

**Motion For Production And Admission Of Evidence
To Appellate Proceedings**

DOCUMENTS

APRIL 18, 2016

Transcript Of November 4th, 2015 - (T1)

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SC Court of Appeals

WANDA E. FUDGE

**Court Reporter
Court of Master In Equity**

Greenville County Courthouse
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Greenville, SC 29601
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November 16, 2015

Alberto Alvarez
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In re: Elliott v. Alvarez
2015-CP-23-03181
Before The Honorable Charles B. Simmons, Jr., Master-In-Equity
November 5, 2015

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SC Court of Appeals

Transcript of Testimony

23 Pages @ \$.75 per page

\$17.25

Thank You

1 BY THE COURT: All right. Mr. Stewart, tell me where things
2 stand.

3 MR. STEWART: Your Honor, this is a foreclosure case. My
4 client is here, Ms. Jean Elliott. She is appearing for herself
5 and also as Personal Representative of the estate of her deceased
6 husband, Ervin Elliott. The Defendants are Mr. Alvarez -- I
7 believe he's seated here -- and Ms. Estela Gutierrez-Garcia, who
8 I believe this is her seated to my left. I have handed Ms. Wanda
9 a notice letter that I sent out to all of the Defendants. The
10 other Defendant J. Guadalupe Ledesma-Martinez, the bailiff has
11 called his name out in the hall, and we've called it in here, and
12 I don't believe he's here but we take the position he was given
13 proper notice and we are ready to proceed.

14 THE BAILIFF: No response.

15 BY THE COURT: All right. Sir, if you would state your full
16 name, please.

17 MR. ALVAREZ: My name is Alberto Alvarez.

18 BY THE COURT: Now, Mr. Alvarez, do you understand what this
19 is involving here this morning?

20 MR. ALVAREZ: Yes.

21 BY THE COURT: Okay. I may be mistaken but someone on my
22 staff, I believe, had a discussion with you earlier this morning
23 outside of the courtroom, is that correct, on the telephone?

24 MR. ALVAREZ: Really, I got to do it because I think I can
25 do it with my English but my interpreter is in another town

1 today. He don't have a time to call me to help me.

2 THE COURT REPORTER: I'm sorry, can you repeat that?

3 MR. ALVAREZ: Yeah. My interpret is in another town, and he
4 got to do something in Anderson and he can't come with me but I
5 got no choice, I have to represent by myself. I'm not trying to
6 make it look like a lawyer.

7 BY THE COURT: Let me ask you this, do you agree or disagree
8 that the money that is owed?

9 MR. ALVAREZ: I disagree.

10 BY THE COURT: Okay. Ma'am, your name is what?

11 MS. GARCIA: Estela---

12 BY THE COURT: I need you standing up if you will, please.

13 (Mr. Alvarez translates for Ms. Garcia)

14 BY THE COURT: What's your name, please?

15 MS. GARCIA: Estela Gutierrez.

16 BY THE COURT: Mr. Stewart, I don't see any option other than
17 to continue it and get an interpreter. If you can give me some
18 basis I can -- I've got two folks that don't speak much English
19 at all.

20 MR. STEWART: Well, Your Honor---

21 BY THE COURT: And I've got another case at 10:30. So, if
22 you can tell me how we can do this in 20 minutes, I'm glad to
23 listen.

24 MR. STEWART: I don't know how we can -- I know I can do my
25 part of it in 20 minutes. I don't know how long these people

1 would take. Your Honor, this case has already been continued
2 once.

3 BY THE COURT: All right. Call your witness. Y'all can have
4 a seat.

5 JEAN P. ELLIOTT, BEING FIRST DULY SWORN, TESTIFIED AS
6 FOLLOWS:

7 BY THE COURT: Be careful of those steps up, please.

8 THE WITNESS: I know I don't want to fall again.

9 BY THE COURT: I don't want that to happen to you either.

10 THE WITNESS: Thank you.

11 BY THE COURT: All right. And if you'll state your full
12 name, please.

13 THE WITNESS: Jean P. Elliottt.

14 BY THE COURT: All right, Mr. Stewart.

15 MR. STEWART: May it please the Court.

16 DIRECT EXAMINATION BY MR. STEWART:

17 Q Ms. Elliott, you and your husband, Ervin, owned this
18 property at 14 Henderson Street in Greenville, did you not?

19 A Yes, sir.

20 Q And your husband, Mr. Ervin Elliott, is deceased, is he not?

21 A Yes, sir.

22 Q You're the Personal Representative of his estate?

23 A Yes, sir.

24 Q Can you hear me all right?

25 A Yes, sir.

1 Q All right. You and Mr. Elliott deeded this property that's
2 the subject of this lawsuit to Mr. Alvarez; is that correct?

3 A Yes, sir.

4 Q All right. Is this a copy of the deed where you and your
5 husband deeded that property to Mr. Alvarez?

6 A Yes, sir.

7 MR. STEWART: Your Honor, we would move this into evidence.

8 BY THE COURT: All right. It will be Plaintiff's 1.

9 (Title to Real Estate entered into evidence as Plaintiff's
10 Exhibit No. 1)

11 Q And Ms. Elliott, Mr. Alvarez gave you a Promissory Note to
12 promise to pay you for this property; is that right?

13 A Yes, sir.

14 Q All right. Ms. Elliott, is this the original of that
15 Promissory Note with Mr. Alvarez's signature on it?

16 A Yes, sir.

17 MR. STEWART: Your Honor, we would like to substitute a copy
18 in the record if that's all right.

19 BY THE COURT: If you'll make sure to show it to both
20 Defendants to see if there's any objection or disagreement.

21 MR. STEWART: Your Honor, unless there's any objection, we
22 would move it be admitted.

23 BY THE COURT: Yes, sir.

24 (Promissory Note entered into evidence as Plaintiff's
25 Exhibit No. 2)

1 Q Ms. Elliott, to secure the payment of that Note, did Mr.
2 Alvarez give you a Mortgage on this property?

3 A Yes, sir.

4 Q Is this a copy of that Mortgage that Mr. Alvarez gave you on
5 this property?

6 A Yes, sir, it is.

7 MR. STEWART: Your Honor, we would move that the Mortgage be
8 admitted into evidence.

9 BY THE COURT: And just for the record, copies have been
10 provided to both Defendants and no objection.

11 (Mortgage entered into evidence as Plaintiff's Exhibit No.
12 3)

13 Q All right. Ms. Elliott, I'm going to call your attention to
14 one particular passage in that -- in Exhibit 3, the Mortgage.
15 It's on page 4, number 2.7. It says, "TRANSFER OF PROPERTY OR
16 INTEREST IN MORTGAGOR. The Mortgagor" -- that's Mr. Alvarez --
17 "shall not, whether voluntarily, involuntarily or by process of
18 law, sell, convey, transfer, or lease or in" -- any way -- "any
19 other manner change the ownership of or title to all or any
20 portion of the Property." And that's the property you were
21 selling?

22 A Yes, sir.

23 Q Now, did Mr. Alvarez sell the property that you sold to him
24 without your permission?

25 A Yes, he did.

1 Q All right. Ms. Elliot, is this a copy of the South Carolina
2 QuitClaim Deed where Mr. Alvarez sold the property to J.
3 Guadalupe Ledesma-Martinez and/or Estela Guitierrez-Garcia?

4 A Yes, sir.

5 Q All right. And that was filed in the deeds office here in
6 Greenville at Deed Book 2436 at Page 5064; is that correct?

7 A Yes, sir.

8 Q That was on December 23, 2013, right?

9 A Yes, sir.

10 Q Now, was that after you sold the property to him?

11 A That was after I sold the property to him.

12 Q Now, did you ever give him permission in any way to sell
13 that property to these folks?

14 A No, sir.

15 Q Did you ever give him permission -- because it says in here
16 that they are going to assume the Mortgage that Mr. Alvarez gave
17 to you. Did you ever give permission for these folks to assume
18 that Mortgage?

19 A No, sir.

20 MR. STEWART: We would move this into evidence, Your Honor.

21 BY THE COURT: All right.

22 (South Carolina QuitClaim Deed entered into evidence as
23 Plaintiff's Exhibit No. 4)

24 Q Now, did Mr. Alvarez ever pay you everything that you are
25 owed on this property?

1 A No, sir.

2 Q Now, he was making some monthly payments, was he not?

3 A He was making the monthly payments.

4 Q But he stopped making those monthly payments?

5 A He stopped making them.

6 Q And he stopped in August of 2014?

7 A August of 2014.

8 Q Okay. All right. Now, has anybody else, Ms. Gutierrez-

9 Garcia or Mr. Ledesma-Martinez or anybody, have they made any

10 payments to you since August of 2014?

11 A No.

12 Q All right. Now, there's a balance due on this property, is

13 there not?

14 A Yes, sir.

15 Q As far as the principal that's owed on the property, how

16 much is it?

17 A \$49,512.31.

18 Q All right. And then the interest on money since August 14

19 is how much?

20 A \$6,078.39.

21 Q All right. Attorney's fees, you've had to pay attorney's

22 fees for this foreclosure. And how much is that?

23 A \$2,320.00.

24 Q And you've had to pay costs to bring the case to court. How

25 much is that?

1 A \$635.00.

2 Q All right. So, the total amount that's due that you're
3 asking the Court to give you judgment for is how much?

4 A \$58,545.70.

5 Q So, are you asking the Court to give you judgment for this
6 amount and that the property would be sold at the foreclosure
7 sale?

8 A Yes, sir.

9 Q All right. Now, in the event somebody's living in the house
10 after it's sold, do you want the Court to reserve the right for
11 you to ask for a Writ of Assistance to have those people removed?

12 A Yes, sir.

13 Q All right. And as far as the deed that Mr. Alvarez gave to
14 Mr. Ledesma-Martinez and Ms. Gutierrez-Garcia, are you asking the
15 Court to wipe that deed out?

16 A Yes, sir.

17 Q All right. Now, are you asking for a deficiency judgment?

18 A Yes, sir.

19 MR. STEWART: Thank you, Your Honor. I have no further
20 questions.

21 BY THE COURT: Now, Mr. Alvarez, do you have any questions of
22 Ms. Elliott?

23 MR. ALVAREZ: Really, Your Honor, I want to ask questions to
24 the lawyer Stewart, please.

25 BY THE COURT: You can't ask questions of the lawyer. You

1 can only ask questions of the party.

2 MR. ALVAREZ: Okay. Yeah. I got a lot of questions to --
3 first, I want to provide my credention (phonetic)---

4 BY THE COURT: You can't present any evidence. You can't do
5 anything at this point---

6 MR. ALVAREZ: No, no, no.

7 BY THE COURT: Listen to me.

8 MR. ALVAREZ: Okay.

9 BY THE COURT: The only thing you can do at this point---

10 MR. ALVAREZ: I'm sorry.

11 BY THE COURT: Listen! The only thing you can do at this
12 point is ask Ms. Elliott questions. You will have an opportunity
13 to testify in a few minutes and present any evidence you may wish
14 to, but this is your opportunity to ask her questions.

15 MR. ALVAREZ: I'm sorry. Yes. I want to ask questions.

16 BY THE COURT: Okay.

17 CROSS-EXAMINATION BY MR. ALVAREZ:

18 Q Ms. Jean, why you waited so many years---

19 A Can you come up here where I can hear you?

20 THE BAILIFF: Could you move closer, sir?

21 Q Okay. I buy the property for you in June 25 and you collect
22 the money around two year---

23 A Would you repeat that?

24 Q Okay. You sell to me the house in June 25, 2012 and you
25 collect the money for two years, and you know the people living

1 there and you know I sell the house and said to me any---

2 THE COURT REPORTER: I'm sorry, say that last part again.

3 Q She never said to me any kind of audit (phonetic) like I
4 breaking the agreement and as such she watch me sign the house to
5 the new owner to 14 Henderson Street---

6 THE COURT REPORTER: I'm sorry, a new audit to---

7 Q I ask you why she waited too long. I pay for two years on
8 time and she waited two years to give me foreclose without any
9 kind of audit, never have I see anything from Jean Elliott any
10 kind of audit. Yes, I see audit from the lawyer tried to
11 foreclose, and she know I sell the house for the last year and
12 she collect the money. Why you collect the money and I paid you
13 the loan---

14 BY THE COURT: Mr. Stewart, can you help me out? Sir, she
15 has difficulty hearing, and your English, although it's very
16 good, she can't understand it. So, you're going to need to slow
17 down, ask it much louder and ask a question at a time instead of
18 a long statement.

19 Q Okay. I will start over. Ms. Jean Elliott, why you waited
20 two years, why you waited two years to give me foreclose on the
21 house and you collect money for the mortgage for two years and
22 you know I sell the house---

23 MR. STEWART: Your Honor, that's---

24 BY THE COURT: Ask simple, short questions and then ask her
25 if she's able to understand you, please.

1 Q Okay. Do you understand? You sell it to me the house in
2 June 2012. Do you remember?

3 A I don't think you bought the house until 2013.

4 Q I got receipts right here.

5 A 2012? Okay.

6 BY THE COURT: For the record, the deed was recorded October
7 21, 2013.

8 MR. ALVAREZ: I got that---

9 BY THE COURT: I'm telling you, I've got a copy of the
10 recorded deed. If you wish to see it, you've already been
11 provided a copy of it.

12 MR. ALVAREZ: Yeah, I know. That's the day he recorded it,
13 but I buy the house in June 25. I've got the receipt for the
14 payment.

15 MR. STEWART: The deed is dated October 21, 2013.

16 BY THE COURT: Yes, sir.

17 MR. STEWART: So, that -- I just object to the question.

18 BY THE COURT: All right. Go ahead with your question, Mr.
19 Alvarez.

20 Q Okay. Let me ask you another question. Do you know when I
21 buy the house 2012 the house was \$43,000.00?

22 A It was what?

23 MR. STEWART: Object to the question.

24 BY THE COURT: All right. Hold on. Mr. Alvarez, you're
25 asking about things that happened before the deed was recorded.

1 MR. ALVAREZ: Right.

2 BY THE COURT: You can't go back and ask questions about what
3 happened before the deed. The law says whatever the deed says,
4 that's what I'm bound to accept. So, any questions about what
5 may have occurred prior to October of 2013 are not permissible.

6 Q Okay. Let me ask you another question. How much you pay my
7 lawyer, Andy White, for the closing costs? Do you remember how
8 much you pay?

9 A I didn't -- I never met Andy Wright (sic) until we went up
10 there and signed the Mortgage.

11 Q Yeah but my question: how much did you pay the lawyer for
12 the closing costs? Do you remember how much it was?

13 A No. Really, I don't. I gave a cashier's check to you.

14 Q Okay. My question now, why---

15 A What was the cashier's check for?

16 Q Why you pay to the lawyer and I hired my lawyer and my
17 lawyer represent to me. I think that's illegal. You can't pay
18 the lawyer because I hire my lawyer to represent me, and my
19 lawyer -- he can't represent you. That's like malpractice for
20 the lawyer.

21 MR. STEWART: Your Honor, I object to the form of the
22 question.

23 BY THE COURT: I don't understand what you're trying to ask,
24 sir.

25 A I don't either.

1 Q Okay. Let me explain to you. She told a couple minutes
2 ago, she pay the lawyer for the closing costs and I am the person
3 hired the lawyer, Andy White.

4 BY THE COURT: Okay. That's simply not relevant what
5 happened three years ago. If you've got a lawyer issue, you file
6 a grievance. Move on to something that's relevant. You may ask
7 her questions about whether you have performed this obligation,
8 this Note and this Mortgage, you may do that; but you can't start
9 talking with her about who paid what lawyer at some closing.
10 Those simply are not issues that have been raised in the legal
11 pleadings.

12 MR. ALVAREZ: Okay. I can ask Ms. Elliott that question
13 about why she pay my lawyer? I paid my lawyer to do the closing.

14 BY THE COURT: If you have a lawyer issue, file a grievance
15 with the South Carolina Bar Grievance Committee.

16 MR. ALVAREZ: I already did. I already did.

17 BY THE COURT: All right.

18 Q Another question, do you know--

19 MR. ALVAREZ: (Speaks to Ms. Garcia)

20 MS. GARCIA: Estela.

21 Q --Estela, she live in the house to 2012?

22 A No, sir.

23 Q No?

24 A I never seen her before the hearing.

25 Q I remember you go out one day inside the house---

1 MR. STEWART: Your Honor,---

2 BY THE COURT: Sir, you may not ask anything that happened
3 prior to the title coming into your name which was October 21,
4 2013.

5 MR. ALVAREZ: Really, Your Honor, I can't ask her because
6 that was the problem. That was the problem. I never -- I hired
7 the lawyer and I tell different. I tell her I going to buy the
8 house, and sell the house and that's what I do. And my lawyer at
9 last minute he switch all paper because she paid my lawyer to do
10 it a different way. And I got a lot---

11 BY THE COURT: All right. Listen to me. I have been handed
12 into evidence a Promissory Note dated July 1 -- well, Mr.
13 Stewart, the Promissory Note is July 1, 2013. The deed was not
14 done until October 21, 2013, and the Mortgage was done October
15 21, 2013.

16 MR. ALVAREZ: Your Honor---

17 BY THE COURT: Hold on.

18 MR. STEWART: I don't understand why that is, Your Honor,
19 but obviously the transaction took place on the 13th -- I mean,
20 on October 21st.

21 BY THE COURT: Well, I have -- your evidence shows a
22 Promissory Note of July 1, 2013. So, you may ask your question.

23 Q Okay. Really, I'm on my other questions (phonetic). Okay.
24 I forgot the question I want to ask. Oh, okay. You see the
25 Promisnory (phonetic)---

1 BY THE COURT: Sir, you can't ask me questions. You may ask
2 the Plaintiff questions.

3 MR. ALVAREZ: Sorry, Your Honor.

4 Q The Promisnory I signed from to my lawyer, he no mention
5 what kind of property I buy. I signed only one.

6 A What kind of what?

7 Q What kind of property I buy. You see the -- I got the
8 Promisnory. He never mentioned what kind of property I buy.
9 There's no evidence---

10 A I don't understand you.

11 Q The Promisnory I signed with you it no mention any
12 description (phonetic) for the property.

13 THE COURT REPORTER: What to the property?

14 Q Description, you know, the right property. He no mention any
15 debt (phonetic) what kind of property I sign for Promisnory.
16 Okay. I'm going to try again. Do you remember about the
17 Promisnory you signed?

18 BY THE COURT: Are you saying the Promissory Note?

19 MR. ALVAREZ: Yes.

20 BY THE COURT: No, sir. She did not sign it. You signed it.

21 MR. ALVAREZ: Yes. It no mention any kind of property. It
22 no mention. And I signed the paper because I trust my lawyer and
23 my lawyer he crooked everything. He no do whatever -- I'm trying
24 -- my lawyer and I sign any kind of paper. My lawyer he know I
25 buy some houses to repair and sell it. That's what I do really.

1 BY THE COURT: You can't ask me questions. I can't answer
2 your questions. If you have questions of Ms. Elliott, please ask
3 them.

4 MR. ALVAREZ: Yes, okay. I'm sorry. I'm sorry. I'm trying
5 to finish.

6 Q Okay. Why you collect the money for two year and you never
7 mention to me anything I do something wrong? Why you collect the
8 money? I got the receipt for two years.

9 A Yeah, but why did you not pay?

10 Q No. I pay all of the time. I didn't start to pay because I
11 got you and I didn't pay no---

12 THE COURT REPORTER: I'm sorry. Repeat that over again.

13 Q Okay. I start to pay because I want to do it some time---

14 THE COURT REPORTER: Some kind of what?

15 BY THE COURT: Are you saying addendum?

16 MR. ALVAREZ: Yes, addendum, to remove the -- because I
17 trust my lawyer and I trust you like I trust in God and I trust
18 everybody---

19 MR. STEWART: Your Honor, if there's a question in here, I'm
20 not sure what---

21 BY THE COURT: Mr. -- if you have a question, please ask the
22 question. What happened with your lawyer is simply not a relevant
23 issue here today. I've tried to tell you that three times. If
24 you have a question, you may ask it. If not, then you need to
25 sit down.

1 MR. ALVAREZ: I ask it but she no understands.

2 BY THE COURT: You're not asking a relevant question. You're
3 asking her questions about what your lawyer may or may not have
4 told you.

5 MR. ALVAREZ: No. I'm asking about the payment.

6 Q Do you know I pay the person you hired to collect the money
7 and the -- I pay for two years. Do you know about the money for
8 two years? Yes or no?

9 A Well, you did pay to start with, yeah.

10 Q And do you remember why I stop to pay the bill?

11 A No.

12 Q I stop to pay the bill because I---

13 BY THE COURT: Mr. Alvarez, you cannot testify. You may ask
14 questions.

15 Q Okay. Now, it's -- for now it's okay, Your Honor.

16 BY THE COURT: Well, thank you for agreeing with me. Yes,
17 sir. Any other questions, Mr. Alvarez?

18 MR. ALVAREZ: Yes, sir.

19 BY THE COURT: Any other questions of this witness?

20 MR. ALVAREZ: No questions of the witness.

21 BY THE COURT: All right. Ma'am, do you have any questions
22 of Ms. Elliott?

23 (Ms. Gutierrez-Garcia addresses Mr. Alvarez)

24 MR. ALVAREZ: Can I translate?

25 BY THE COURT: You may not speak for her. No, sir.

1 MR. ALVAREZ: Right. She no speak English.

2 (Mr. Alvarez speaks to Ms. Gutierrez-Garcia)

3 All right. Thank you, ma'am. You can step down.

4 (witness excused)

5 BY THE COURT: That's our case, Your Honor.

6 All right. Now, Mr. Alvarez, is your opportunity to present
7 your case. So, do you wish to testify?

8 MR. ALVAREZ: Yes.

9 BY THE COURT: Okay. We're going to take about a thirty-
10 minute break for my 10:30 case.

11 So, Tom, if you'll get the 10:30 lawyers in (addressing the
12 bailiff)

13 And we'll try to get back as soon as we can. The matter was
14 set for 15 minutes, and I'm not going to keep everybody else on
15 the 10:30 case waiting any longer. So, if you'll step outside,
16 I'm going to -- I've got some other matters scheduled and this is
17 taking much longer than what was scheduled. So, we'll get to you
18 as soon as we can.

19 MR. ALVAREZ: Your Honor, can I move my paper?

20 BY THE COURT: Yes, sir, absolutely.

21 (Whereupon, the hearing was recessed and resumed)

22 BY THE COURT: All right. Mr. Stewart, we'll go ahead and
23 start back with your case.

24 If you all would come back up to the counsel table, please.
25 Thank you.

1 MR. STEWART: Your Honor, if they want to -- I think I sat
2 at the wrong table before. If they want to sit together over
3 here, I can sit over there.

4 BY THE COURT: It doesn't -- there are multiple chairs on
5 either side. It doesn't matter to me. Is there some reason that
6 she can't sit next to him over there?

7 MR. STEWART: I'm not sure, Your Honor.

8 BY THE COURT: Okay.

9 MR. STEWART: I didn't tell them where to sit.

10 BY THE COURT: All right. So, we're now back on the record.
11 We took a recess to hear some other cases.

12 So, Mr. Alvarez, now is your opportunity to either testify
13 or present any witnesses you may so desire.

14 MR. ALVAREZ: Okay.

15 BY THE COURT: And I'm going to go ahead and tell -- we've
16 got about a 30-minute block of time. If it can't get done in 30
17 minutes, it's going to have to be rescheduled.

18 MR. ALVAREZ: Your Honor, can I provide the witness list?

19 BY THE COURT: If you'll show a copy of it to Mr. Stewart
20 first, please, sir.

21 MR. ALVAREZ: Okay. I don't have another copy to give him
22 now.

23 BY THE COURT: Well, under the rules of Civil Procedure, you
24 have to share a copy with Mr. Stewart to at least let him look at
25 it, and then I would be glad to take a look at it if he does not

1 object.

2 MR. ALVAREZ: Thank you.

3 MR. STEWART: Your Honor, I'm the first name on the list.

4 So, I don't plan to be testifying. I have no idea -- these names

5 -- there's Guadalupe Ledesma, I guess I recognize that name;

6 Estela Gutierrez; Ann Pittman who is here. The rest of them,

7 I've never seen the names before.

8 BY THE COURT: What is that list, sir?

9 MR. ALVAREZ: Thank you. I got -- I need to ask questions
10 of Stewart, Ann Pittman, and also provide witness to prove I buy
11 house and repair for sell it, not to rent but to live.

12 BY THE COURT: You can't call an attorney who's representing
13 the other side as a witness. That's just not allowed under the
14 rules of law or Rules of Civil Procedure.

15 MR. ALVAREZ: Can you explain to me again, please?

16 BY THE COURT: Mr. Stewart is here as the attorney for Ms.
17 Elliott.

18 MR. ALVAREZ: Right.

19 BY THE COURT: He has a duty of loyalty and professional
20 responsibility to Ms. Elliott. He cannot be a fact witness in a
21 case. You cannot call the opposing lawyer as a witness in your
22 case.

23 MR. ALVAREZ: I'm sorry, Your Honor.

24 BY THE COURT: Okay. So, how many witnesses do you
25 anticipate calling?

1 MR. ALVAREZ: One, two, three, four, five, six, seven, eight
2 -- nine.

3 BY THE COURT: Okay. The case is going to be rescheduled.
4 Mr. Stewart and Mr. Alvarez, if y'all will get with my docket
5 coordinator and set it for half a day as soon as possible. You
6 absolutely have to have an interpreter. It's not going to get
7 moved again.

8 MR. ALVAREZ: Right.

9 BY THE COURT: Ma'am, you absolutely have to have an
10 interpreter. It's not going to get moved again. Thank you very
11 much.

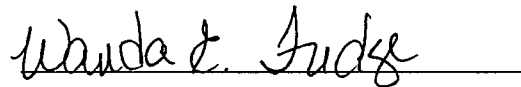
12 MR. ALVAREZ: Thank you.

13 -----END OF REQUESTED TRANSCRIPT OF RECORD-----
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1 The undersigned, Wanda E. Fudge, Court Reporter, Office of
2 Master in Equity for Greenville County, South Carolina do hereby
3 certify that the foregoing is a true, accurate and complete
4 Transcript of Record of all of the proceedings had and evidence
5 introduced in the hearing of the captioned case, relative to
6 appeal, before The Honorable Charles B. Simmons, Jr., as Master
7 in Equity for Greenville County, South Carolina on the 5th of
8 November 2015.

9 I do further certify that I am neither of kin, counsel, nor
10 interest to any parties hereto.

11 November 16, 2015

12
13 

14 Wanda E. Fudge, CCR

15 Certified Court Reporter
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