

(S)

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM COLLETON COUNTY  
Court of Common Pleas

Maité Murphy, Circuit Court Judge

Civil Action Case No. 2012-CP-15-00262  
Appellate Case No. 2013-002555

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SEP 10 2015

SC Court of Appeals

Melissa Jean Marks, .....

v.

Nationstar Mortgage, LLC, .....Respondent.

APPELLANT'S STATUS REPORT

NOW COMES the undersigned pro se Appellant before this Honorable Court and respectfully submits her Status Report pursuant to this Court's recent order staying her appeal and requiring a report regarding her pending bankruptcy case within 60 days, a copy of which is attached hereto as **Exhibit 1** and incorporated herein by reference.

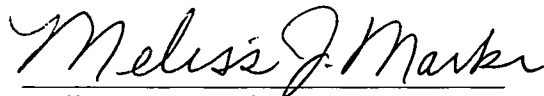
1. On August 31, 2015, the bankruptcy court entered an Order Vacating Order Modifying and Reinstating Stay in Appellant's Chapter 13 bankruptcy case, a copy of which is attached hereto as **Exhibit 2** and incorporated herein by reference.

2. The bankruptcy court's recent order states on page 2 in pertinent part: "Following a review of the record in this case and the state court proceedings and applicable law, this Court has determined that, in order to finally determine the fees, expenses or charges pursuant to Fed. R. Bankr. P. 3002.1, the State Court Action should

be finally concluded. Therefore, it is hereby ORDERED that the Order entered July 23, 2015 is hereby vacated and the May 25, 2012 order lifting the automatic stay is reinstated, allowing the State Court Action to proceed to its conclusion [...].”

WHEREFORE, Appellant respectfully petitions this Honorable Court to reinstate her pending Petition for Rehearing to this Court’s docket and to grant the relief she is seeking so that her state court action against Old South Mortgage Corporation may proceed to judgment on the merits.

Respectfully submitted,



Melissa Jean Marks  
209 Presidential Court  
Round O, SC 29474  
(843) 599-3156  
mjmarks68@hotmail.com

Appellant/Plaintiff *Pro Se*

September 8, 2015

# **EXHIBIT 1**

# The South Carolina Court of Appeals

Melissa Jean Marks, Appellant,

v.

Old South Mortgage Corporation, John Does 1-100,  
Nationstar Mortgage, LLC, Defendants,

Of whom Nationstar Mortgage, LLC, is the Respondent.

Appellate Case No. 2013-002555

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## ORDER

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This case will be held in abeyance while the appellant remains in bankruptcy. The appellant must provide this court with a status update every 60 days or her appeal will be dismissed.

FOR THE COURT

BY

  
CLERK

Columbia, South Carolina


cc:

Melissa Jean Marks

Robert A. Muckenfuss, Esquire

Elizabeth Marion Zwickert Timmermans, Esquire

**FILED**

*July 27, 2015* 

## **EXHIBIT 2**

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF SOUTH CAROLINA**

IN RE:

Melissa Jean Marks,

Debtor(s).

C/A No. 11-02619-JW

Chapter 13

**ORDER VACATING ORDER  
MODIFYING AND REINSTATING  
STAY**

This matter is before the Court on the Amended Motion to Determine Fees, Expenses or Charges Pursuant to Fed. R. Bankr. P. 3002.1(c) filed by Melissa Jean Marks (“Debtor”). Nationstar Mortgage, LLC (“Nationstar”) filed a response to the Motion and a hearing was held.

Debtor seeks an order determining her liability for certain fees sought by Nationstar via several Notices of Postpetition Mortgage Fees, Expenses and Charges filed with the Court. The fees requested by Nationstar, which appear to total in excess of \$100,000.00, are related to its alleged costs associated with defending a lawsuit filed *pro se* by Debtor against it and other mortgage related defendants in state court, Case No. 12-CP-15-262 (“State Court Action”). Nationstar received limited relief from stay from the Court on May 25, 2012 to intervene and defend its interest, if any, in the State Court Action. The state trial court granted Nationstar’s motion for summary judgment on October 9, 2013. Debtor appealed that ruling to the South Carolina Court of Appeals, but on June 3, 2015 the Court of Appeals affirmed the state trial court’s order granting summary judgment to Nationstar. On June 11, 2015, Debtor filed a petition for rehearing with the Court of Appeals, and on June 24, 2015, Debtor filed a motion with the Bankruptcy Court seeking restore her motion to determine fees, expense or charges pursuant to Rule 3002.1(c). By Order entered July 23,

Entered: 08/31/2015

2015, in order to fully consider the records of the bankruptcy court and state court proceedings and to identify and consider the interrelationship of the bankruptcy court and state court proceedings and relevant federal and state law, this Court modified its May 25, 2012 relief from stay order to limit further review and action by the Court of Appeals and any state court for a period of 60 days and until further order of this Court.

Following a review of the record in this case and the state court proceedings and applicable law, this Court has determined that, in order to finally determine the fees, expenses or charges pursuant to Fed. R. Bankr. P. 3002.1, the State Court Action should be finally concluded. Therefore, it is hereby

ORDERED that the Order entered July 23, 2015 is hereby vacated and the May 25, 2012 order lifting the automatic stay is reinstated, allowing the State Court Action to proceed to its conclusion;

IT IS FURTHER ORDERED that due the number of Rule 3002.1 Notices filed by Nationstar and the apparent duplication of some of the fees requested, Nationstar shall file a comprehensive Rule 3002.1 Notice on or before September 30, 2015, containing all fees requested and attaching an affidavit of attorney's fees with supporting documentation, including time records. The filing of such Notice will be without prejudice to further supplementation upon final completion of the State Court Action. Debtor's present objections to the Notices on record shall be preserved and Debtor may supplement her objection within 14 days of Nationstar's filing of the comprehensive Rule 3002.1 Notice and any further supplemental 3002.1 Notice; and

IT IS FURTHER ORDERED that in order to accommodate the completion of the State Court Action and the above referenced supplemental filings, Debtor's bankruptcy case

shall remain open until further order of the Court. The Court shall dispense with further consideration of the Amended Motion until the issues are advanced by the above referenced matters. The Clerk of Court is directed to serve a copy of this Order by First Class U.S. Mail on the Clerk of the South Carolina Court of Appeals.

**AND IT IS SO ORDERED.**

**FILED BY THE COURT  
08/31/2015**



Entered: 08/31/2015

US Bankruptcy Judge  
District of South Carolina

District/Off: 0420-2  
Case: 11-02619-jw

User: brooks  
Form ID: pdf01

Date Created: 8/31/2015  
Total: 6

**Recipients of Notice of Electronic Filing:**

tr	James M. Wyman	nobles@charleston13.com
aty	Elizabeth R. Heilig	cheilig@meredithlawfirm.com
aty	Robert R. Meredith, Jr.	rm@meredithlawfirm.com
aty	Trent M. Grissom	tgrissom@mcguirewoods.com

TOTAL: 4

**Recipients submitted to the BNC (Bankruptcy Noticing Center):**

db	Melissa Jean Marks	209 Presidential Ct	Round O, SC 29474
cr	Nationstar Mortgage	P.O. Box 829009	Dallas, TX 75382

TOTAL: 2

THE STATE OF SOUTH CAROLINA  
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Melissa Jean Marks, .....Appellant,

v.

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PROOF OF SERVICE

I certify that I have served Appellant's Status Report on the Respondent, Nationstar Mortgage, LLC, by depositing a copy of it in the United States Mail, postage prepaid, on September 8, 2015, addressed to its attorney of record, Robert A. Muckenfuss, Esq., McGuireWoods LLP, 201 North Tryon Street, Suite 3000, Charlotte, NC 28202, and on Old South Mortgage Corporation, by depositing a copy of it in the United States Mail, postage prepaid, on September 8, 2015, addressed to its attorney of record, John F. Knobloch, Esq., King & Knobloch, P.C., 808 Johnnie Dodds Blvd., Mt. Pleasant, SC 29464.

Respectfully submitted,

September 8, 2015



Melissa Jean Marks  
209 Presidential Court  
Round O, SC 29474  
(843) 599-3156  
mjmarks68@hotmail.com  
Appellant/Plaintiff *Pro Se*

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209 Presidential Court  
Round O, SC 29474  
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mjmarks68@hotmail.com

September 8, 2015

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

Re: Melissa Jean Marks v. Old South Mortgage Corporation, et al.  
Colleton County Court of Common Pleas  
Civil Action No. 2012-CP-15-00262  
Appellate Case No. 2013-002555

Dear Ms. Kitchings:

Enclosed please find for filing an original and six copies of Appellant's Status Report regarding the recent order of the federal bankruptcy court and stay of my state appellate case. In addition, I am enclosing an extra copy of the report and request that you please file-stamp same and return it to me in the enclosed self-addressed, stamped envelope for my records.

+ Proof of Service  
mm

I thank you and appreciate your assistance with this matter.

Sincerely,



Melissa J. Marks  
Appellant/Plaintiff *Pro Se*

Enclosures

cc: Robert A. Muckenfuss, Esq., Attorney for Respondent Nationstar Mortgage, LLC  
John F. Knobloch, Esq., Attorney for Defendant Old South Mortgage Corp.

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Attn: melissa marks

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South Carolina Court of Appeals  
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Columbia, SC 29201

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SC Court of Appeals