

STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM DARLINGTON COUNTY
Special Referee

JAN 26 2016

SC Court of Appeals

Martin S. Driggers, Jr., Special Referee, Darlington County

Case No. 2012-CP-16-1021

Appellate Case No.: 2015-002194

Vanderbilt Mortgage and Finance, Inc.,Respondent,

Vs.

Ashton C. Bull, Linda Bull, Park Avenue Homes, South Carolina Department of Motor
Vehicles,Appellant.

RETURN TO MOTION TO DISMISS

Marcus Woodson
The Woodson Law Firm, L.L.C.
1011 E. Liberty Street
Post Office Box 1657
Marion, SC 29571
(843)423-1977 telephone
Attorney for the Appellants

The Appellants respond to the Respondents motion to Dismiss as follows:

1. In May 2015 the Special Referee granted Summary Judgment in the Respondent's favor.
2. This is an action for the foreclosure of a mobile home and the associated property.
3. In the lower Court the Defendants (now appellants) raised several issues regarding Vanderbilt's ownership of the home, their standing to sue and negligence.
4. The Summary Judgment Order makes their defenses and Counterclaims moot because the Special Referee decided that there is an equitable mortgage.
5. Vanderbilt Mortgage tried to have a hearing in October to foreclose on the mortgage. The hearing was canceled as a result of this appeal.
6. Pursuant to Sections 14-3-330 and 18-9-10 of the South Carolina Code of Laws, this Court has jurisdiction over any "**intermediate** judgment, order or decree in a law case involving the merits in actions commenced in the Court of Common Pleas and General Sessions....." [Emphasis added].
7. The Summary Judgment Order is an intermediate judgment that in essence decides the merits of the case and the Appellant's defenses.

WHEREFORE, the Appellant request that the Respondent's Motion to Dismiss be denied.

THE WOODSON LAW FIRM, L.L.C.

By: 

Marcus Woodson
1011 E. Liberty Street
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Marion, SC 29571
(843)423-1977 telephone

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM DARLINGTON COUNTY
In the Court of Common Pleas, Darlington

JAN 26 2016

The Honorable Martin S. Driggers, Sr., Special Referee

SC Court of Appeals

Case No. 2012-CP-16-1021

Vanderbilt Mortgage and Finance, Inc

Respondent,

Vs.

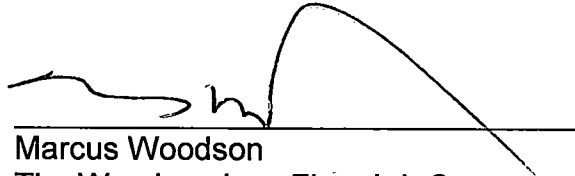
Ashton C. Bull, Linda Bull, Park Avenue Homes,
South Carolina Department of Motor Vehicles

Appellant.

PROOF OF SERVICE

I certify that I served the Return to the Motion to Dismiss on attorney, Theodore von Keller, by depositing a copy of it in the United States Mail, postage prepaid, on January 25, 2015 addressed to him at Post Office Box 4216, Columbia, South Carolina 29204.

January 25, 2016



Marcus Woodson
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Post Office Box 1657
Marion, SC 29571
(843)423-1977 telephone for the Appellant.

Other Counsel of Record:
Theodore von Keller
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Post Office Box 4216
Columbia, SC 29240
(803) 790-2626 telephone

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JAN 26 2016

SC Court of Appeals

January 25, 2016

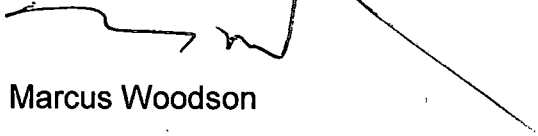
Jenny Abbott Kitchings
Clerk of the SC Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RE: Case Name: Vanderbilt vs. Bull
Appellate Case No.: 2015-002194

Dear Ms. Kitchings:

I have enclosed six original Returns to the Motion to Dismiss filed on January 8, 2016. I have also enclosed Proof of Service upon opposing counsel.

Very truly yours,



Marcus Woodson

MW/md

Enclosures (7)

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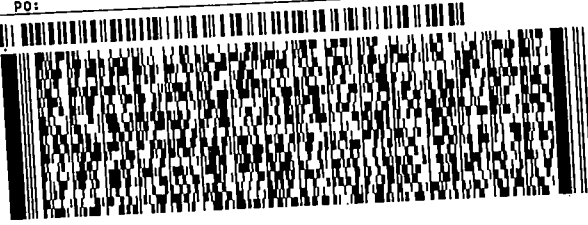
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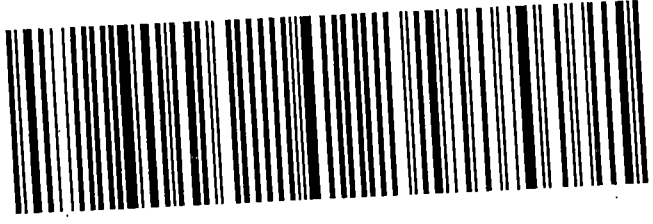


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