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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals
Appellate Case No. 2016-001062**

Appeal from the Circuit Court of Lexington County, South Carolina

The Honorable James O. Spence/ Master of Equity
Albert J. Dooley, Judge/ Special Referee

Case No. 2010-cp-32-00669

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION SUCCESSOR BY
MERGER TO CHASE HOME FINANCE
LLC S/B/M TO CHASE MANHATTAN
MORTGAGE CORPORATION.....Respondent

V.

Demetric Hayes..... Appellant

**APPELLANT'S OPPOSITION TO RESPONDENT JPMORGAN
CHASE BANK'S MOTION TO STRIKE**

Respondent has moved to strike Appellant's initial brief. Respondent states that appellant's initial brief does not relate to the order appealed in this case. Appellant's initial brief does not contain any false, improper or misleading information. There is no need to strike the truth. What the appellant's initial brief does contain are the facts and truth. Respondent's only wants to conceal the true by ask for a motion to strike. At the bottom of page 2 of respondent's motion to strike, it states there was significant delay between the entry of the original Order of Foreclosure and the subsequent supplemental orders of foreclosure. Appellant does not understand how over this period of time that it wasn't realized that appellant didn't own the property (**public record**). It wasn't realized that there was neither a mortgage nor a lien on the property (**public record**).

FACTUAL BACKGROUND

In May 2004, Hayes took a mortgage (hereinafter "mortgage") with Chase Manhattan Mortgage Corporation. This mortgage was guaranteed through the Veterans Administration. Between 2004 and 2010, said mortgage was allegedly transferred or sold to Chase Home Finance LLC (hereinafter "Chase Home Finance"). Hayes was never notified that his mortgage was transferred to Chase Home Finance LLC.

In 2010, Chase Home Finance LLC sent a letter to Hayes regarding the mortgage. Hayes sent a written request requesting proof that his mortgage had been transferred or sold from Chase Manhattan Mortgage Corporation to Chase Home Finance LLC. In addition, Hayes requested that any concerns with the loan be addressed to the Veteran's Administration pursuant to federal statutes governing Veteran's Administration loans. Neither Chase Manhattan Mortgage Corporation nor Chase Home Finance LLC addressed Hayes loan with the Veteran's Administration pursuant to the federal statutes governing Veteran's Administration loans.

Notwithstanding the failure to follow through with the Veteran's Administration, Chase Home Finance filed a Summons and Complaint and allegedly a Lis Pendens on February 16, 2010 in order to foreclose on the property. Although in the Complaint, Chase Home Finance alleges it was the holder on a note and the mortgage on said property, there was no paperwork filed with the Complaint demonstrating that the mortgage had been sold or transferred from Chase Manhattan Mortgage Corporation to Chase Home Finance LLC.

Hayes was never served with the Summons, Complaint or Lis Pendens. Despite Hayes never being served, plaintiff filed for a Judgment in Default by Chase Home Finance. Chase Home Finance filed an affidavit by Lexington County Deputy Sheriff Terry Hite in which he alleges he served a "Karla Marshall, Fiancé" a copy of the Complaint as the residence. There is no "Karla Marshall". There is a friend of the Hayes whose name is Carla Marshall who was not present at the residence on March 16, 2010 as alleged in the affidavit of service.

Based on the Motion for Default Judgment and the affidavit alleging service, an order of reference was entered June 16, 2010 and a hearing was ordered for July 29, 2010. On July 29, 2010, the Court of Common Pleas granted judgment in favor of the Chase Home Finance with the order entered July 30 2010 and ordered a hearing on damages. Hayes first heard of the Summons and Complaint after a default judgment has been entered against him.

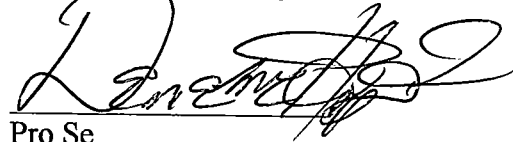
Upon hearing that a judgment has been entered against him, Hayes requested proof that the mortgage had been transferred or sold from Chase Manhattan Mortgage Corporation to Chase Home Finance LLC and proof of representation by the law firm on the mortgage. Chase Home Finance has failed to provide any documentation requested by the defendant. Between entry of default judgment in favor of Chase Home Finance and a hearing on damage, JPMorgan Chase Bank has entered an appearance as a substitute plaintiff in place of Chase Home Finance. Hayes has requested documentation supporting the entry of JPMorgan Chase Bank in place of Chase Home Finance. To date, Hayes has not received a response to his requests for discovery in state court.

The Court of Common Pleas has requested documentation from JPMorgan Chase Bank in order to determine how much damages to award to Chase Home Finance in the state claim. To date, JPMorgan Chase has failed to produce documentation of how it is the owner of the note and/or mortgage.

Appellant continues to mention many of the same issue due to the fact these issues has never been addressed. **Respondent and the lower court has knowingly continued to unlawfully use Appellant's name to foreclose on property that appellant does not own (public record).** These issues have been ignored by the lower court over and over again by Judge Spence and by Judge Dooley. Appellant affidavits and other evidence have never been considered. **Appellant was not given the opportunity to cross-examine the respondent's witness.** Respondent's attorney James Y. Becker intentionally presented a fraudulent note and mortgage to the lower court.

So therefore, Appellant entire initial brief is very, very significant in this case because it displays the fact that Judge Dooley has knowingly conspired with the respondent's attorneys Mary Caskey and James Becker to unlawfully make fraudulent claims against appellant. This case from the beginning has been partial to the respondent. Appellant request that the court deny respondents motion to strike, appellant's initial brief.

Respectfully Submitted,
DEMETRIC HAYES



Pro Se

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PROOF OF SERVICE

I certify that a copy of the foregoing Opposition to Respondent's Motion to Strike has been served upon the Respondent by placing the same in the United States mail, addressed to the following as shown below this 2 September 2016.

Counsel of record for the respondent:
Mary M. Caskey, Esquire, FeD ID No. 10120
James Y Becker, Esquire, Fed ID No. 5733
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CC:
Court of Appeal Administration
1220 Senate Street
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Columbia, South Carolina 29201-3739

A handwritten signature in black ink, appearing to read "Demetric Hayes". The signature is fluid and cursive, with a large initial "D" and "H".

Demetric Hayes Pro Se, Appellant
232 Edinfield Ct.
Gaston, SC 29053
(803)-920-4478

2 September 2016