

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Master in Equity Court

James O. Spence, Master-in-Equity

Case No. 2015-00350

Libby Corporation, Respondent,

v.

Haiyan Lin, Appellant.

MEMORANDUM IN SUPPORT OF
MOTION TO DISMISS APPEAL OF APPELLANT HAIYAN LIN

STATEMENT OF FACTS.

This Appeal involves a foreclosure action on a parcel of commercial property in Lexington County brought by the Respondent against the Appellant in 2013. After five hearings, four of which were formally transcribed, on January 26, 2015, the Honorable James O. Spence, Master in Equity for Lexington County, issued a Master in Equity's Order and Judgement and Foreclosure of Sale ("Order"). The Order was served on the Appellant and counsel for the Respondent by the Clerk of Court for Lexington County on February 3, 2015, and received shortly thereafter by the parties. The Appellant filed her Notice of Appeal with this Court on or about February 24, 2015, and served the same on opposing counsel on the

same date, though there was no accompanying Certificate of Mailing. See Notice of Appeal, filed February 24, 2015 (also attached as Exhibit A).

On March 3, 2015, the Appellant sent a letter to Jennifer L. Thompson, CVR-M, of Thompson Court Reporting, Inc., requesting her to “[p]rocess all of the transcripts hearings for the case and give me the costs for each transcript, separately.” This letter was copied to Respondent’s counsel on the same day and forwarded to the Clerk of Court for the South Carolina Court of Appeals (“Clerk”). See Letter from Appellant to Jennifer L. Thompson, March 3, 2015 (also attached as Exhibit B); see also Letter from Appellant to Jenny A. Kitchings, Clerk of the South Carolina Court of Appeals, March 4, 2015 (also attached as Exhibit C). On April 8, 2014, the Appellant sent another letter to the court reporter stating that she had been informed by the Lexington County Clerk of Court that the transcripts of the hearings had been filed, but that she could obtain them for her for 50¢ per page. She inquired as to how many pages there were, without exhibits, and to let her know so she could pay for them. See Letter from Appellant to Jennifer L. Thompson, April 8, 2014 (also attached as Exhibit D).

Two days after she sent the court reporter her letter regarding obtaining the transcripts, on April 10, 2015, the Appellant sent a letter to Clerk stating that her 90 year old mother was ill and that she had to go to Hong Kong and requested protection for all of her cases from April 13, 2015 “until my return.”¹ See Letter from Appellant to Jenny A.

¹ The Appellant noted in her letter that she had five appeals, inclusive of this appeal, pending before the South Carolina Court of Appeals - 2014-002545, 2014-002739, 2014-0003, 2014-001823, 2013-001862, and 2015-00350 - all of which presumably needed to be placed on hold until she returned.

Kitchings, Clerk of the South Carolina Court of Appeals, April 10, 2015 (also attached as Exhibit E). There was no indication to the Court or to the Respondent as to how long she would be out of the country. On April 20, 2015, the Clerk wrote her and indicated that such a request for broad protection is not typically granted and that if she is requesting an extension in order to meet a particular deadline, she would have to file a motion pursuant to Rule 240, SCACR. See Letter from V. Claire Allen, Deputy Clerk of Court of the South Carolina Court of Appeals, to Appellant, April 20, 2015 (also attached as Exhibit F). Nothing further was heard from the Appellant.

Fifty-three days after the Appellant wrote to the Court requesting “protection”, on June 2, 2015, the Clerk sent to the Appellant a letter indicating the transcripts should have been obtained and requested a status on the transcripts or her “appeal may be dismissed”. See Letter from V. Claire Allen, Deputy Clerk of Court of the South Carolina Court of Appeals to Appellant, June 2, 2015 (also attached as Exhibit G). In response, the Appellant filed a Motion for Extension of Time to Obtain Transcripts on or about June 20, 2015, which was approximately eight days after the deadline as set forth by the Clerk for a status. See Motion for Extension of Time to Obtain Transcripts, June 20, 2015 (also attached as Exhibit H). On June 24, 2015, the Clerk, again, sent a letter the Appellant requesting a status on her obtaining the transcripts and requesting a report with ten days “or your appeal will be dismissed.”. See Letter from V. Claire Allen, Deputy Clerk of Court of the South Carolina Court of Appeals to Appellant, June 24, 2015 (also attached as Exhibit I). On June 30, 2015, the Clerk sent the Appellant a letter stating that she had failed to provide the \$25.00 filing fee with her Motion. See Letter from V. Claire Allen, Deputy Clerk of Court of the South

Carolina Court of Appeals to Appellant, June 30, 2015 (also attached as Exhibit J). On August 31, 2015, the Honorable Jasper M. Cureton, Acting Judge of the South Carolina Court of Appeals, denied the Appellant's Motion, and required that she provide proof that she had made satisfactory arrangements with the court reporter to obtain the transcript, including agreement regarding payment, within ten days of the Order or the appeal may be dismissed. See Order, August 3, 2015 (also attached as Exhibit K). On September 10, 2015, thirty-seven days after the issuance of the Order, the Appellant provided evidence of payment to Ms. Thompson of \$160.00 for the transcripts, with such payment being made on September 9, 2015. See Letter to Jennifer L. Thompson from Appellant, September 9, 2015 (also attached as Exhibit L). Nothing further was heard from the Appellant.

On October 22, 2015, the Clerk wrote to the Appellant that she had not yet notified the Court whether she had received the transcripts, nor had the Court received her initial brief. The Clerk further requested that the Appellant provide a status on these matters or her "appeal may be dismissed." See Letter from V. Claire Allen, Deputy Clerk of Court of the South Carolina Court of Appeals to Appellant, June 30, 2015 (also attached as Exhibit M). On November 2, 2015, the Appellant wrote the Clerk and indicated ths she had "all of the transcripts necessary for her appeal." See Letter from Appellant to V. Claire Allen, Deputy Clerk of Court of the South Carolina Court of Appeals, November 2, 2015 (also attached as Exhibit N). Thirty-six days after the letter from the Clerk and twenty-five days after her letter in response, on November 27, 2015, the Appellant made two filings with the Court. First, the Appellant filed a Motion for Extension of Time to File Initial Brief. In her Motion, the Appellant states as her grounds for the extension 1) "the appellant has realized that a very

important legal issue needs to conduct further research on and consult with an attorney with [sic.]” and 2) “[d]ue to the holiday the appellant was unable to complete this task in time so that she could finish her initial brief on time by the due date.” See Motion for Extension of Time to File Initial Brief, filed November 27, 2015 (also attached as Exhibit O). Second, the Appellant sent a letter to the Clerk on November 27, 2015, stating “[t]he appellant has been out of town and is unable to make return”, and requested “protections from meeting obligations. . .” in several cases.² In addition, she indicated that “all correspondens [sic.] be sent to the temporary address: Haiyan Lin, 400 Harbor Blvd., Bldg. B, Belmont, CA 94002”. See Letter from Appellant to Jenny A. Kitchings, Clerk of the South Carolina Court of Appeals, November 27, 2015 (also attached as Exhibit P). In response to these actions, the Clerk sent the Appellant two letters on December 3, 2015. First, the Clerk again reminded the Appellant that, unlike the Circuit Court, the Court of Appeals does not grant “orders of protection” and that if she is seeking some form of extension in a pending case she would need to file a motion pursuant to Rule 240, SCACR. See Letter from V. Claire Allen, Deputy Clerk of Court of the South Carolina Court of Appeals, to Appellant, December 3, 2015 (Letter 1)(also attached as Exhibit Q). Second, the Clerk sent a letter to the Appellant indicating that she, again, failed to submit the required fee of \$25.00 with her Motion. See Letter from V. Claire Allen, Deputy Clerk of Court of the South Carolina Court of Appeals, to Appellant, December 3, 2015 (Letter 2)(also attached as Exhibit R).

² The Appellant noted in this letter that she had four appeals, inclusive of this appeal, pending before the South Carolina Court of Appeals - 2014-002545, 2015-001586, 2015-00001866, and 2015-00350 - for which needed “protection”. Only this appeal and 2014-002545 were listed in her previous letter to the Clerk on April 10, 2015.

On January 6, 2016, the Clerk issued an Order stating the Appellant had until January 18, 2016, to file her initial brief and designation of matter with the Court. See Order, January 6, 2015 (also attached as Exhibit S). Four days after the deadline imposed by the Clerk Court for compliance by the Appellant and 327 days after she had filed her Notice of Appeal, on January 22, 2016, the Appellant filed the her Initial Brief and Designation of Matter to be Included on the Record on Appeal. However, it is noted that it was not mailed until January 26, 2015, and was not received by the Respondent until January 27, 2015. See Appellant's Initial Brief and Designation of Matter to be Included on the Record on Appeal, January 22, 2015, with attached envelope (also attached as Exhibit T).

On January 25, 2016, the Appellant sent to the Court an Amended Motion for Extension of Time to File Appellant's Initial Brief, citing as her reason to request additional time as being that she has now returned from California, met with her attorney on January 20, 2016, but the "[t]he Appellant did not receive the court order of January 6, 2016, until January 21, 2016, when she obtained the case file at Court of Appeal." See Amended Motion for Extension of Time to File Appellant's Initial Brief, January 25, 2015, with attached envelope (also attached as Exhibit U).³ On January 28, 2016, the Clerk issued to the Appellant a letter indicating that she had not filed a proof of service evidencing that she had served the Designation of Matter to be Included on the Record on Appeal on the Respondent, and that her Designation of Matter had several deficiencies which needed to be

³ This is the first information the Respondent has received that the Appellant has returned from California. It is also noted that she met with her attorney on January 20, 2016, but filed her Initial Brief and Designation of Matter for the Record on Appeal on January 22, 2016, and then requested an extension to file her Initial Brief on January 25, 2016.

addressed within ten days of the letter. See Letter from V. Claire Allen, Deputy Clerk of Court of the South Carolina Court of Appeals, to Appellant, January 28, 2016 (Letter 1) (also attached as Exhibit V). The Clerk also sent a letter to the Appellant indicating that she, again, failed to provide the \$25.00 fee for the Motion. See Letter from V. Claire Allen, Deputy Clerk of Court of the South Carolina Court of Appeals, to Appellant, January 28, 2016 (Letter 2)(also attached as Exhibit W).

RULES 207(a)(1); 208 (a)(1) and (b)(1)(A)-(D); and 209(a) and (b) SCACR.

There are several South Carolina Appellate Court Rules which must be addressed and examined in this matter. First, with respect to obtaining a copy of the transcript of the proceeding in the lower court, Rule 207(a)(1) SCACR states:

Where a transcript of the proceeding must be prepared by the court reporter, appellant shall, within the time provided for ordering the transcript, make satisfactory arrangements (including agreement regarding payment for the transcript) in writing with the court reporter for furnishing the transcript. **In appeals from the court of common pleas, master in equity special referees or the family court the transcript must be ordered within ten (10) days after the date of the service of the notice of appeal.** . . Unless the parties otherwise agree in writing, the appellant must order a transcript of the entire proceedings below. . . .

(Emphasis added).

Second, with respect to the filing and service for the appellant's initial brief, Rule 208(a)(1) SCACR states, in part:

Within thirty (30) days after receiving the transcript . . . appellant shall serve one copy of his brief on all parties to the appeal, and file with the clerk of the appellate court one copy of the brief with proof of service.

(Emphasis added).

Third, with respect to the contents of the appellant initial brief, Rule 208(b)(1)(A)-(D)

states, in part:

The brief of appellant shall contain under the appropriate headings and in the order here indicated:

(A) Table of Contents and Cases. **A table of contents, with page references, and a table of cases (alphabetically arranged), statutes, and other authorities cited with references to the pages of the brief where they are cited.**

(B) Statement of Issues on Appeal. A statement of each of the issues presented for review. **The statement shall be concise and direct as to each issue and may be stated in question form. Broad general statements may be disregarded by the appellate court.** Ordinarily, no point will be considered which is not set forth in the statement of issues on appeal.

(C) Statement of the Case. **The statement shall contain a concise history of the proceedings, insofar, as necessary to an understanding of the appeal. The statement shall not contain contested matters and shall contain, as a minimum, the following information: the date of the commencement of the action or matter; the nature of the action or matter; the nature of the defense or response; the action of the court, jury, master, or administrative tribunal; the date(s) of the trial or hearing; the mode of trial; the amount involved on appeal; the date and nature of the order, judgment or decision appealed from; the date of the service of the notice of appeal; the date and description of such orders, judgments, decisions and proceedings of the lower court or administrative tribunal that may have affected the appeal, or may throw light upon the questions involved in the appeal; and any changes made by the parties by death, substitution, or otherwise.** Any matters stated or alleged in the appellant's statement shall be binding on appellant.

(D) Argument. The brief shall be divided into as many parts as there are issues to be argued. **At the head of each part, the particular issue to be addressed shall be set forth in distinctive type, followed by discussion and citations of authority. A party may also include a separate statement of facts relevant to the issues presented for review, with reference to the record on appeal, which may include contested matters to summarize the party's contentions.**

(Emphasis added).

Fourth and finally, with respect to the designation of matter to be included in the record on appeal, Rule 209(a) and (b), SCACR states, in part

(a) Time to Serve and File. At the same time a party serves his initial brief(s) under Rule 208, to include a reply brief, he shall also serve on all parties to the appeal a Designation of Matter to be Included in the Record on Appeal **which shall set forth with specificity those parts of the transcripts, pleadings, orders, exhibits, or other materials which may be properly included in the record on appeal.** . . One copy of this Designation with proof of service shall immediately be filed with the clerk of the appellate court.

(b) Content. The Designation **must clearly identify what the party desires to have included in the Record on Appeal, and the Designation may only propose to include portions of the transcript pleadings, orders, exhibits, or other materials which may be properly included in the Record of Appeal.** . . A party shall not include any matter in his Designation which is not relevant to the appeal.

(Emphasis added).

ARGUMENT AND ANALYSIS.

The Appellant has failed to timely prosecute her Appeal in this matter which has resulted in undue and unnecessary delay and damage to the Respondent. She has not been timely in any of her filings and often had to be prompted by the Clerk to make her filings and pay required fees. Finally, after 327 days, the Appellant filed her Initial Brief and Designation of Matter to be Included on the Record on Appeal. However, the Respondent cannot even begin to respond to the filings because the Appellant has not made any coherent arguments; has not cited any portion of the record to support her arguments; and has not cited a case, a statute, or a rule to support her arguments. Further, her Designation of Matter to be Included on the Record on Appeal is unclear. The Respondent is simply unable to reply to the Appellant's filings. To add to the confusion and delay, the Appellant now has allegedly "consulted an attorney" and requests an extension to file her Initial Brief, which she has

already filed. The Respondent is unclear whether to respond to the Appellant's Initial Brief or wait for the Court's ruling on the Appellant's request for extension.

The Respondent makes three main arguments in support of its Motion to Dismiss: - 1) the transcripts were not timely obtained, 2) the Initial Brief and Designation of Matter to be Included on the Record on Appeal was not timely filed, and 3) the Initial Brief and the Designation of Matter to be Included on the Record on Appeal do not comply with requirement as set forth in the Rules, are unclear and fail to make any cohesive arguments to which the Respondent can reply.

1. The Transcripts were not timely obtained.

Rule 207(a)(1) SCACR clearly states that an appellant must order the transcript within ten days after the date of the service of the appeal. The Appellant failed to comply with this Rule and, as such, her Appeal should be dismissed. In this matter, the Appellant filed her Notice of Appeal on February 24, 2015. See Exhibit A. The Appellant requested the court reporter to process all of the transcripts in this matter. See Exhibit B. The next communication the Respondent receives from the Appellant is dated April 8, 2015, where it appears that the Appellant is making still making arrangement to obtain copies of the transcripts and pay for them. See Exhibit D. At this point in the process the Appellant is already well beyond the ten day requirement in Rule 207(a)(1).

It was not until November 2, 2015, 251 days after the Appellant filed her Notice of Appeal and 241 days after Rule 207(a)(1) requires appellants to make arrangements with the court reporter to obtain any necessary transcripts, she notifies the Court that she had "all of the transcripts". See Exhibit N. In order to obtain this letter to show the Appellant's

compliance with the Rules, it required the Clerk to send five letters and the Court to issue an Order denying an extension. See Exhibits F, G, I, J, K, and M. In the interim, the Respondent was unable to send a Notice of Sale to the Lexington County Master in Equity to sell the foreclosed real property for which the Order had been issued on January 26, 2015, and was required to pay the 2014 real property taxes in order to keep the property from being sold for delinquent taxes.

While it is understood that the Appellant is a self represented litigant, it is clear that she has some experience with this Court and the Rules as she had five pending appeals for which requested “protection” while she traveled to Asia. See Exhibit E. However, even considering the circumstances for which she traveled out of the country, for the Court and the Respondent to wait 241 days after Rule 207(a)(1) requires evidence that the transcripts are being ordered and notification that they have been timely received amounts to near abuse of the appellate process.

2. The Initial Brief and Designation of Matter to be Included on the Record on Appeal was not timely filed.

Even if the Court is willing to excuse the extreme delay on the part of the Appellant in obtaining the transcripts, the Appellant was not timely in filing her Initial Brief and the Designation of Matter to be Included on the Record on Appeal with the Court. Rule 208(a)(1), SCACR clearly states that after receipt of the transcript an appellant has thirty days to file and serve the initial brief, while Rule 209(a), SCACR states that the Designation of Matter to be Included in the Record on Appeal must be served at the same time an appellant serves its initial brief. The Appellant failed to do either and, as such, her Appeal should be dismissed.

Thirty-six days after the letter from the Clerk regarding the status of the transcripts, twenty-five days after the Appellant's letter in response that she had the transcripts, and 276 days after Notice of Appeal had been filed, on November 27, 2015, the Appellant made two filings with the Court. First, the Appellant filed a Motion for Extension of Time to File Initial Brief. In her Motion, the Appellant states as her grounds that she "realized" there was an issue she needed to research and for which she needed consult an attorney, and that, because of the holidays, she was unable to do so. See Exhibit O. Second, the Appellant sent a letter to the Clerk, stating that she was now out of town and to send all further correspondence to an address in California where she was temporarily residing. See Exhibit P. In response to these actions, the Clerk sent the Appellant two letters on December 3, 2015. In the first letter, the Clerk again reminded the Appellant that the Court of Appeals does not grant "orders of protection" and that if she needed an extension it would require her to file a motion pursuant to Rule 240, SCACR. See Exhibit Q. In the second letter the Clerk sent a letter to the Appellant she informs her, again, that she failed to submit the required fee of \$25.00 with her Motion. See Exhibit R.

On January 6, 2016, the Clerk of Court issued an Order indicating that the Appellant had until January 18, 2016, to file her Initial Brief and Designation of Matter with the Court. See Exhibit S. Four days after the deadline imposed by the Clerk for compliance by the Appellant and 327 days after she had filed her Notice of Appeal, the Appellant filed the her Initial Brief and Designation of Matter to be Included on the Record on Appeal. See Exhibit T.

Again, the Respondent is cognizant of the fact that the Respondent is a self represented litigant and some latitude may have to be given regarding compliance with the Rules. However, between the time that the Appellant indicated that she had the necessary transcripts to the time she actually filed sent the Initial Brief and Designation of Matter to be Included on the Record on Appeal amounted to a total of fifty-six days - inclusive of a Motion for Extension (which was granted by the Clerk for an additional twelve days), a letter from the Appellant that she was, again, out of town and was “temporarily” in California, and two letters from the Clerk reminding her, again, that the Court does not issue blanket protections and that she needed to pay a filing fee for her Motion. In the interim, the Respondent remained unable to send a Notice of Sale to the Lexington County Master in Equity to sell the foreclosed real property in which the Order had been issued on January 26, 2015, and was required to pay the 2015 real property taxes. All while the property condition continues to deteriorate because of the Appellant’s delay in the timely prosecution of her Appeal.

3. The Initial Brief and the Designation of Matter to be Included on the Record on Appeal do not comply with the requirement as set forth in the Rules, are unclear and fail to make any cohesive arguments to which the Respondent can reply.

Even if the Court is willing to excuse the extreme delay on the part of the Appellant in obtaining the transcripts, and filing the Initial Brief and Designation of Matter to be Included on the Record on Appeal, the Appellant’s filings do not comply with requirements as set forth in the Rules, are unclear and fail to make any cohesive arguments to which the Respondent can reply. Rules 208(b)(1)(A)-(D) and 209(b) clearly set forth with specificity how the initial brief and designation of matter to be included on the record on appeal is to

be organized and what is to be included in them. The Appellant failed to comply with these Rules and, as such, the Appeal should be dismissed.

a. Initial Brief.

With respect to the Appellant's Initial Brief, there are three major issues. First, the Table of Authorities contains no page references to the rules, statutes, and cases that she cites as supporting her arguments. The Appellant simply makes a list and apparently expects both the Court and the Respondent to independently interpret how her list of rules, statutes, and cases apply to her arguments. This is not in conformance with Rule 208(b)(1)(A) SCACR.

Second, the Appellant's Statement of the Case is separated into two parts - a statement that the case involves a foreclosure of property and a chronologically listed recitation of dates and events dating to 2007. There is no cohesive explanation as to what occurred in the lower court as required by Rule 208(b)(1)(C) SCACR. It is noted the Respondent is required to set forth its own Statement of the Case if it "is dissatisfied with the statement of the issues or of the case by the appellant." Otherwise, the Respondent is bound by the statement of issues or of the case. See Rule 208(b)(2) SCACR. It is impossible for the Respondent to respond to the Appellant's Statement of Case when it is nothing more than a single line statement and recitation of dates. The Appellant's Statement of Case is not in conformance with Rule 208(b)(1)(C) SCACR.

Third, and most importantly, the Appellant's Initial Brief does not make a single argument that is supported by rules, statutes, cases, and / or the record to which the Respondent can make a counter argument. The Appellant simply makes statements on pages four and five of her Initial Brief. See Exhibit T. Rule 208(b)(1)(D) SCACR clearly states

that arguments are to be followed by “discussion and citations of authority” can also include “a statement of facts relevant to the issues presented for review, with reference to the record on appeal. . . .” When an appellant makes a statement without argument or supporting authority, the appellant is deemed to have waived the argument. See First Savings Bank v. McLean, 314 S.C. 361, 362, 444 S.E.2d 513, 514 (1994); Matthews v. City of Greenwood, 305 S.C.267, 270, 407 S.E.2d 668, 669 (1991).

The Respondent waited 327 days for the Appellant to file her Initial Brief. The document that was produced by the Appellant is a document is one to which the Respondent cannot begin to formulate a response. As the Appellant has simply made statements without any supporting authority, she has waived those arguments and, thus, her entire Appeal.

b. Designation of Matter to be Included on the Record on Appeal.

Equally as deficient as the Appellant’s Initial Brief is the Designation of Matter to be Included on the Record. As with the Table of Contents in her Initial Brief, the Appellant simply created a list of documents, and it appears the Court and the Respondent are again required to determine what parts are relevant to the Appeal and how they relate to her “arguments” in her Initial Brief. Rule 209(b) clearly states that such designations must be made with “specificity” as to those parts of “transcripts, pleadings, orders, exhibits, or other materials” which are to be included in the eventual Record on Appeal by the Appellant. Of particular note is the listing of partial transcripts for the hearings of May 20, 2014, August 12, 2014, and November 12, 2014. This deficiency was pointed out to the Appellant by the Clerk in her letter of January 28, 2016, and the Appellant was given ten days to correct. See Exhibit V. As of this date, the Appellant has failed to do so.

Again, the Respondent waited 327 days for the Appellant to file her Designation of Matter to be Included on the Record. The document that was produced by the Appellant is deficient and a document is one to which the Respondent cannot begin to formulate a response.

CONCLUSION.

As of the date of this Memorandum, the Respondent has been involved in this Appeal for 357 days - all of which has been waiting on the Appellant to follow the Rules and complete her obligations as set forth in the South Carolina Appellate Court Rules. To date, the Clerk of Court has issued nine letters to the Appellant requesting compliance with various Rules, the Appellant has filed three motions (one of which was denied, one of which was granted, and one which pending), and the Appellant has requested two open ended "blanket protections" (which the Clerk informed her could not be granted but were, nevertheless, taken by the Appellant). All of these actions on the part of the Appellant have unnecessarily delayed the Appeal.

The Appellant's Initial Brief and Designation of Matter to be Included on the Record were extraordinarily deficient. Now, as set forth in the Respondent's Statement of Facts, on January 25, 2016, the Appellant sent to the Court an Amended Motion for Extension of Time to File Appellant's Initial Brief for various reasons. This will serve to further delay the Appeal and any response on the party of the Respondent. There is no rational reason to make such a request of the Court when she has already filed the Initial Brief, and has had more than adequate time to do so. Further, January 28, 2016, the Clerk issued to the Appellant a letter indicating that she had not filed a proof of service evidencing that she had served the

Designation of Matter to be Included on the Record on Appeal on the Respondent, and that her Designation of Matter had several deficiencies which needed to be addressed within ten days of the letter. The Respondent cannot say with any confidence or certainty that any extension granted to the Appellant to rectify her deficient filings will result in any clearer presentation of her Appeal. The Respondent can with confidence and certainty state that, with each passing day without the Appellant having the ability to file a Notice of Sale and judicially sell the property as allowed in the Lexington County Master in Equity's Order of January 26, 2015, the property value, monetarily and physically, will continue to decrease at a dramatic rate.

As the Supreme Court stated in its Order in Henning v. Kaye:

. . .the South Carolina Appellate Court Rules are not mere technicalities but provide the parties and the Court with an orderly mechanism through which to guide appeals in this State. It is incumbent on counsel to provide material that complies with the Rules and facilitates appellate review.

See Henning v. Kaye, 307 S.C. 436, 437, 415 S.E.2d 794 (1992). The Appellant has willfully disregarded the South Carolina Appellate Court Rules by her consistent failure to follow the time frames as set forth in them. Even if the Court were to excuse the Appellant's failure to follow the required time frames due to the fact that she is self represented litigant, the Appellant's Initial Brief and Designation of Matter to be Included on the Record are inadequate and failed to present any cohesive argument and material in her Appeal. Specifically, the Appellant failed to make a single argument and support the same with citation to any rules, statutes, cases, and / or the record. As such those arguments and, as a practical matter, her entire Appeal has been abandoned.

Based upon Rules 207(a)(1); 208 (a)(1) and (b)(1)(A)-(D); and 209(a) and (b) SCACR, and the supporting case law this Court should dismiss the Appellant's Appeal.

February 12, 2016

SETZLER & SCOTT, P.A.



Joseph A. Vasquez

South Carolina Bar #: 66401

Post Office Box 4024

1708 Augusta Road

West Columbia, South Carolina 29171

(803) 796-1285

Attorneys for Respondent

Other Counsel of Record:

Haiyan Lin

Post Office Box 8776

Columbia, SC 29202

Self Represented Litigant

Exhibit A

State of South Carolina
In the Court of Appeal
Appeal From Lexington County
Court of Common Pleas
Case No. 2013-CP-03548

Libby Corporation ----- Respondent
Haiyan Lin ----- Vs. ----- Appellant

Notice of Appeal

The appellant received the final order and the Notice of sale on Feb. 5, 2015. The appellant hereby gives the Notice of Appeal to protect her due process right,

Feb. 23, 2015.

Haiyan Lin
P.O. Box 8776
Columbia, SC 29202
803-404-7163.

RECEIVED

FEB 24 2015

SC Court of Appeals

Exhibit B

Jennifer L. Thompson
The Thompson Court Reporting, Inc.
3935 Sunset Blvd, Suite H.
West Columbia, SC 29169.

Dear Jennifer L. Thompson:

I am appealing the case No. 2013-CP-32-03548. Please process all of the transcripts of hearings for the case and give me the costs for each transcript, separately.

Thank you.

March 3, 2015.

Haiyan Lin
P.O. Box 8776
Columbia, SC 29202
803-404-7163

cc: Joseph Alfred Vasquez.

Exhibit C

Jenny A. Kitchings.
Clerk of Court of Appeal:

Re: Libby Corporation V. Haiyan Lin
Appellate Case No. 2015-000350

Dear Clerk:

Please find include the letter for ordering transcripts for the above case. I also sent a copy of the same to Joseph A. Vasquez.

March 4, 2015

Haiyan Lin
P.O. Box 8776
Columbia, SC 29202.
803-404-7163

Exhibit D

Jennifer L. Thomson
3935 Sunset Blv. Suite H
W. Columbia, SC 29169
803-772-DEPO

Re: Libby Corp Vs. Haiyan Lin

Dear Jennifer L. Thomson:

The transcripts of the four hearings for the above case have been filed in the Clerk of Court Lexington County. I was informed that I can obtain a copy of the transcripts from you for up to 50¢ per page. Please inform me that how many pages for each transcript without attached exhibits, so that I can make an arrangement for the payment of the copies.

April 8, 2015

Thank you.

Haiyan Lin

P.O. Box 8776

Columbia, SC 29202

803-404-7163.

COPY

RECEIVED

APR 10 2015

SC Court of Appeals

Exhibit E

Dear Clerk of Court:

My 90 years old mother is very ill. I am going to Hong Kong, China to see her. Therefore, I am seeking protection for all of my cases in this court from April 13, 2015 until my return.

RECEIVED

APR 10 2015

SC Court of Appeals

April 10, 2015.

Haiyan Lin

P.O. Box 8776

Columbia, SC 29202

803-404-7163.

Appellate Nos:

Case No. 2014-002545

Case No. 2014-002739

Case No. 2014-000037

Case No. 2014-001823

Case No. 2013-001862

Case No. 2015-00350

COPY

Exhibit F



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

April 20, 2015

Haiyan Lin
P.O. Box 8776
Columbia SC 29202

Re: Libby Corporation v. Haiyan Lin
Appellate Case No. 2015-000350

Dear Ms. Lin:

The Court received your request for a protection order. We do not typically grant broad protection of the type requested. If you would like to request an extension of time to meet some deadline pursuant to the South Carolina Appellate Court Rules (SCACR), you must do so by filing a motion pursuant to Rule 240, SCACR. Should the Court decide to set this case for oral argument, you will be notified by letter of this Court of the possible dates for argument. At that time, you can send the Court a response to let us know the dates on which you have a conflict. We will take no further action on your filing.

Very truly yours,

V. Cleve Allen, Deputy

CLERK

cc: Joseph Alfred Vasquez, Esquire

Exhibit G



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 02, 2015

Haiyan Lin
P.O. Box 8776
Columbia SC 29202

Re: Libby Corporation v. Haiyan Lin
Appellate Case No. 2015-000350

Dear Ms. Lin:

Our records indicate that the transcript in the above matter should have been obtained by you.

Be sure to copy the Court and opposing counsel with all correspondence concerning the transcript.

Please advise the Court of the status of the transcript within ten (10) days of the date of this letter, or your appeal may be dismissed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Joseph Alfred Vasquez, Esquire

Exhibit H

State of South Carolina
In the Court of Appeal.

Libby Corporation, Respondent

V.
Haiyan Lin, Appellant

Appellate Case No. 2015-000350

Motion For Extension of Time
to obtain transcripts.

The appellant has returned from Hong Kong, China to see her 90 years old mother. The trip has caused her more financial hardship. She was unable to raise \$1782.50 for the transcripts on the case. Therefore, she requests ~~the~~ an extension of time to obtain transcripts in need for the appeal.

June 20, 2015.

Haiyan Lin
P.O. Box 8776
Columbia, SC 29202.
803-403-5168

State of South Carolina
In the Court of Appeal
Libby Corporation, Respondent

Haiyan Lin^{V.}, Appellant

Appellate Case No. 2015-000350

Certificate of Services

I certify that I have served
the respondent Motion For Extension
of Time to Obtain Transcripts by
US mail to

Joseph A. Vasquez, Esquire
1708 Augusta Rd.
West Columbia, SC 29171

On June 20, 2015

Haiyan Lin
P.O. Box 8776
Columbia, SC 29202
803-403-5168

Exhibit I



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 24, 2015

Haiyan Lin
P.O. Box 8776
Columbia SC 29202

Re: Libby Corporation v. Haiyan Lin
Appellate Case No. 2015-000350

Dear Ms. Lin:

Our records indicate that the transcript in the above matter should have been obtained by you.

Be sure to copy the Court and opposing counsel with all correspondence concerning the transcript.

Please advise the Court of the status of the transcript within ten (10) days of the date of this letter, or your appeal will be dismissed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Joseph Alfred Vasquez, Esquire

Exhibit J



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 30, 2015

Haiyan Lin
P.O. Box 8776
Columbia SC 29202

Re: Libby Corporation v. Haiyan Lin
Appellate Case No. 2015-000350

Dear Ms. Lin:

Upon reviewing your motion for extension of time to obtain transcripts, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The required filing fee has not been submitted. The correct filing fee is \$25.00.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Joseph Alfred Vasquez, Esquire

Exhibit K

The South Carolina Court of Appeals

Libby Corporation, Respondent,

v.

Haiyan Lin, Appellant.

Appellate Case No. 2015-000350

ORDER

Appellant's motion for an extension to obtain the transcript is denied. Within ten days, Appellant must provide this court with proof she has made satisfactory arrangements with the court reporter, including agreement regarding payment for the transcript, or this appeal may be dismissed.


FOR THE COURT

Columbia, South Carolina

cc:

Haiyan Lin

Joseph Alfred Vasquez, Esquire

FILED
2-31-15

Exhibit L

Jennifer L. Thompson, CVR-M.
Thompson Court Reporting, Inc.
3935 Sunset Blvd, Suite H.
West Columbia, SC 29169.

RECEIVED

SEP 10 2015

SC Court of Appeals

Dear Jennifer L. Thompson:

Please find enclosed money order of
\$160. for a copy of the transcript of
the hearing on Nov. 12, 2014.

Thank you,

Sept. 9, 2015

Haiyan Lin
P.O. Box 8776
Columbia, SC 29202
803-504-3604

C.C.

Jenny A. Kitchings, Clerk
Joseph A. Vasquez, Esquire.

Re: Libby Corp. Vs. Haiyan Lin
Appeal Case No. 2015-000350

Exhibit M



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

October 22, 2015

Haiyan Lin
P.O. Box 8776
Columbia SC 29202

Re: Libby Corporation v. Haiyan Lin
Appellate Case No. 2015-000350

Dear Counsel:

Our records indicate that the transcript in the above matter should have been delivered. As of today's date, you have not notified us that you have failed to receive the transcript, nor have we received your initial brief.

If you have not yet received the transcript, Rule 207 of the South Carolina Appellate Court Rules requires you to contact the Office of Court Administration. The address for Court Administration is as follows:

South Carolina Office of Court Administration
1220 Senate Street, Suite 201
Columbia, SC 29201

Be sure to copy the Court and opposing counsel with all correspondence concerning the transcript.

Please advise the Court of the status of the transcript within ten (10) days of the date of this letter, or your appeal may be dismissed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Joseph Alfred Vasquez, Esquire

Exhibit N

V. Claire Allen
Deputy Clerk
The SC Court of Appeals
1220 Senate St.
Columbia, SC 29201
803-734-1890

Re: Libby Corp. V. Haiyan Lin
Appellate Case No. 2015-006350

Dear V. Claire Allen:

Please be advised that the appellant has obtained the all of the transcripts that are necessary for her appeal, as of the date of Nov. 2, 2015.

Nov. 2, 2015

Very truly yours,
Haiyan Lin
P.O. Box 8776
Columbia, SC 29202
803-504-3604

cc. Joseph A. Vasquez.

Exhibit O

The State of South Carolina
In The Court of Appeal
Libby Corporation, Respondent

Vs.
Haiyan Lin, Appellant

Appellate Case No. 2015-000350

Motion For Extension of Time
To File Initial Brief.

During preparation of the initial brief for the appeal, the appellant has realized that a very important legal issue needs to conduct further research on and to consult to an attorney with. Due to the holiday, the appellant was unable to complete such important task in time, so that she could finish her initial brief on time by the due date. Therefore, the appellant requests an extension of time to file the initial brief and designation of matters.

Nov. 27, 2015

Haiyan Lin
400 Harbor Blv. Bldg. B.
Belmont, CA 94002
803-504-3604

The State of South Carolina
In The Court of Appeal
Libby Corporation, Respondent
V.
Haiyan Lin, Appellant
Appellate Case No. 2015-000350

Certificate of Service.

The appellant certifies that
she has served the respondent
the Motion For Extension of Time
by US mail to

Joseph A. Vasquez
1708 Augusta, Rd.
W. Columbia, SC 29171-4024

on Nov. 27, 2015.

Haiyan Lin
400 Harbor Blv. Bldg. B
Belmont, CA 94002.
803-504-3604

Exhibit P

Clerk of Court
SC Court of Appeal
1220 Senate St.
Columbia, SC 29201

The appellant has been out of town and is unable to make return. Therefore, the appellant is seeking protections from meeting obligations on her appeals for following cases: 2014-002545, 2015-000350, 2015-001586, and 2015-001866. until further notice. please send all correspondens to the temporary address: Haiyan Lin
406 Harbor Blv. Bldg B.
Belmont, CA 94002
803-504-3604

Nov. 27, 2015

Exhibit Q



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

December 03, 2015

Haiyan Lin
400 Harbor Boulevard
Building B
Belmont CA 94002

Re: Libby Corporation v. Haiyan Lin
Appellate Case No. 2015-000350

Dear Ms. Lin:

This office has received your letter requesting protection from court appearances and filings for an unspecified amount of time. Please be advised that the Court of Appeals and the Supreme Court, unlike the trial courts, do not grant orders of protection.

Instead, if you have a case pending before the Court of Appeals and some action is required in your absence, you will need to seek an extension in that individual case by filing a motion under Rule 240, SCACR. Should the court decide to set this case for oral argument, you will be notified by letter of the possible dates for argument. At that time, you can send the Court a response to let us know the dates on which you have a problem.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Joseph Alfred Vasquez, Esquire

Exhibit R



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

December 03, 2015

Haiyan Lin
400 Harbor Boulevard
Building B
Belmont CA 94002

Re: Libby Corporation v. Haiyan Lin
Appellate Case No. 2015-000350

Dear Ms. Lin:

Upon reviewing your motion for extension of time, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The required filing fee has not been submitted. The correct filing fee is \$25.00.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Joseph Alfred Vasquez, Esquire

Exhibit S

The South Carolina Court of Appeals

Libby Corporation, Respondent,

v.

Haiyan Lin, Appellant.

Appellate Case No. 2015-000350

The Honorable The Honorable James O. Spence
Lexington County
Trial Court Case No. 2013CP3203548

ORDER

The time for serving and filing the appellant's initial brief and designation of matter is hereby extended until January 18, 2016.

FOR THE COURT

BY


CLERK

Columbia, South Carolina

FILED

January 6, 2016

cc:

Haiyan Lin

Joseph Alfred Vasquez, Esquire

Exhibit T

The South Carolina Court of Appeals

Libby Corporation, Respondent,

v.

Haiyan Lin, Appellant.

Appellate Case No. 2015-000350

The Honorable The Honorable James O. Spence
Lexington County
Trial Court Case No. 2013CP3203548

Appellant's Initial Brief

Haiyan Lin
Appellant, Pro Se
P.O. Box 8776
Columbia, SC 29202
803-504-3604

Table of Contents

Table of Authorities and Cases	ii
Statement of Issues On Appeal	1.
Statement of the Case	2.
Arguments	3.
Conclusion	4
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Table of Authorities and Cases

SCRPC Rule 5

SCRPC Rule 6

SCRPC Rule 53

SCRPC Rule 60

SCRPC Rule 407

SC Code Ann 14-11-60

28 U.S.C.A Rule 60 §1655

14 Amendment of U.S Constitution

Geo. P. Reitzes Co. Inc. V. Riley Stocker Corp (1995)

S Buck / Open Jurist V. United State, 281 F3d 1336

Lyster V. Berberich 65 Azd 632 3NJ Super 78-(1949)

Dedes V. Strickland 307 S.C. 155, 414 S.E.2d 134 (1992)

Statement of Issues On Appeal

- I. Whether the Notice of Debit Letter Complied with the Right to Cure Clause of Mortgage Contract..?
- II. Did Respondent's Attorney Purposely ~~manipulated~~ manipulated the Court Process in Obtaining the Order of Reference?
- III. Whether the Judge Spencer Err by allowing the Case Moving Forward without properly addressing the Issues in Dispute?
- IV. Whether the Respondent's Attorney Perjury Upon Court and committed Professional Misconducts in Representing the Case?
- V. Whether the Appellant's Due Process Right Has Been Violated?

Statement of Case

The case involves a foreclosure action against the appellant by the respondent. The following is a chronology of facts of the case.

-
- Jan. 5, 2007, closing on the property at 140 Paid Dr.
 - \$1,500.00/m paid from 2/2007 ~ 6/2009, other than \$1,206.1
 - \$1,206/m paid from 7/2009 ~ 11/2011.
 - \$1,206/m paid from 1/2012 ~ 10/2012
 - from 10/2012 ~ 1/2013 working on the road
 - from 2/06/2013 ~ 5/27/2013 was put in jail & has money earned during 10/2013 ~ 1/2013
 - from 6/2013 ~ 8/2013 working with Mr. Witherspoon toward resolution to catch up the payments
 - 8/20/2013 the Notice of Debt was sent
 - 9/14/2013 the Notice of Collect Debt was sent
 - 10/8/2013 the defendant received both notices, 8/20 & 9/14
 - 10/11/2013 the plaintiff filed the summon & complaint
 - 10/18/2013 the defendant sent the response to plaintiff
 - 11/14/2013 the plaintiff sent statement of account without serving the summon & the complaint filed.
 - 11/27/2013 the plaintiff filed Affidavit of Non-Service
 - 12/15/13 petition for order of service by publication

- 12/6/13, Order for service by Publication was issued.
- 2/5/14 Affidavit of Publication was filed
- 3/14/14 Affidavit of No-Military Service was filed
- 3/14/14 Affidavit of Default was filed.
- 3/21/14 Petition For Order of Reference was filed.
- 4/4/14 Order of Reference was filed (proposed)
- 4/7/14 The order of Reference was signed by the clerk
- 5/5/14 Notice of Hearing was sent by Ashley L. Gaskins.
- 5/20/14 At 3:00 PM First foreclosure hearing was hold.
- 5/20/14 She shown up at the hearing, and was served by order.
- 6/19/14 The defendant sent out the answer.
- 6/25/14 The plaintiff filed the Reply to the Answer.
- 7/24/14 The plaintiff served the Notice of Hearing by mail.
- 8/11/14 The defendant obtained a copy of case file.
- 8/12/14 The defendant made the Motion to strike.
- 8/12/14 The second foreclosure hearing was hold at 9:30 AM.
- 8/12/14 The Affidavit of Attorney Fees and Cost was given.
- 8/20/14 The Notice for Hearing of Attorney fee was sent.
- 9/11/14 The transcript of the Hearing on Aug. 12 was made.
- 10/23/14 Motion hearing was hold and continued for court report
- 10/23/14 At motion hearing the defendant requested Re hearing
- 10/29/14 The plaintiff filed the post trial Memo.
- 10/30/14 The defendant filed the post trial Memo.
- 11/12/14. The hearing on Affidavit of Attorney's fee
- 11/21/14 The defendant's Post Hearing Memo was filed.
- 12/02/14 Plaintiff's Reply to Defendant's Post Hearing Memo
- 1/24/15 Master In Equity's Order was filed.
- 2/24/15 Notice of Appeal was filed.

Arguments

1. The Notice of Debit Letter Does not comply with the requirements of the Right to Cure Clause of the Mortgage Contract
2. The Respondent's Attorney Did Purposely Manipulated the Court Process In Obtaining the Order of Reference.
3. The Judge Spencer Err By Allowing The Case Moving Forward without Properly addressing the issues In Dispute.
 - 3.1. The Respondent did not comply the 30 day to Cure Clause;
 - 3.2. The Respondent's attorney has been manipulative and deceptive in obtaining the Order of Reference. The SCRCB have been violated during the process;
 - 3.3. The Order of Reference shall be null and invalid after overruling the default;

3.4 Deny the Appellant's right of mediation by ignore the fact of the owner's willingness in reaching a resolution;

3.5. Deprive the Appellant's due process right of discovery and disposition of disputed issues of the case;

3.6. Fail to uphold the highest professional standard by accepting the Respondent's attorney's misconducts; (SCACR 40'D); It is itself in violation of Judicial Code of Conducts.

4. The Respondent's Attorney Did Perjury upon Court and committed Professional Misconducts in Representing the case The proofs of that can be found in the transcripts of hearings on 5/20/14, 8/12/14, and 11/12/14.

5. The Appellant's Due Process Right to Proper defend herself in the Circuit Court has been violated.

Conclusion

For the reasons stated herein, the Order for Foreclosure and Sale violates SC Rules of Civil Procedures and 14th Amendments of US Constitution. It shall be overturned by this Court, in order to protect the appellant's rights of due process and equal protection under the Law, and to restore the integrity of our judicial system.

Jan. 22, 2016

Haiyan Lin
Appellant, Pro Se.
P.O. Box 8716
Columbia, SC 29202
803-504-3604

The South Carolina Court of Appeals

Libby Corporation, Respondent,

v.

Haiyan Lin, Appellant.

Appellate Case No. 2015-000350

The Honorable The Honorable James O. Spence
Lexington County
Trial Court Case No. 2013CP3203548

Designation of Matter To Be Included on the Record on Appeal

Appellant proposes the following to be included in the Record On Appeal:

- Note and Mortgage
- Summon and Complaint
- Answer to the Summon and Complaint.
- Copy of Case file before the first hearing
- Partial transcript of hearing on 5/20/14
- Partial transcript of hearing on 8/12/14
- Partial transcript of hearing on 11/12/14
- Plaintiff's Post Trial Memo
- Defendant's Post Trial Memo
- Motion for Rehearing
- Defendant's Post Hearing Memo
- Plaintiff's Reply to Defendant's Post Hearing Memo

I certify that this designation contains no matter which is irrelevant to this appeal.

Haiyan Lin

The South Carolina Court of Appeals

Libby Corporation, Respondent,

v.

Haiyan Lin, Appellant.

Appellate Case No. 2015-000350

The Honorable The Honorable James O. Spence
Lexington County
Trial Court Case No. 2013CP3203548

Proof of Service

I certify that I have served a copy
of Appellant's Initial Brief on Attorney
for respondent on Jan. 22, 2016 by US
mail to Joseph A. Vasquez, P.O. Box 4024, W. Columbia SC 29171
Jan. 22, 2016

Haiyan Lin
P.O. Box 8776
Columbia, SC 29202
803-504-3604

Haiyan Lin
P.O. Box 8716
Columbia, SC 29202

Joseph A. Vasquez
P.O. Box 4024
West Columbia, SC 29171-4024

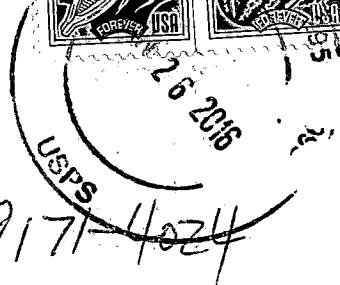
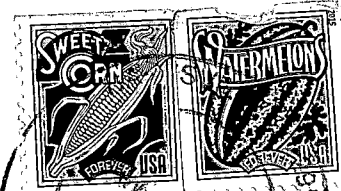


Exhibit U

The South Carolina Court of Appeals

Libby Corporation, Respondent,

v.

Haiyan Lin, Appellant.

Appellate Case No. 2015-000350

The Honorable The Honorable James O. Spence

Lexington County

Trial Court Case No. 2013CP3203548

*Amended Motion For Extension of Time
To File Appellant's Initial Brief.*

*The Appellant has made return from
CA back to SC. She has meet with her attor-
ney on Jan. 20, 2016. The appellant did
not receive the court order of Jan 6,
2016 until Jan. 21, 2016, whe she obtained
the case file at Court of Appeal;*

*Therefore, the appellant here by
amends her motion further to request to
file the Appellant's Initial Brief an Designation
of Matter out of dead line. They are here by
attached with certificate of service.*

Jan. 25, 2016

*Haiyan Lin
P.O. Box 8776
Columbia, SC 29202*

The South Carolina Court of Appeals

Libby Corporation, Respondent,

v.

Haiyan Lin, Appellant.

Appellate Case No. 2015-000350

The Honorable The Honorable James O. Spence
Lexington County
Trial Court Case No. 2013CP3203548

Proof of Service

I certify that I have served a
Copy of Amended Motion For Extension of
Time to File Appellant's Initial Brief on
Attorney for respondent on Jan. 25, 2016
by U.S. mail to Joseph A. Vasquez,
P.O. Box 4024
W. Columbia, SC 29171

Jan. 25, 2016

Haiyan Lin
P.O. Box 8776
Columbia, SC 29202

Exhibit V



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 28, 2016

Haiyan Lin
P.O. Box 8776
Columbia SC 29202

Re: Libby Corporation v. Haiyan Lin
Appellate Case No. 2015-000350

Dear Ms. Lin:

Upon reviewing your designation of matter, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR. Specifically, the proof of service must name the document that you have served.
- Your designation must include the specific page numbers for the partial transcripts that you have designated. An amended designation of matter must be served and filed.
- You must file a proof of service for the amended designation of matter.

Very truly yours,

V. Claire Allen, Deputy
CLERK

cc: Joseph Alfred Vasquez, Esquire

Exhibit W



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 28, 2016

Haiyan Lin
P.O. Box 8776
Columbia SC 29202

Re: Libby Corporation v. Haiyan Lin
Appellate Case No. 2015-000350

Dear Ms. Lin:

Upon reviewing your second motion for an extension of time, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any filing fees must be received within ten (10) days of the date of this letter or your appeal will be dismissed:

- The required filing fee has not been submitted. The correct filing fee is \$25.00.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Joseph Alfred Vasquez, Esquire

RECEIVED

FEB 12 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Master in Equity Court

James O. Spence, Master-in-Equity

Case No. 2015-00350

Libby Corporation, Respondent,

v.

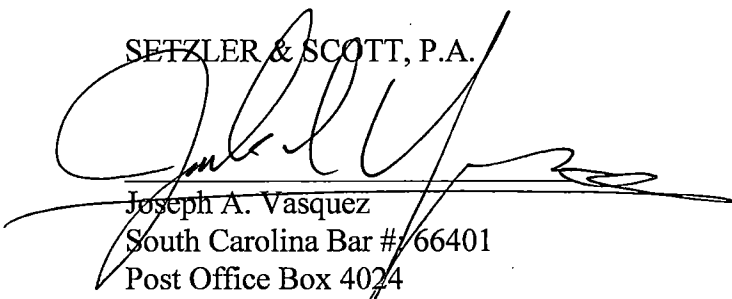
Haiyan Lin, Appellant.

PROOF OF SERVICE

I certify that I have served the *Motion to Dismiss Appeal of Appellant Haiyan Lin* and *Memorandum in Support of Motion to Dismiss Appeal of Appellant Haiyan Lin* by depositing one copy of it in the United States mail, postage prepaid, and a second copy of it United States mail certified, return receipt requested, both on February 12, 2016, and both addressed to the self represented litigant Haiyan Lin, Post Office Box 8776, Columbia, SC 29202.

February 12, 2016

SETZLER & SCOTT, P.A.



Joseph A. Vasquez
South Carolina Bar #/66401
Post Office Box 4024
1708 Augusta Road
West Columbia, South Carolina 29171
(803) 796-1285
Attorney for Respondent