

JOHNSON D KOOLA
1587 Cambridge Lakes Dr
Mt. Pleasant, SC 29464
Phone: (843) 849-9241

December 8, 2015

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DEC 10 2015

SC Court of Appeals

The Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, S.C. 29201

Re: Appellate Case No.: **2014-001323** on Appeal from Charleston County, case No.:
2010-CP-10-6060 - Bank of America, v. Johnson D. Koola

Sub: Motion filed in the Court of the Hon. Master in Equity to rescind the Order
Substituting Counsel

Honorable Ms. Kitchings,

I am defendant-appellant in the above named appeal.

On November 18, 2015, certain attorneys of undisclosed affiliation sent an ex parte letter to the Hon. Master in Equity for Charleston County for a consent Order Substituting Consul in the said case. Closer look at the letter and the request for consent Order shows that: (i) all the communications to the Court were ex parte communications; (ii) the signatories to the consent Order has already substituted the plaintiff-respondent BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing LP for Green Tree Servicing LLC without the approval of the Courts and without the knowledge of all the defendants; (iii) the request for consent Order was not consented by all the parties to the case; and (iv) On November 25, 2015, the Hon. Master in Equity ordered the substitution of the parties in spite of all the irregularities noted herein.

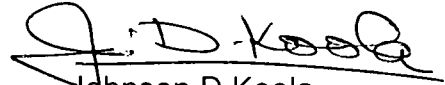
Ex parte communication is not allowed by Rule 5, SCRCP. The Hon. Master in Equity's Order is in violation of Canon 3B(7), CJC, Rule 501, SCACR, Rule 205 and Rule 265, SCACR. For these reasons, defendant-appellant filed a Motion in the Lower Court to rescind the November 25, 2015 Order of the Hon. Master in Equity Substituting Counsel.

A copy of the said Motion is enclosed herewith for information of this Court and for record.

I thank you in advance for your kind efforts.

Continued on next page

Yours sincerely,

A handwritten signature in black ink, appearing to read "J. D. Koola". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

Johnson D Koola
1587 Cambridge Lakes Dr
Mt. Pleasant, SC 29464

Copy to:

John S. Kay, Esquire et al.
Korn Law Firm
Attorney for Plaintiff

B. Lindsay Crawford, III, Esq. et al.
Crawford & von Keller, LLC

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

BAC home Loans Servicing, LP)
fka Countrywide Home Loans)
Servicing LP,)

Plaintiff,)

v.)

Johnson D, Koola, First Citizens)
Bank Trust and Company, Inc. fka)
First Citizens Bank and Trust)
Company of South Carolina and)
Cambridge Lakes Horizontal)
Property Regime,)

Defendants.)

IN THE COURT OF COMMON PLEAS
Case No.: 2010-CP-10-6060

NOTICE OF MOTION AND
MOTION TO RESCIND THE NOVEMBER
25, 2015 ORDER OF THE HON. MASTER
IN EQUITY FOR CHARLESTON COUNTY
SUBSTITUTING COUNSEL

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DEC 10 2015

SC Court of Appeals

BY _____

JULIE J. ARMSTRONG
CLERK OF COURT

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FILED

Please take notice that defendant/appellant Johnson D. Koola ("Koola") will move the Court of Master in Equity at such time as is convenient for the Court for a motion hearing to rescind the November 25, 2015 Order of the Hon. Master in Equity substituting counsel in the above referenced case.

Through a letter dated November 18, 2015, certain attorneys, Theodore von Keller Esquire, et al, wrote a letter to the Hon. Master in Equity for a [Consent] Order substituting Counsel in the above referenced case. The Court may kindly take notice that: (i) The attorneys have not disclosed their affiliation and have not stated whom they represent; (ii) The said letter was an *ex parte* communication. Defendant/appellant Koola was not served a copy of the said letter. Rule 5, SCRPC, mandates that the opposing party shall be served copies of all papers filed in the court with proof of service; and (iii) The request for consent order and the consent order were not cosigned by the representatives of all the parties.

Canon 3B(7), CJC, Rule 501, SCACR, provides that a judge shall not initiate, permit or consider ex parte communications.

The letter dated November 18, 2015 for a [Consent] Order Substituting the Counsel shows that the parties have substituted BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing LP, plaintiff-respondent, for Green Tree Servicing LLC. The parties substituted the plaintiff/respondent in the case without the approval of the court and knowledge of defendant Koola and other defendants named in the caption.

The case under reference is currently on appeal in the Court of Appeals under Appellate Case No.: 2014-001323 – Bank of America, v. Johnson D. Koola. The said letter dated November 18, 2015 concealed the fact from the Court that the case is on appeal.

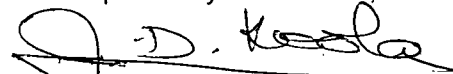
Rule 205, SCACR, provides that upon the service of the notice of appeal, the appellate court shall have jurisdiction over the appeal. Substitution of the parties and request for consent order for substitution of the attorneys should have been made to the appellate court.

Rule 265, SCACR, provides that if substitution of a party in a case pending in an appellate court is desired for any reason other than death or incompetency, substitution shall be by motion to the appellate court and not to the lower court.

For the reasons stated above, defendant-appellant Koola requests the Hon. Master in Equity for a motion hearing at such time as is convenient for the Court to rescind the November 25, 2015 Order Substituting Counsel in the above case.

December 7, 2015

Respectfully submitted,



Johnson D. Koola
1587 Cambridge Lakes Dr
Mt Pleasant, SC 29464
(843) 849-9241
Defendant/appellant pro se

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
Case No.: 2010-CP-10-6060

BAC home Loans Servicing, LP)
fka Countrywide Home Loans)
Servicing LP,)

v.)

PROOF OF SERVICE

Johnson D, Koola, First Citizens)
Bank Trust and Company, Inc. fka)
First Citizens Bank and Trust)
Company of South Carolina and)
Cambridge Lakes Horizontal)
Property Regime,)

Defendants.)

FILED
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JULIE J. ARMSTRONG
CLERK OF COURT

I, Johnson D. Koola, under penalty of perjury certifies that on December 7, 2015, I filed copies of defendant-appellant's Notice of Motion and Motion to Rescind the November 25, 2015 Order of the Hon. Master in Equity Substituting Counsel with the Hon. Master in Equity and Clerk of the Court, Court of Appeals and served copies of the same on the following counsels:

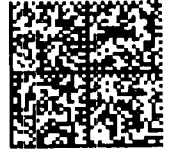
John S. Kay, Esquire et al.
Korn Law Firm
Attorney for Plaintiff

B. Lindsay Crawford, III, Esq. et al.
Crawford & von Keller, LLC

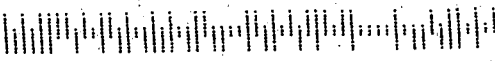
Mt. Pleasant, SC
December 7, 2015


Johnson Koola

Mr. Johnson D. Koola
1587 Cambridge Lakes Dr
Mount Pleasant, SC 29464



U.S. POSTAGE
\$.71
FCM LETTER
29464
Date of sale
12/08/15
06 2500
08308307
SSK

To | 
THE CLERK OF COURT
SOUTH CAROLINA COURT OF APPEALS
1015 SUMTER ST
COLUMBIA, SC 29201

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