

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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JUN 22 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

Appellate Case No. 2016-00969

CitiMortgage, Inc., Respondent,

vs.

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

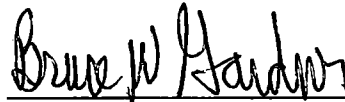
REPLY TO RESPONDENT'S RETURN TO MOTION COMPLAINT OF MALICIOUS
PROSECUTION AND PETITION TO CANCEL FORECLOSURE SALE

The Appellant, replying to the Plaintiff-Respondent's Return to the Defendant-Appellant's Motion Complaint of Malicious Prosecution and Petition To Cancel Foreclosure Sale hereby state:

Respondent asserts that Appellant's Motion should be denied and/or dismissed. Respondent contend the Appellant seeks to litigate issues that could have been decided by the Special Referee. Further, the Respondent asserts that Appellant will have the opportunity to address these issues on appeal and contends the Appellant is attempting to re-litigate issues that may be dealt with on appeal. Respondent assertion that Appellant's Motion should be denied and/or dismissed is without merit.

Likewise, the Respondent asserts that the filing of a notice of appeal does not act to automatically stay matters decided in the Special Referee's Order. The notice of appeal is not alone in the only contention as to why a stay of the Special Referee's Foreclosure is appropriate.

For the reasons stated herein, Appellant respectfully requests that this Court grant the Appellant's Motion Complaint and cancel the foreclosure sale and the Return of the Respondent lacks merit and gives no legal creditable reason to deny the Motion Complaint of the Appellant.



LS

Bruce W. Gardner, pro se, Appellant
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Lexington, South Carolina 29073
(803) 605-2223

June 22, 2016
Columbia, South Carolina

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

vs.

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

CERTIFICATE OF COMPLIANCE

The undersigned certify that this Reply to Respondent's Return to Motion Complaint of Malicious Prosecution and Petition to Cancel Foreclosure Sale of Appellant complies with the South Carolina Court's Order.

Bruce W. Gardner

LS

Bruce W. Gardner Pro Se, Appellant
237 YMCA Road
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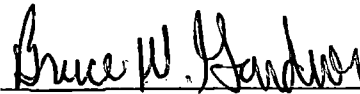
CitiMortgage, Inc.,.....Respondent,

vs.

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

PROOF OF SERVICE

The undersigned certify that this Reply to Respondent's Return to Motion Complaint of Malicious Prosecution and Petition to Cancel Foreclosure Sale, that Appellant served upon the Respondent, by placing the same in the U.S. Mail, First class Postage prepaid, addressed as following on June 22, 2016, as addressed below:



LS

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