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THE STATE OF SOUTH CAROLINA **RECEIVED**

In The Court of Appeals

MAY 09 2016

SC Court of Appeals

Appeal from the Court of Common Pleads Richland County, South Carolina,

Honorable Ben N. Miller, III Special Referee for Richland County

Case No. 2010-CP-40-1571

CitiMortgage, Inc.,.....Respondent,

vs.

Bruce W. Gardner and First Citizens Bank and Trust Company, Inc.,Appellant.

NOTICE OF APPEAL TO STAY THE ORDER OF JUDGMENT OF FORECLOSURE AND SALE DECREE

Bruce W. Gardner Appellant appeals the Special Referee's Order of Judgment of Foreclosure and Sale Decree (the Order) of The Special Referee, Honorable Ben N. Miller, III of Richland County dated April 28, 2016. Appellant received the Notice of The Order on May 5, 2016, via mail attached, Exhibit A and the actual Order, Exhibit B, via the Clerk of Court on May 6, 2016. Appellant appeals this Order, pursuant to the following: 1) No Original Note Produced; Fraudulent Assignment, (MERS never owned the note to assign it); 2) No evidence pursuant to UUC 3 that Respondent is the holder in due course; the note and mortgage has been bifurcated. Fannie Mae bought only a part of the note which is a violation of UCC 3, as well; and 3) ROBO Assignment of Mortgage.

Bruce W. Gardner _____ LS

Bruce W. Gardner Pro Se, Appellant
237 YMCA Road
Lexington, South Carolina 29073
(803) 605-2223

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vs.

Bruce W. Gardner and First Citizens Bank and Trust Company, Inc.,Appellant.

CERTIFICATE OF COMPLIANCE

The undersigned certify that this Notice of Appeal to Stay the Order of Judgment of Foreclosure and Sale Decree of Appellant complies with the South Carolina Court's Order.

Bruce W. Gardner LS
Bruce W. Gardner Pro Se, Appellant
237 YMCA Road
Lexington, South Carolina 29073
(803) 605-2223

May 9, 2016
Columbia, South Carolina

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vs.

Bruce W. Gardner and First Citizens Bank and Trust Company, Inc.,Appellant.

PROOF OF SERVICE

The undersigned certify that this Notice of Appeal to Stay the Order of Judgment of Foreclosure and Sale Decree of Appellant, served upon the Respondent, by placing the same in the U.S. Mail, First class Postage prepaid, addressed as following on May 9, 2016, as addressed below:

Bruce W. Gardner LS
Bruce W. Gardner Pro Se, Appellant
237 YMCA Road
Lexington, South Carolina 29073
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