

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )  
) )  
BAC home Loans Servicing, LP )  
fka Countrywide Home Loans )  
Servicing LP, )  
) )  
Plaintiff, )  
) )  
v. )  
) )  
Johnson D, Koola, First Citizens )  
Bank Trust and Company, Inc. fka )  
First Citizens Bank and Trust )  
Company of South Carolina and )  
Cambridge Lakes Horizontal )  
Property Regime, )  
) )  
Defendants. )  
\_\_\_\_\_ )

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

**RECEIVED**

MAR 18 2016

**SC Court of Appeals**

**NOTICE OF MOTION AND  
MOTION TO RESCIND THE MARCH 8,  
2016 ORDER OF THE HON. MASTER  
IN EQUITY FOR CHARLESTON COUNTY  
SUBSTITUTING COUNSEL**

**FILED**  
2016 MAR 15 PM 4:44  
JULIE J. HARRISTROM  
CLERK OF COURT

Please take notice that defendant/appellant Johnson D. Koola will move the Court of Master in Equity as soon as possible for the Court for a motion hearing to rescind the March 8, 2016 Order of the Hon. Master in Equity substituting counsel in the above referenced case. Defendant/appellant requests the Court to hold the motion hearing before March 31, 2016 because a Petition for Hearing related to Case No.: 2010-CP-10-6060 is currently under review by the Court of Appeals.

The reasons to rescind the March 8, 2016 Order are that The Hon. Master in Equity's March 8, 2016 Order is in express violation of Rule 205, Rule 221(b), Rule 264(a) and (b) and Rule 265(c), SCACR.

Rule 205, SCACR provides that upon the service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal. The Case No.: 2010-CP-10-6060 is currently on appeal under Appellate Case No.: 2014-001323.

Rule 221(b), SCACR, provides that at the conclusion of the appeal in the appellate court, the Court of Appeals will send the remittitur containing a copy of the final judgment

to the Court Below. Only when the Court Below receives the remittitur, it will regain jurisdiction over the case. The appeal is still pending in the Court of Appeals. The Court of Appeals has not sent the remittitur to the Court Below. When the Hon. Master in Equity ordered the change of consul, the Court hadn't received the remittitur, and the Court of the Master in Equity has no jurisdiction over the case.

Rule 264(a), SCACR, provides that the attorneys of record continue to be attorneys in the appellate court until withdrawal is approved by the appellate court. Attorney Dean Anthony Hayes, Esquire and attorney Robert P Jackman, Esquire, are the attorneys of record in the Court of Appeals.

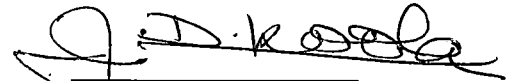
Rule 264(b) provides, *inter alia*, that an attorney of record in a matter before an appellate court may not withdraw from representation of his client without justifiable cause. The Rule further provides that withdrawal of attorney representation requires a petition to the appellate court and a written order of the appellate court granting substitution of attorneys. In the instant case, the attorneys of record have not filed a petition to the appellate court. The Court of Appeals has not approved the substitution of the attorneys.

Rule 265(c) provides that if substitution of a party is desired for any reason other than death or incompetency, substitution shall be by motion to the appellate court. The November 18, 2015 letter addressed to the Hon. Master in Equity accompanying the November 25, 2015 Motion for an Order Substituting Counsel would show to this Court that the movants have substituted the parties: Green Tree Servicing LLC for the original party BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP. The parties substituted the plaintiff/respondent in the case on their own without the approval of the court.

For the reasons stated above, defendant-appellant Koola requests the Hon. Master in Equity for a motion hearing before March 31, 2016 to rescind the March 8, 2016 Order Substituting Counsel in the above case.

Respectfully submitted,

March 15, 2016



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

Copy to:  
The Hon. Master in Equity  
Charleston County

The Clerk of the Court  
South Carolina Court of Appeals

John S. Kay, Esquire et al.

B. Lindsay Crawford, III, Esq. et al.

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

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

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

v. )

PROOF OF SERVICE

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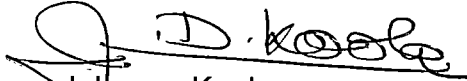
SC Court of Appeals

I, Johnson D. Koola, under penalty of perjury certifies that on March 15, 2016, I filed copies of defendant-appellant's Notice of Motion and Motion to Rescind the March 8, 2016 Order of the Hon. Master in Equity Substituting Counsel with the Hon. Master in Equity and Clerk of the Court, Court of Appeals and served copies of the same on the following counsels:

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

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

Mt. Pleasant, SC  
March 15, 2016

  
Johnson Koola

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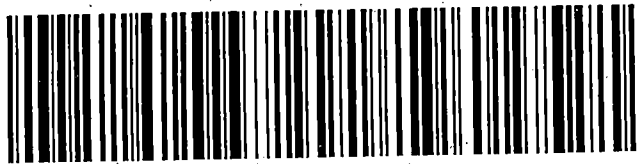
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OF APPEALS  
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SC Court of Appeals