

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

The Honorable Diane Schafer Goodstien, Circuit Court Judge

Case No. 2011-CP-18-1013
Appellate Case No. 2015-001522

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OCT - 2 2015

S.C. Supreme Court

The Bank of New York Mellon, as Successor Trustee
under NovaStar Mortgage funding Trust, Series 2004-1,.....Respondent,

v.

Rachel R. Lindsay; Jeffery Wayner; Tammy Wayner;
Tiffany Spann-Wilder, Esq.; The Steinberg Law Firm;
and United States of America, Acting by and through
its agency, the Internal Revenue Service,
.....Defendants,

Of whom Rachel R. Lindsay is the Petitioner,

Rachel R. LindsayPetitioner,

v.

Saxon Mortgage Services, Inc.,.....Respondent.

REPLY IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

G. Thomas Hill
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ATTORNEYS FOR PETITIONER
(RACHEL R. LINDSAY)

STATEMENT OF CASE

The procedural history of the litigation between Petitioner and the Respondents remains the same as stated in the Petition for Writ of Certiorari, except for one additional filing during the pendency of this appeal.¹

COUNTER STATEMENT OF FACTS

The Respondent mischaracterizes Petitioner Lindsay's position on this matter in that Petitioner declares her money was "stolen" not simply "misappropriated or misapplied". Petitioner reiterates here the factual scenario delineated in the Petition for Writ of Certiorari.

ARGUMENT

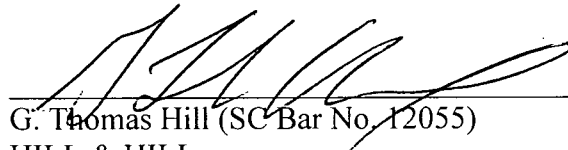
Petitioner Lindsay has asserted throughout this litigation that Respondents have conducted a campaign against her after Respondents stole her money, then, improperly foreclosed on her in an attempt to sanitize and cover up Respondents' wrongdoing. The multiple foreclosures have been intended to intimidate and harass Rachel Lindsay. Petitioner declares that fraud and breach of contract, as delineated in her Answer and Counterclaim, are examples compulsory legal counterclaims asserted by her. Furthermore, that conversion is also a legal compulsory counterclaim available for her to assert. Regardless of Respondents apparent assertion that any counterclaim in a foreclosure action

¹ The Bank of New York Mellon filed another foreclosure action, with Clerk of Court Office for Dorchester County, Case No. 2015-CP-18-1817 against Petitioner Rachel R. Lindsay on September 11, 2015 and served Petitioner Lindsay on or about September 14, 2015, regarding the same property, same mortgage, same promissory note and same factual scenario which is presently before the Supreme Court of South Carolina the Petition for Writ of Certiorari.

is always going to equitable in nature and/or permissive, there are factual situations where legal and compulsory counterclaims are available for assertion by the Defendant in a foreclosure action. Such is the case presented by Petitioner Lindsay.

CONCLUSION

Petitioner rests on the argument presented in the Petition for Writ of Certiorari. That the grant of a Writ of Certiorari is warranted based on the facts of this case.



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September 28, 2015

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PROOF OF SERVICE

I HEREBY CERTIFY that I have served the **Reply in Support of Petition for Writ of Certiorari** on Respondents and Defendant United States of America acting by and through its agency, the Internal Revenue Service by depositing the same in the US Mail on September 28, 2015, 2015 to the address of the Counsel of Record, below:

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Third Party Defendant

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(RACHEL R. LINDSAY)**

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CERTIFICATE OF COUNSEL

The undersigned certifies that this Petition for Writ of Certiorari complies with Rule 242, SCACR.



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