

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

APPEAL FROM CHARLESTON COUNTY
Court of the Master in Equity

The Honorable Mikell R. Scarborough, Master in Equity
Case No.: 2010-CP-10-6060

RECEIVED
JUN 02 2016
SC Court of Appeals

APPELLATE CASE No.: 2014-001323

Bank of America, N.A.,..... Respondent,

v.

Johnson D. Koola, First Citizens Bank and Trust Company, Inc.,
f/k/a First Citizens Bank and Trust Company of South Carolina, and
Cambridge Lakes Condominium Homeowners Association, Inc.,
f/k/a Cambridge Lakes Horizontal Property Regime, Defendants,

Of whom Johnson D. Koola is the.....Appellant.

**PETITION TO SUBSTITUTE COUNSEL SHOULD BE DNEIED
UNTIL VIOLATIONS OF COURT RULES FOR SUBSTITUTION ARE CURED.**

On May 24, 2016, plaintiff/respondent moved this Court for an Order Substituting Counsel in this action under reference and filed a Petition for the said purpose. Defendant/appellant Johnson D Koola ("Koola") requests that the Petition to Substitute Counsel should be denied until violations of Court Rules for Substitution are cured.

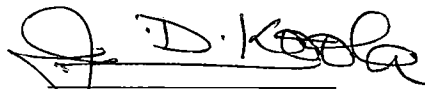
1. SCACR 264(b) stipulates that an attorney of record in a matter pending before an appellate court may not withdraw from representation of his client without the consent of his client. In the Petition, Theodore von Keller, Esquire, the attorney who is the substituting party, claimed himself as the *authorized agent of plaintiff/respondent Bank of America, N.A.* and signed the petition on behalf of plaintiff/respondent Bank of America, N.A. From the four corners of the Petition, it is to be understood that plaintiff/respondent has not consented to substitution of consul of record.

2. The Petition did not state any cause, justifiable or not, for substitution.
3. Attorney Dean Anthony Hayes, Esquire, purportedly consented to Substitute Counsel and signed the Petition. *Prima facie* it appears that the signature of Attorney Hayes, Esquire, in the Petition is not the same as his customary signature as seen in other independent court filings filed by him. Koola has enclosed copies of other filings filed by attorney Hayes, Esquire, for verification.
4. The counsels of record for plaintiff/respondent before the Court of Appeals are attorney Robert Powell Jackman, Esquire and attorney Hayes, Esquire. Attorney Jackman, Esquire, is the lead attorney and has not consented to Substitute Counsel.
5. On May 20, 2016, Koola filed a Notice of Removal removing the case under reference to United States District Court for the District of South Carolina, Charleston Division. Koola filed copies of the Notice of Removal with the Clerk of the Court and counsels of record for plaintiff/respondent. The jurisdiction of the case is thus transferred to District Court with effect from May 20, 2016. The Petition to Substitute Counsel is filed on or after May 24, 2016.

For the reasons stated above, the Petition to Substitute Counsel should be denied, and the petitioners may be directed to cure the violations of court rules and submit the Petition afresh to District Court. If the Court of Appeals has jurisdiction to substitute the counsel, the Court may order substitution only after curing the violations of court rules.

Respectfully submitted,

May 31, 2016



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Mt Pleasant, SC 29464
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Defendant/appellant *pro se*

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

BAC Home Loans Servicing, LP. FKA
Countrywide Home Loans Servicing, LP,

PLAINTIFF,

vs.

Johnson D. Koola, First Citizens Bank and
Trust Company, Inc., f/k/a First-Citizens Bank
and Trust Company of South Carolina, and
Cambridge Lakes Condominium Homeowners
Association, Inc., f/k/a Cambridge Lakes
Horizontal-Property Regime,

DEFENDANT(S).

IN THE COURT OF COMMON PLEAS

MOTION AND ORDER AMENDING CAPTION

(NON-JURY MORTGAGE FORECLOSURE)

C/A NO: 2010-CP-10-6060

DEFICIENCY WAIVED

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JUN 02 2016

SC Court of Appeals

F10-04188


It appearing to the Court that this action was brought in the name of BAC Home Loans Servicing, LP, f/k/a Countrywide Home Loans Servicing, LP, and it appearing that a corporate merger has been completed, whereby BAC Home Loans Servicing, LP, f/k/a Countrywide Home Loans Servicing, LP, has merged into Bank of America, N.A., and Bank of America, N.A., is the surviving entity, and on motion of the plaintiff's attorney that the caption be amended to show Bank of America, N.A., as the proper plaintiff and present lienholder,

IT IS HEREBY ORDERED that the caption be amended to show Bank of America, N.A. as plaintiff.

Master-in-Equity for Charleston County

Charleston, South Carolina
_____, 2011

I SO MOVE:


Dean A. Hayes
Attorney for Plaintiff
KORN LAW FIRM, PA
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(803) 252-5817

Signature of Attorney Hayes, Esq.
for comparison