

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

Diane Shafer Goodstein, Circuit Court Judge

RECEIVED
OCT 21 2015
SC Court of Appeals

Case No. 2014-001683

Wells Fargo Bank, N.A.,

Respondent,

v.

Dorothy Sistrunk,

Appellant.

**RETURN TO RESPONDENT'S MOTION &
OBJECTION TO RESPONDENT'S REQUEST TO
ADD DUPLICATE EXHIBITS TO THE RECORD ON APPEAL**

October 19, 2015

Dorothy Sistrunk
423 Bayne Street
Orangeburg, South Carolina 29115
(803) 268-0716

Nelson Mullins Riley & Scarborough, LLP

Attorney Michael Anzelmo
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Comes now the Appellant, Dorothy Sistrunk, to file her Return to Respondent's Motion & Objection to Respondent's Request to Add Duplicate Exhibits to the Record on Appeal; i.e., Wells Fargo Bank, N. A., Respondent v. Dorothy Sistrunk, Appellant - Case 2014-001683.

THE REASONS WHY SOME OF WELLS FARGO'S DESIGNATED MATTERS WERE NOT ADDED TO THE APPELLANT'S RECORD ON APPEAL

1. **Reason #1:** *Rule 209(b), SCACR*; clearly states in pertinent parts; "[A] party shall not include any matter in his Designation which is not relevant to the appeal." Duplicating existing documents is not relevant or necessary for this Appeal. The keyword is [his]. Therefore, duplication is an added financial burden for the Appellant.

2. Wells Fargo's [Exhibit 2] – Deposition Excerpts – George Sistrunk; was not included because there was no more room in the Affidavit Section. Accordingly, two of the documents to which the Respondent refers, [Exhibits 9 & 10] are Appellant documents that were also not included to save space and money. The Appellant wants to add them. The fax copies were sent in 2007 to all the parties that sent Wells Fargo falsified, forged and altered documents. [18 USC §§ 1001, 1344 & 12 CFR § 1731.2(c)(e)]

3. As of October 19, 2015, there has been no response from the Player Law Firm, most notably, Debra C. Galloway and Stephanie Hammond, the Broker/David Terrell/Goldengate Mortgage/Golden Gate Mortgage, Inc., the Appraiser – Jim H. Austin, III, and from the Seller – Thomas Jacobs to notify Wells Fargo relative to falsification & forgery.

4. **Reason #2:** [Exhibits 8, 1 & 2] would be duplicates because they are included in the *Record on Appeal* in [R. Vol. I-2, pp. 281-283] and [Exhibits 1 & 2], in large, bold, 48 point, "Times New Roman" print are already included in the *Record on Appeal* in [R. Vol. V-2]. Exhibit 1 -WF00039-41 can be found in [R. Vol-V-2, pp.1661-1663]; Exhibit 2 – WF00043-60 is located on pp. 1664-1682. [Exhibit 3] was also not included because of space and money. The Appellant is not rich or financially well off and had to make sure all the pleadings and documents necessary for **her appeal** were included in the record.

5. **Reason #3:** The Appellant has almost **3,000 pages of pleadings** in the Court's records and over **300 exhibits**. The Appellant has filed almost **40 notarized and verified pleadings** that verify **Statements of Fact**. Dividing 3,000 by 40 equals 75. With pleadings averaging 75 pages, it does not take long to fill up a volume and this does not include Wells Fargo's filed arguments and exhibits. [Also See R. Vol.V-2, p. 1739]

6. This is why the Appellant must be pragmatic, rather than, theoretic and prudent, rather than, imprudent when it comes to the *Appeal*. Regardless of what happens with this Appeal or with this case, the Appellant still has to pay her bills. If this case ever gets to a jury, the Appellant is going to demand the jury impose, Sanctions, Punitive Damages and Compensatory Damages on Wells Fargo and Nelson Mullins Riley & Scarborough, LLP., for knowingly pursuing a foreclosure based on falsified documents from 2nd and/or 3rd parties, that they have known were falsified since Jan. 14, 2008 [Wells Fargo] and the law firm since Dec. of 2008. [§ 40-58-70- SC Code of Laws]

7. **Reason #4:** The Appellant was also forced to remove pleadings and exhibits because of the unexpected increase in cost when Columbia's printers would not print the Appeal the way the Appellant had the pages numbered and they insisted the indices to all the content had to be in every volume. Therefore, more pleadings and exhibits had to be removed in order to keep the *Record on Appeal* affordable.

8. **Reason #5:** Because so many documents and exhibits had to be removed to make the appeal affordable, the Appellant listed as many excluded documents as possible on the pages that were available. With over 300 exhibits, it did not take long to run out of space and money. Since the Appellant listed as many of her excluded exhibits first, there was neither room nor money left to list or include any more of Wells Fargo's documents. The ones that are included are the ones that have the greatest relevancy to the Appellant's *Appeal*.

PROFFERED RESOLUTION TO THIS MATTER

9. To resolve this matter in the most expeditious manner the Appellant can afford, financially speaking, and to retain some semblance of fairness, judicially speaking, and according to the following precedents, the Appellant must pay for this appeal even if the Appellate Court agreed to an *in forma pauperis* request from the Appellant.

(a) Quillian v. Evatt, 419 SE 2d 783 (1992) “[A]ppellant moves the Court to proceed *in forma pauperis* in this appeal of an order granted respondents' motion for summary judgment. The motion is granted. Appellant is reminded that the scope of a grant to proceed *in forma pauperis* extends only to those fees associated with filing the appeal and related motions with this Court. The costs of the court reporter's transcript and of copying the record and brief remain the responsibility of the appellant.”

(b) Ex parte Martin, 321 S.C. 533, 535, 471 S.E.2d 134, 135 (1995) (holding that absent a statutory waiver of filing fees, motions to proceed in forma pauperis may only be granted where specifically authorized by statute or required by constitutional provisions)

10. Despite the cost, the Appellant would like to add Wells Fargo's Exhibits 3, 9, 10 and the Deposition of George Sistrunk to the *Record on Appeal*. Accordingly,

- ✓ The Appellant will file a Motion to Strike the Exhibits from the request that are already included in the *Record on Appeal*. If granted,
- ✓ The Appellant will file a second motion to add Wells Fargo's Exhibits 3, 9, 10 and the Deposition of George Sistrunk as a *Supplement to the Record on Appeal*.

CONCLUSION

For all the reasons stated, this Highly Esteemed and Honorable Court should deny the Respondent's motion or request and grant the Motions that will follow this Return to Motion. The Appellant will thoroughly explain the reasons why these documents must be included as a *Supplement to the Record on Appeal* in her Motion.

October 19, 2015

Respectfully Submitted;

/s/ Dorothy Sistrunk
Dorothy Sistrunk
423 Bayne Street
Orangeburg, South Carolina 29115
(803) 268-0716

Note: Since statements are made with specificity and particularity, this Return to Motion will be verified.

NOTARY CERTIFICATION

IN WITNESS WHEREOF, The undersigned, being duly *SWORN*, declares under the *PENALTY OF PERJURY* that the facts in her "Return to Respondent's Motion & Objection to Respondent's Request to Add Duplicate Exhibits to the Record on Appeal" are true and correct as of her own knowledge. When it comes to matters stated therein that are based upon information and/or belief; as to those matters, she believes them to be true. Accordingly, based on the stated facts; Re: Appellate Case No. 2015-001112 and Civil Action Case No. 2011-CP-38-1392, will sign, seal and execute her attestations on this 19 day of October in the year 2015 in the City and County of Orangeburg, in the State of South Carolina.

Rule 11(c), SCRCP clearly states in pertinent parts; "[A]ffidavits or verifications authorized or permitted under these Rules shall be written statements or declarations by a party or his attorney of record or of a witness, sworn to or affirmed before an officer authorized to administer oaths, that the affiant knows the facts stated to be true of his own knowledge, except as to those matters stated on information and belief and as to those matters that he believes them to be true."

Appellant's Signature: Dorothy Sistrunk

Notary's Signature as Witness (1): Luan Estelle

Signed, Sealed, Executed and Delivered in the Presence of:

**STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG**

On 10-19-2015 before me appeared Dorothy Sistrunk and proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she is executing the same in her authorized capacity, and by her signature on her "Return to Respondent's Motion & Objection to Respondent's Request to Add Duplicate Exhibits to the Record on Appeal" and this Notary Certification presents this document to the Appellate Court.

WITNESS My Hand and Official Seal.

Notary's Signature Luan Estelle

Commission Expires 01-21-2025

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SC Court of Appeals

(Seal)

THE STATE OF SOUTH CAROLINA

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Wells Fargo Bank, N.A., Respondent,

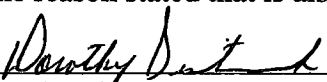
v.

Dorothy Sistrunk, Appellant.

PROOF OF SERVICE

I certify that I served a copy of my "Return to Respondent's Motion & Objection to Respondent's Request to Add Duplicate Exhibits to the Record on Appeal" on Wells Fargo Bank, N.A., by depositing a copy of it in United Parcel Service (UPS), prepaid, on Monday, October 19, 2015, addressed to Wells Fargo's attorney of record that is listed below. No letter will be sent to Respondent's case attorney Elizabeth Scott Moise for the reason stated that is also below.

Today's Date: October 19, 2015

/s/ 
Dorothy Sistrunk
423 Bayne Street
Orangeburg, South Carolina 29115
(803) 268-0716

Attorney Michael Anzelmo
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Post Office Box 11070 (29211-1070)
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Elizabeth Scott Moise
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Post Office Box 1806 (29402-1806)
Charleston, SC 29401 -2239
(803)853-5200

Note: No copy will be sent to attorney Elizabeth Scott Moise. No "Brief" was ever filed.