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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SUMTER COUNTY CIRCUIT COURT
Richard L. Booth, Master-In-Equity

SC Court of Appeals

Appellate Case No.: 2015-001341

Ameer Akeem Amin,

Appellant,

v.

DLJ Mortgage Capital, Inc.,

Respondent.

MOTION TO DISMISS APPEAL

Caroline Glenn, Esq.
Brock & Scott, PLLC
3800 Fernandina Road, Suite 110
Columbia, South Carolina 29210
(803) 454-3540
Attorney for Respondent

Amin, Ameer Akeem
4240 Amelia Dr.
Sumter, SC 29154
Pro Se Appellant

PLEASE TAKE NOTICE that the Respondent DLJ Mortgage, Inc. "Respondent") by and through its undersigned attorneys, will move before this Court for an Order dismissing the instant appeal pursuant to South Carolina Appellate Court Rules 269 and 260 on the grounds that the Appeal is frivolous and taken solely for the purposes of delay, raises issues not properly preserved for appeal, and that the appellant did not follow proper procedure regarding his initial brief.

**STATEMENT OF THE FACTS AND MEMORANDUM IN SUPPORT OF
RESPONDENT'S MOTION**

The instant action is an appeal from the denial of a motion to vacate a foreclosure judgment and the granting of a writ of assistance resulting from a foreclosure sale in the underlying action brought by Respondent against Appellant concerning property located in Sumter County. On November 20, 2014, the Honorable Richard L. Booth, Master In Equity for Sumter County, held a hearing in this action and A Master In Equity's Order and Judgment of Foreclosure and Sale was entered in favor of Respondent. The Master in Equity's Order of Foreclosure and Sale was not appealed. The subject property was sold at foreclosure sale on January 5, 2015 with the Respondent being the successful purchaser.

Appellant filed a motion to vacate judgment and sale and motion to continue on February 17, 2015. A hearing was held on the Appellant's motion on April 21, 2015 with the Appellant having been properly noticed of the hearing. On May 12, 2015, the Master in Equity issued an Order denying the Appellant's Motion to Vacate Judgment and Sale and motion to continue. The Writ of Assistance was filed on June 10, 2015. This appeal followed.

The appeal appears to be frivolous and submitted for the purposes of delaying the eviction on its face. Appellants filings before the Court of Appeals, as was the case before the Circuit Court and Master in Equity, all appear to be sovereign citizens' type pleadings and should be afforded no weight by this Court.


An unappealed ruling is the law of the case and requires affirmance. Shirley's Iron Words v. City of Union, 403 S.C. 560, 573, 743 S.E.2d 778, 785 (2013); see also In re Thames, 344 S.C. 564, 573, 544 S.E.2d 854, 858 (Ct. App. 2001) ("The unappealed

decision of the trial court, right or wrong, is the law of the case.”) As stated earlier, the appellant’s sole issue is as to the denial of the motion to vacate and the granting of the writ of assistance by the Master in Equity as no appeal was taken to the Master in Equity’s Order of Judgment and Sale. Appellant’s argument appears to be that Respondent lacked standing to bring the foreclosure action. Appellant’s assertions regarding standing are wholly without merit and were resolved in the above-referenced foreclosure order which was not appealed. As appellant’s sole issue on appeal was resolved in an unappealed order, it is not preserved and, as such, the appeal should be dismissed.

CONCLUSION

For the reasons set forth above, Respondent respectfully requests this Court to dismiss the present Appeal or, in the alternative, to reject Appellant’s claims and affirm the judgment of foreclosure. Further, pursuant to South Carolina Appellate Court Rule 269, this Court should impose any and all sanctions it deems just and proper under the circumstances to discourage Appellant from continuing to file sham pleadings with the Court.

Brock and Scott, PLLC
3800 Fernandina Road, Suite 110
Columbia, South Carolina 29210
Telephone: (803) 454-3540


Carolina Glenn
Attorney for the Respondent

Dated: November 6, 2015
Columbia, South Carolina