

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

**APPEAL FROM AIKEN COUNTY
SECOND JUDICIAL CIRCUIT
COURT OF COMMON PLEAS**

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FEB 22 2016

SC Court of Appeals

REFEREE JAMES MARTIN HARVEY, JR

Trial court Case NO. 2012-CP-02-00699

APPELLATE CASE NO. 2015-001119

BANK OF AMERICA, N.A.

BAC HOME LOANS SERVICING, LP

fka COUNTRYWIDE HOME LOANS

SERVICING, LP

RESPONDENT

V.

CAROLYN S. DEANER

APPELLANT

) APPELLANT'S REPLY

To Respondent's Motion To

Compel Appellant To Correct

Record On Appeal & Extension

of Time To File Final Brief

APPELLANT'S ANSWER TO RESPONDENT'S MOTION TO COMPEL APPELLANT TO CORRECT RECORD ON APPEAL AND EXTENSION OF TIME TO FILE FINAL BRIEF AND MEMORANDUM IN SUPPORT AND DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD OF APPEAL

The Appellant, Pro Se, PURSUANT TO Rule 211 (a) and all other applicable Appellant rules, hereby MOVES on this Honorable APPEALS COURT to DISMISS THIS CASE WITH PREJUDICE and dismiss Respondent's Motion To Compel in favor of the Appellant for the following reasons:

- 1. The Respondent has failed to file their Final Brief on or before the mandatory deadline date of February 1, 2016.**
- 2. The Respondent has failed to file their Motion To Compel Appellant To Correct Record On Appeal following the filing of the Record on Appeal on January 12, 2016, and surely, before the mandatory deadline date of February 1, 2016 for filing of Final Briefs in this case.**
- 3. To Appellant's understanding of Rule 210 (c), the Appellant has indeed followed 210 (c) in filing the Record on Appeal, and the pages are in sequence for the numbered Designations in this case. Following each page number is the Designation Document with page numbers of each document as filed in the lower court. The Appellant would consider as a Pro Se layperson, it to be illegal to renumber Motions and other Document pages filed in the lower court.**

The Appellant's Record on appeal is very SIMPLE to follow, such as page 33 identifies the Trial Transcript Designation and the Document is numbered 1-54 with the Exhibits 1-7 following. For instance and example, in Appellant's Final Brief, the Trial Transcript in the INDEX is identified as Page 33, and the witness testifies Fannie Mae is the investor of the loan, (R.p.33, Doc. p.5, line 17& 18).

Another example is the identification of the Closing Summary Document by Appellant's previous Attorney Sloan which is identified in the INDEX as Page 34, and it is stated "the Defendant was not the "Lender" as required in the mortgage when they sent the right to cure letter, (R.p.34, Doc. p.5, line 28-31).

This is all in compliance with 210 (c) as interpreted by Appellant and is in legal format. In addition, no notification from the Appeals Court or Motion by Respondent prior to the mandatory deadline date of February 1, 2016 for Final Briefs of any errors in the Record of Appeal has been sent to the Appellant.

4. It would be unjust and an extreme financial and labor burden to the senior citizen Appellant on social security to be required to do this all over again due to the high cost of the work involved, extensive hours of labor without any help, and the printing expenses of 15 sets and one unbound set and driving the Record on Appeal to the Appeals Court in Columbia, SC for a second time.

In addition, the Appellant has filed her Final Brief and Reply Brief as required on or before the mandatory deadline date of February 1, 2016. The Appeals Court required 14 sets of each and one unbound set with required covers which would be another copying expense required of the Appellant again.

5. Had the Respondent filed their Motion To Compel the Appellant to correct anything, then it should have been filed following the filing of the Record on Appeal on January 12, 2016, and surely, prior to the mandatory deadline date of February 1, 2016 for Final Briefs. The Appellant was told by Elizabeth at the Appeals Court the mandatory deadline date to file Final Briefs was February 1, 2016. Respondent did not file their Motion To Compel until February 12, 2016, a full 12 days after the deadline date of February 1, 2016 for FINAL BRIEFS and has FAILED TO MEET THE REQUIRED MANDATORY DATE OF FEBRUARY 1, 2016 for filing their Final Brief. The Respondent has FAILED TO FILE A TIMELY Motion To Compel Appellant to Correct Record on Appeal, and it would be UNJUST to the Appellant to allow additional time to Respondent to file their Final Brief in this EQUITY case which should favor the homeowner and her home property.

The Courts have interpreted the "good cause" standard applied in rule 55(c) SCRPC, when a party seeks relief from an entry of default, finding that the PROMPTNESS with which relief is sought, the existence of a meritorious defense and the PREJUDICE TO THE OTHER PARTIES are relevant factors to consider in determining whether " good cause" has been shown. See e.g., New Hampshire Ins. Co. v. The Bey Corp., 312 S.C. 47, 437, 435 S.E. 2d 377 (Ct.App.1993). The Respondent lacked required promptness, and the Respondent's "good cause" is prejudicial to the Appellant, Pro Se in this case. In fact, the lack of promptness would place an undue financial and extreme hardship on the Appellant in this case to do the Record on Appeal a second time and the Final Brief and Reply Brief a second time which both require 14 sets and one unbound set mandated by the Appeals court.

6. Appellant was unable to find any completed document examples of a Record on Appeal at the South Carolina site or internet and is unable to afford an attorney at this time. The Appellant is awaiting a ruling on her Motion and Affidavit to Proceed in Forma Pauperis from the lower court and is unable to pay for this tremendous workload and copy center expenses again and would need a court appointed attorney with Court paid cost to undertake this enormous task as all Appellant Designations and Respondent Designations sent to Appellant were included in the 49 Designations in the Record on Appeal.

In addition, the Appellant called and ask the case specialist when the Record On Appeal was filed on January 12, 2016 to please let her know if anything was not acceptable, and Appellant did reach out for assistance in all fairness.

7. To this end, there is exceptionally good cause to deny the Respondents Motion To Compel since the Respondent has FAILED TO FILE A TIMELY MOTION TO COMPEL THE APPELLANT TO CORRECT RECORD ON APPEAL and would be unjust and cause the Appellant a grave injustice, undue burden and hardship and would be PREJUDICE to the Appellant in this Equity case.

WHEREFORE, the Appellant moves on this Honorable Appeals Court to dismiss this case with prejudice in favor of the Appellant, dismiss and cancel the Judgement Foreclosure and Sale, file satisfaction, and remove the lis pendens and invalid assignment from Appellant's Chain of Title,

And any other damages including extreme emotional, mental and physical internal medical distress, attorney fees and court expenses this Honorable Appeals Court deems just and proper in favor of the Appellant.

Respectfully submitted , this 19th day of September, 2016.

North Augusta, SC

Aiken County



CAROLYN S. DEANER

704 KERSHAW DRIVE

NORTH AUGUSTA (BELVEDERE), SC 29841

PRO SE/APPELLANT

(706) 399-5496

CERTIFICATE OF SERVICE

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SC Court of Appeals

I hereby certify that the foregoing APPELLANT'S ANSWER TO RESPONDENT'S MOTION TO COMPEL APPELLANT TO CORRECT RECORD ON APPEAL AND FOR EXTENSION OF TIME TO FILE FINAL BRIEF AND MEMORANDUM IN SUPPORT has been served upon the parties in this action by mailing a copy thereof, postage prepaid to the following:

Janiere E. Taylor, Robert A. Muckenfuss, and Trent Grissom

MCGUIREWOODS LLP

201 North Tryon Street, Suite 3000

Charlotte, NC 28202

CHARLIE GWYNNE, Esq.

Rogers Townsend and Thomas

P. O. Box 100200

Columbia, SC 29202

This the 19th day of September 2016


Carolyn S. Deaner, Pro Se

February 19, 2016

TO: The Honorable Jenny Abbott Kitchings
South Carolina Court to Appeals
1220 Senate Street
Columbia, SC 29201

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FEB 22 2016
SC Court of Appeals

RE: Bank of America, N.A. v. Carolyn S. Deaner
Appellate Case No. 2015-001119

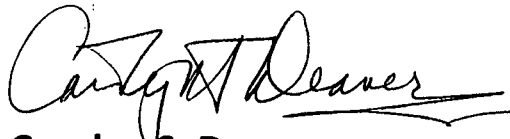
Dear Mrs. Kitchings:

Please find enclosed an original and six (6) copies of the Appellant's Reply To Respondent's Motion To Compel Appellant To Correct Record On Appeal & Extension of Time to File Final Brief and Memorandum in Support. Also, please find enclosed the self addressed stamped envelope for return of the filed top sheet copy with clocked date.

In addition, I am serving the counsel for the Respondent a copy.

Thank you for your time and consideration in this matter. Please contact me should you have any questions or need more information.

Cordially,


Carolyn S. Deaner

Pro Se

cc: Janiere Taylor, Esq., Trent Grissom, Esq.

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From: CAROLYN S. DEANER
PRO SE
704 KERSHAW DRIVE
BELVEDERE, SC 29841

TO: HONORABLE JENNY ABBOTT KITCHINGS
CLERK OF THE APPEALS COURT
SOUTH CAROLINA COURT OF APPEALS
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