

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
NATIONSTAR MORTGAGE, LLC,)
Appellee,)
- vs-)
BARBARA A. GIBBS, MELVIN E.)
GIBBS, And WESTBROOK PHASE IV)
HOMEOWNERS' ASSOCIATION,)
Appellants.)

IN THE COURT OF APPEALS
OF SOUTH CAROLINA

RECEIVED

SEP 21 2015

SC Court of Appeals

CASE NO: 2015-001873

MOTION FOR RECONSIDERATION

Pursuant to the SCRCPP, Rule 221(a), Appellants move this Honorable Court to reinstate Appellants' appeal – Order dismissing said appeal is attached hereto. In support of the instant motion, Gibbs would show as follow:

1. Appellants did filed the required certificate of service on the 10th day of September 2015 – included in the “body” of the notice of appeal; copy attached hereto. AND, Appellants have attached hereto the original certificate of service evidencing service on Appellee. Said certificate was attached to the filed notice of appeal. However, inadvertently two copies of the notice of appeal were filed and stamped rather than one notice of appeal and one certificate of service.

2. Appellants notified the clerk the circuit court judge issued the denial of Appellants' motion to dismiss from the bench and did not issue a written order. And, Appellants addressed the issue – Jurisdiction:

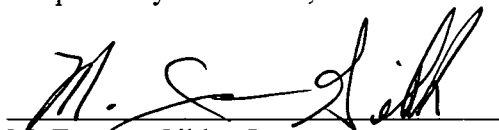
The lower court denied Appellants' motion to dismiss; stating – “South Carolina is a notice pleading state and ‘therefore Plaintiff is not required to abide by “SCRCPP, Rule 12 and the rulings by the US Supreme Court. AND, if Appellants disagreed, I-20 runs straight to Columbia [Appeal].” *Appellants' Motion for Mandatory Injunction*

3. Appellants include the circuit court's order granting Appellee's motion to transfer the case to a Master-in-Equity; attached hereto.

4. Gibbs called the clerk's office each day – several times some days, prior to dismissal and inquired as to the status of case the case. Gibbs was not informed that their filings designed to cure the defects requested by the clerk: certificate of service and written order, was not adequate and/or acceptable. Law and Equity demand this case be reconsidered and reinstated as filed.

WHEREFORE, Appellants pray this Honorable Court reverse the order issued September 16, 2015 and return this case to the docket, and that the Honorable Court grant such other and further relief, at law and equity, general or special, to which Gibbs have shown themselves justly entitled.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "M. Eugene Gibbs", is written over a horizontal line.

M. Eugene Gibbs, Pro-se
4257 Monterey Drive
Florence, SC 29501
843-610-0674
mgibbs70@aol.com

September 19, 2015

The South Carolina Court of Appeals

Nationstar Mortgage, LLC, Respondent,

v.

Barbara A. Gibbs, Melvin E. Gibbs, and Westbrook
Phase IV Homeowners' Association, Defendants,

Of whom Melvin E. Gibbs is the Appellant.

Appellate Case No. 2015-001873

ORDER

Appellant has failed to provide a copy of the order on appeal and has failed to provide proof of service of the notice of appeal, as required by Rule 203 of the South Carolina Appellate Court Rules, and as requested in the Court's letter of September 9, 2015. Accordingly, this matter is dismissed. Appellant's motions are considered moot and will not be considered by this Court. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK 

Columbia, South Carolina

cc:
Melvin E. Gibbs
Dean Anthony Hayes, Esquire

FILED

September 16, 2015

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

Nationstar Mortgage, LLC,

PLAINTIFF,

v.

Barbara A. Gibbs, Melvin E. Gibbs, and
Westbrook Phase IV Homeowners Association,

DEFENDANTS.

347348

IN THE COURT OF COMMON PLEAS

C/A No.: 2013-CP-21-02795

**PLAINTIFF'S NOTICE OF MOTION
AND MOTION FOR AN
ORDER OF REFERENCE**

DETERMINED: A TRUE COPY

Cristie Beth Shearin

CLERK OF COURT CP & GS
FLORENCE COUNTY, S.C.

It appearing pursuant to Rule 53 - SCRPC that this action is one for the foreclosure of a mortgage and as such may be referred to The Honorable Cynthia Graham Howe as Master-In-Equity for Horry County, and that the Master-In-Equity shall have the authority to enter final judgment, with appeal, if any, directly to the South Carolina Supreme Court or the Court of Appeals as provided by the South Carolina Appellate Court Rules; now, on motion of the undersigned attorney for the Plaintiff,

IT IS ORDERED that this case be referred to The Honorable Cynthia Graham Howe as Master-In-Equity to direct entry of final judgment in this action under Rule 53 (b), SCRPC. Any appeal from the final judgment entered by the Master-in-Equity shall be directly to the Supreme Court or the Court of Appeals as provided by the South Carolina Appellate Court Rules.

Michael M. [Signature]
CLERK OF COURT/PRESIDING JUDGE
[Signature], South Carolina
7-28-, 2015

ISO MOVE:

BUTLER & HOSCH, P.A.

[Signature]

Dean A. Hayes, SC Bar No.: 66066
Robert P. Jackman, SC Bar No.: 78755
Post Office Box 7128
Columbia, SC 29202
Telephone: (803) 569.1765
Facsimile: (803) 403.9753
ATTORNEYS FOR PLAINTIFF

April 29, 2015

FILED
2015 JUL 28 PM 2:19
CLERK OF COURT
CP & GS
FLORENCE COUNTY, SC

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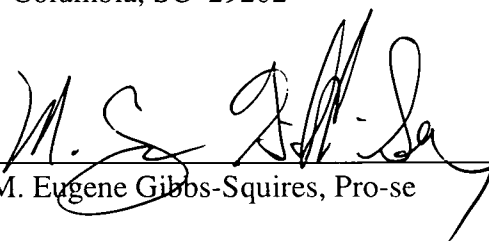
**EMERGENCY
NOTICE OF APPEAL**

Defendants by and through M. Eugene Gibbs, files this *Interlocutory Appeal* and hereby appeals the Orders issued by Judge Michael Nettles on this 28th day of July 2015; to the South Carolina Court of Appeals. Judge Nettles granted Plaintiff's motion to Refer and denied Defendants' motion to dismiss in violation of US Supreme Court law and Foreclosure Intervention pursuant to South Carolina Supreme Court Administrative Order 2011-05-02-01.

Appellants filed a Motion for Reconsideration on the 29th day of July 2015, the Florence County Circuit Court has refused to rule on said motion – this appeal is taken therefrom.

I, M. Eugene Gibbs hereby certify this 8th day of September 2015; a copy of this Notice of Appeal was **HAND DELIVERED** to:

Dean Hayes, Esq., dhayes@butlerandhosch.com
BUTLER & HOSCH
12201 Main Street,
Columbia, SC 29202


M. Eugene Gibbs-Squires, Pro-se

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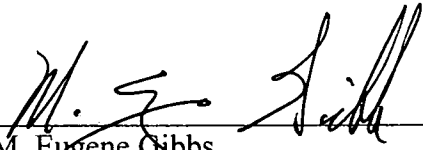
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Clerk:

Attached hereto are Appellants: motion for reconsideration, certificates of service, order, VERIFIED amended motion for temporary restraining order, and memorandum of law. In order to prevent immediate and irreparable harm PLEASE place these filings before a judge(s) IMMEDIATELY:

**RULE 65
INJUNCTIONS; MANDAMUS, HABEAS CORPUS,
AND OTHER REMEDIAL WRITS**

(b) Temporary Restraining Order; Notice; Hearing; Duration. No temporary restraining order shall be granted without notice of motion for the order to the adverse party unless it clearly appears from specific facts shown by affidavit or by a verified complaint that immediate and irreparable injury, loss or damage will result to the applicant before notice can be served and a hearing had thereon....



M. Eugene Gibbs
4257 Monterey Drive
Florence, SC 29501

September 19, 2015

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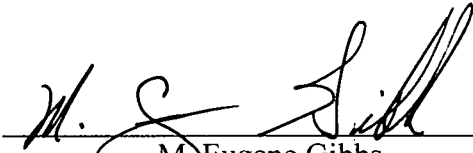
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CERTIFICATE OF SERVICE

I, Melvin E. Gibbs, hereby certify that a copy of Appellants' motion for reconsideration, certificates of service, order, VERIFIED amended motion for temporary restraining order, and memorandum of law were **EMAILED**, this 19th day of September 2015, to:

Dean Hayes, Esq.
BUTLER & HOSCH
1201 Main Street, Suite 1110
Columbia, SC 29201
dhayes@butlerandhosch.com



M. Eugene Gibbs
4257 Monterey Drive
Florence, SC 29501