaw@kryptomail.net within the allotted time.
5. Defendant agrees to pay the \$35.00 court reporter’s fee for the emailed transcripts according to SCACR Rule 607(h)(1)(H).

Please email or mail an acknowledgement and other information to complete this request, If you have any questions, please feel free to contact me by info below. Thank you.

Respectfully submitted on May 21, 2015.

A handwritten signature in black ink, appearing to read "Joel Clay Bracken", written over a horizontal line.

Joel Clay Bracken, *pro se*

313 Lanewood Drive

Greenville, S.C. 29607


Home: 864-402-9329

Fax: 864-252-9340


tigerclaw@kryptomail.net

ATTACHMENT

C


 +18643021784 [Add - Abbeville, SC](#)
6/12/15 2:08 PM 11 days ago 1 minute long

Call
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Call quality?


~~ +18644678556 [Add - Greenville, SC](#)
6/12/15 1:16 PM 11 days ago 2 minutes long~~

~~Called Master in
Equity's Office to~~

~~Save
Cancel
Call quality?~~

 +18642899627 [Add - Greenville, SC](#) Inbox
6/12/15 10:59 AM 11 days ago

Call
Text
more
▼

 +17063519949 [Add - Athens, GA](#) Inbox
6/12/15 10:33 AM 11 days ago

Call
Text
more
▼

ATTACHMENT

D

Subject: Request for Emailed Court Transcripts Case No 10-CP-23-8330

From: Clay <tigerclaw@kryptomail.net>

Date: 6/12/2015 1:46 PM

To: wfudge@greenvillecounty.org

Hello,

I called today and was given your email to expedite emailed transcripts I have previously requested. I filed my request through the Court, Court Reporter Ann Campbell was aware and had had called me but I missed her call. See also the attachment to this email.

On further review, I only need the following hearing transcripts:

1. The court hearing on date August 15, 2011.
2. The court hearing on date April 8, 2015.

Preferably in either RTF, DOC, DOCX or TXT format and emailed to this email address of tigerclaw@kryptomail.net

As this case is now under appeal and in accordance with SCACR Rule 607(h)(1)(H), I agree to pay the \$35.00 court reporter's fee for the emailed transcripts. I can come by and pay at the offices in person. Thank you.

Joel Clay Bracken

tigerclaw@kryptomail.net

1-864-402-9329

—Attachments: —————

Request for Court Transcripts.pdf

20.7 KB

Subject: Automatic reply: Request for Emailed Court Transcripts
Case No 10-CP-23-8330
From: "Fudge, Wanda" <WPovazsay@greenvillecounty.org>
Date: 6/12/2015 1:46 PM
To: Clay <tigerclaw@kryptomail.net>

I will be out of the office Friday, June 12, 2015. Please leave a message and I will respond when I get back in the office. If you need immediate assistance, please call the Master in Equity's Office at 467-8556. Thank you and have a great day.

CONFIDENTIALITY NOTICE: This e-mail and any files transmitted with it are confidential and may contain information which is legally privileged or otherwise exempt from disclosure. They are intended solely for the use of the individual or entity to whom this e-mail is addressed. If you are not one of the named recipients or otherwise have reason to believe that you have received this message in error, please immediately notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited.

ATTACHMENT

E

Subject: Green Tree v Bracken (10-CP-23-08330)
From: Ann Campbell <campbell.ann19@gmail.com>
Date: 6/15/2015 7:41 PM
To: "tigerclaw@kryptomail.net" <tigerclaw@kryptomail.net>
CC: Wanda Fudge <WPovazsay@greenvillecounty.org>

Mr. Bracken, Wanda Fudge forwarded your email to me. I called you the week prior to my retirement to discuss your request for three transcripts; however, there was no answer and I left a voice mail for you to please call me. I did not have a return call from you.

I have estimated that the two transcripts you are now requesting will be 35 pages. At \$3.25 per page, the estimated cost will be \$113.75. Please send a certified check or money order in that amount made payable to Ann D Campbell in care of the Office of Master in Equity, 305 East North Street, Suite 313, Greenville County Courthouse, Greenville SC 29601. Upon receipt of same, I will provide the transcripts you have requested.

If the completed transcripts are less than 35 pages, I will refund the difference to you. If they are more than 35 pages, you will have to pay the difference at \$3.25 per page.

Ann D Campbell, CVR

Sent from my iPad

ATTACHMENT

F

Subject: Re: Green Tree v Bracken (10-CP-23-08330)

From: Clay <tigerclaw@kryptomail.net>

Date: 6/16/2015 5:28 PM

To: Ann Campbell <campbell.ann19@gmail.com>

On 6/15/2015 7:41 PM, Ann Campbell wrote:

Mr. Bracken, Wanda Fudge forwarded your email to me. I called you the week prior to my retirement to discuss your request for three transcripts; however, there was no answer and I left a voice mail for you to please call me. I did not have a return call from you.

I have estimated that the two transcripts you are now requesting will be 35 pages. At \$3.25 per page, the estimated cost will be \$113.75. Please send a certified check or money order in that amount made payable to Ann D Campbell in care of the Office of Master in Equity, 305 East North Street, Suite 313, Greenville County Courthouse, Greenville SC 29601. Upon receipt of same, I will provide the transcripts you have requested.

If the completed transcripts are less than 35 pages, I will refund the difference to you. If they are more than 35 pages, you will have to pay the difference at \$3.25 per page.

Ann D Campbell, CVR

Sent from my iPad

Ms. Campbell,

Thank you for your reply, however you did not provide an accurate estimate of the original transcripts I have requested. You "estimated that the two transcripts...will be 35 pages."

I request to know the individual exact number of pages for:

- 1.
2. The court hearing on date August 15, 2011.
3. The court hearing on date April 8, 2015.

So, I may make an clear determination as to what I should pay or not.

Further, I believe you are mistaken on your conclusion "the estimated cost will be \$113.75."

This case is now under the jurisdiction of the SCCA and the rules of thereof. Pursuant to the SCACR Rule 607(a) This rule is applicable to court reporter transcripts and tapes relating to proceedings include proceedings before masters-in-equity. A court reporter for such a proceeding, regardless whether the court reporter is a Judicial Department employee or a private court reporter, shall comply with the requirements of this rule. The Records shall be transcribed by the court reporter in the order in which the requests for transcripts are made. (SCACR Rule 607(d)/

I originally requested the transcripts by email Pursuant to the SCACR Rule 607(h)(1)(H) for a total of \$35.00 per transcript, however I reserve and prefer the right by SCACR Rule 607(j)(ii) to request a (\$1.00) expedited overnight copy of the original transcripts you have already transcribed and produced recently for the Plaintiff party in this case on April 23, 2015. (verified in the court record)

Since the transcripts have already been prepared and produced for Green Tree and counsel on record, I hereby request the accurate estimates of the SCACR Rule 607(j)(ii) (\$1.00) expedited overnight copy of these records pertaining to the individual hearing dates listed above.

Upon this complete estimate request I will come to the Masters Office to secure payment and await delivery of the records.
Thank you.

Joel Bracken

tigerclaw@kryptomail.net

1-864-402-9329

ATTACHMENT

G

Subject: RE: Green Tree v. Bracken (10-CP-23-08330)

From: Clay <tigerclaw@kryptomail.net>

Date: 6/18/2015 9:23 PM

To: Ann Campbell <campbell.ann19@gmail.com>

Ms. Campbell,

Thank you for your reply, however you did not provide an accurate estimate of the original transcripts I have requested. You "estimated that the two transcripts...will be 35 pages."

I request to know the individual exact number of pages for:

1. The court hearing on date June 13, 2011.
2. The court hearing on date August 15, 2011.
3. The court hearing on date April 8, 2015.

So, I may make an clear determination as to what I should pay or not.

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court reporter for such a proceeding, regardless whether the court reporter is a Judicial Department employee or a private court reporter, shall comply with the requirements of this rule. The Records shall be transcribed by the court reporter in the order in which the requests for transcripts are made. (SCACR Rule 607(d)/

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Since the transcripts have already been prepared and produced for Green Tree and counsel on record, I hereby request the accurate estimates of the SCACR Rule 607(j)(ii) (\$1.00) expedited overnight copy of these records pertaining to the individual hearing dates listed above.

Upon this complete estimate request I will come to the Masters Office to secure payment and await delivery of the records.
Thank you.

Joel Bracken
tigerclaw@kryptomail.net
1-864-402-9329

ATTACHMENT

H



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 17, 2015

Joel Clay Bracken
313 Lanewood Drive
Greenville SC 29607

Re: Green Tree Servicing v. Joel C. Bracken
Appellate Case No. 2015-000942

Dear Mr Bracken:

Our records reflect that the time for ordering the transcript has expired. Within ten days of the date of this letter, you must file a copy of the letter showing that you have ordered the transcript directly from the court reporter, along with a motion requesting permission to order the transcript outside of the filing deadlines set by Rule 207 of the South Carolina Appellate Court Rules. Your appeal will be dismissed if no motion is made within ten days of the date of this letter.

If you have not yet ordered the transcript, Rule 207 of the South Carolina Appellate Court Rules requires you to contact the Office of Court Administration. The address for Court Administration is as follows:

South Carolina Office of Court Administration
1220 Senate Street, Suite 201
Columbia, SC 29201

Be sure to copy the Court and opposing counsel with all correspondence concerning the transcript.

Please advise the Court of the status of the transcript within ten (10) days of the date of this letter, or your appeal may be dismissed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Thomas A. Shook, Esquire
Susan S. White, Esquire
Elizabeth Shuffler Moore, Esquire
Teresa DeToma Van Vlake, Esquire
Christopher Stephen Truluck, Esquire
Carl David Hiller, Esquire
Anthony Joseph Charles, Esquire

ATTACHMENT

I

6/22/15 6:20 PM 25 hours ago

Me: Hey Ken, you cut my grass a few weeks ago, would come cut it again? 6:37 PM

[16 more messages](#)


Me: 5pm, should be cooler, thanks: Address 313 Lanewood Drive, Greenville SC 29607 6:19 PM

+18645695541: Thanks 6:20 PM


Call
Text
more
▼

 +18282752987 Blocked [Add - Asheville, NC](#)
6/22/15 5:38 PM 26 hours ago 5 minutes long

Call
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Call quality?

 +18779591417 [Add](#)
6/22/15 5:12 PM 26 hours ago 1 minute long

Call
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more
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Call quality?

 +18644678556 [Add - Greenville, SC](#)
6/22/15 3:41 PM 28 hours ago 4 minutes long

Call
Text
more

Voice

ATTACHMENT

J

Subject: Re: Green Tree v. Bracken (10-CP-23-08330)
From: Ann Campbell <campbell.ann19@gmail.com>
Date: 6/23/2015 9:34 AM
To: Clay <tigerclaw@kryptomail.net>

Mr. Bracken,

I have estimated the transcript of 6/13/11 to be 15 pages; the transcript of 8/15/11 to be 15 pages; and the transcript of 4/8/15 to be 20 pages. Please advise which ones you are requesting me to prepare at an estimated cost of \$3.25 per page as I outlined earlier. If a transcript has been prepared previously, you can obtain a copy from the Clerk of Court.

Sent from my iPad

On Jun 18, 2015, at 9:23 PM, Clay <tigerclaw@kryptomail.net> wrote:

Ms. Campbell,

Thank you for your reply, however you did not provide an accurate estimate of the original transcripts I have requested. You "estimated that the two transcripts...will be 35 pages."

I request to know the individual exact number of pages for:

1. The court hearing on date June 13, 2011.

2. The court hearing on date August 15, 2011.

3. The court hearing on date April 8, 2015.

So, I may make an clear determination as to what I should pay or not.

Further, I believe you are mistaken on your conclusion "the estimated cost will be \$113.75."

This case is now under the jurisdiction of the SCCA and the rules of thereof. Pursuant to the SCACR Rule 607(a) This rule is applicable to court reporter transcripts and tapes relating to proceedings include proceedings before masters-in-equity. A court reporter for such a proceeding, regardless whether the court reporter is a Judicial Department employee or a private court reporter, shall comply with the requirements of this rule. The Records shall be transcribed by the court reporter in the order in which the requests for transcripts are made. (SCACR Rule 607(d)/

I originally requested the transcripts by email Pursuant to the SCACR Rule 607(h)(1)(H) for a total of \$35.00 per transcript, however I reserve and prefer the right by SCACR Rule 607(j)(ii) to request a (\$1.00) expedited overnight copy of the original transcripts you have already transcribed and produced recently for the Plaintiff party in this case on April 23, 2015. (verified in the court record)

Since the transcripts have already been prepared and produced for Green Tree and counsel on record, I hereby

request the accurate estimates of the SCACR Rule 607(j)(ii) (\$1.00) expedited overnight copy of these records pertaining to the individual hearing dates listed above.

Upon this complete estimate request I will come to the Masters Office to secure payment and await delivery of the records. Thank you.


Joel Bracken

tigerclaw@kryptomail.net


1-864-402-9329

ATTACHMENT


K

 +18643257337 [Add - Greenville, SC](#)
6/23/15 9:35 PM 78 minutes ago 1 minute long

Call
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Call quality?


 +18642899627 [Add - Greenville, SC](#)
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 +18779591417 [Add](#) Inbox
6/23/15 6:04 PM 4 hours ago

Transcript not available

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 +18644678551 [Add - Greenville, SC](#)
6/23/15 3:47 PM 7 hours ago 11 minutes long

Call
Text
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Call quality?

X

From: <roster@greenvillecounty.org>

Date: 6/23/2015 3:57 PM

To: <tigerclaw@kryptomail.net>

CONFIDENTIALITY NOTICE: This e-mail and any files transmitted with it are confidential and may contain information which is legally privileged or otherwise exempt from disclosure. They are intended solely for the use of the individual or entity to whom this e-mail is addressed. If you are not one of the named recipients or otherwise have reason to believe that you have received this message in error, please immediately notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited.

— Attachments: —

2010CP2308330_TRANSR_1934855.PDF

468 KB



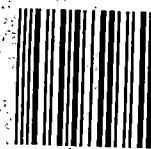
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UNITED STATES POSTAL SERVICE®

WWW.



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29606
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\$17.95

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FOR PICKUP OR TRACKING CALL 1-800-222-1811

RECEIVED

JUN 25 2015

SC Court of Appeals



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CUSTOMER USE ONLY

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PHONE (816) 442-5229

JOEL CLAY BRACKEN
313 LANEWOOD DRIVE
GREENVILLE, S.C. 29607

PAYMENT BY ACCOUNT (if applicable)

DELIVERY OPTIONS (Customer Use Only)

SIGNATURE REQUIRED Note: The mailer must check the "Signature Required" box if the mailer: 1) Requires the addressee's signature; OR 2) Purchases additional insurance; OR 3) Purchases GON service. OR 4) Purchases Return Receipt.

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1-Day

2-Day

Military

Signature required

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