

LETTER TO THE APPELLATE COURT CLERK
RESPONSE TO MOTION TO STRIKE/CERTIFICATION OF MAILING

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

10/18/2016

OCT 19 2016

SC Court of Appeals

RE: Request for Motion to "Strike" Rogers Townsend & Thomas (McGuireWoods LLP, Attorney) Respondent, v. Norman D. Lowery, Appellant, Case No. APELLANT CASE NO. 2015-002253

Dear Ms. Kitchings :

This letter is in response to The Motion to Strike Appellants Initial Brief. Development of the Appellant's Initial Brief was produced following the description in Rule 208, SCACR as it was understood by the Appellant. Only of recent has it come to light a specific form is available in a section of Court Forms, Rule 208 SCACR does not refer to the specific form number, had it been noted Appellant would have followed its design.

Responding to the above identified "Motion to Strike":

- a. Ref Para 4, a., References to a Specific Record/Document Names: As far as the Appellant can tell, all references are appropriately identified along with attachment of the specific document to support of any statement Appellant made in the initial Brief. Only of recent the Appellant discovered an actual form was available as a guideline to follow in the development of an Initial Brief opposed to formulating an Initial Brief as described in Rule 208 (b), (c) & (d) SCARC.
- b. Ref Para 4, b., Brief in excess of fifty (50) pages: In Accordance With (IAW) Rule 208 208(b)(5) SCACR the principle brief is twenty five pages, the 26th page contains only a signature block and signature.
- c. Ref Para 4, (c) Statement or Issues on Appeal: Everything contained in The Appellant's Initial Brief is based on a State, Federal or Court statute/Rule as required by Rule 208 (b)(1)(B); As required, a statement of each of the issues presented for review were addressed/noted, concise and direct as to each issue, some of which were stated in question form as allowed by Rule 208 (b)(1)(B). All Issues documented were concise insofar to lend understanding of the Appeal, IAW Rule 208(c) supporting subsequent sections contained in the Appellants Appeal. "Under Issues on Appeal" it is not required to note a specific statute, law or rule IAW Rule 208 (b)(1)(B).

- d. Ref Para 4, d., References to Statements Made: Appellant was following requirements IAW Rule 208(b)(1)(C) which makes no reference to Rule 210(c), SCACR, had it been noted in Rule 208 the Appellant would have complied with any and all requirements.
- e. Ref Para 4 (g), ".....Documents/Exhibits' were not presented to the lower Court": Interesting revelation on a number of points:

(1). Rogers Townsend and Thomas submitted directly to the Master in Equity (located in the Court Docket File, 2014CP4602394 and not posted electronically but is a Matter of Record) the Document titled "AFFIVAVIT OF VERIFIED STATEMENT OF ACCOUNT, PLAINTIFF Nationstar v. Norman D. Lowery DEFENDANT, York County Court Docket No. 2014CP4602394, Dated: August 18, 2015, five (5) days prior to the first scheduled Master in Equity Hearing (no one except the Defendant was present for). Para 4 of this document in part states; ".....Prior Servicer's records, including the collateral file, payment histories, communication logs, default letters, information, and documents concerning the Loan are now integrated into Nationstar's business records.....". Nationstar's (thru Rogers Townsend and Thomas) submission of this sworn document (violates Rule 55, SCACR, as a minimum, in which it wasn't shared with the Defendant) states your Client possessed all the attachments/exhibits it acquired from PHH Mortgage Corp. Rogers Townsend and Thomas represented both PHH Mortgage Corp (Original Plaintiff) and Nationstar Mortgage LLC so information contained in inter-office file No. 011227-01447 (PHH Mortgage Corp.) should have been acquired by Nationstar Mortgage LLC.

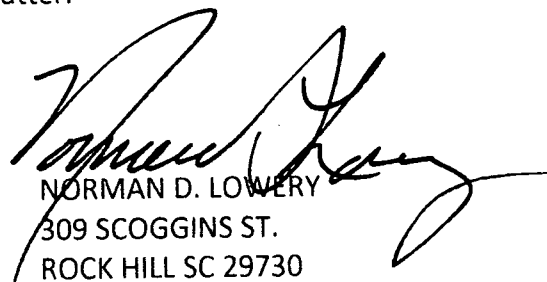
(2). Had PHH Mortgage and/or Attorney of Record been in Default for any of it's requests(s) for Master in Equity Hearings, they would have been in their possession because I sent them to them and filed with the Clerk of Court, York County SC thus being a Matter of Record since August of 2014.

(3). All Documents/Exhibits/Attachments are a matter of record in the Court Docket 2014CP4602394 which is in the direct control of the Clerk of Court. Even though the Appellant wasn't notified of the last minute, undocumented, Substitution of Plaintiffs at the September 23 2015 Master in Equity Hearing and the Original Plaintiff (PHH Mortgage Corp. or Attorney of Record were in Default) wasn't present, Appellant possessed and would have provided an additional complete copy of all documents at the scheduled Master in Equity Hearing had the Master in Equity allowed it.

I make a good faith request to deny Nationstar Mortgage LLC/Trent M. Grissom, Attorney request to "Strike Appellant's Initial Brief" and the The Designation of Matter is forth coming. Unfortunately this case is complex, so much so the only way even begin to reasonably explain it even to seasoned professional lawyer, it required the Defendant/Appellant write it out, gather evidence of "Proof" to substantiate each issue presented in each stage of the legal process. I'm not a trained, lawyer, but have made a good faith effort to present the Appeal as required and described by South Carolina Court Rules and provide documented support of each item listed in the Appeal.

I certify a copy of the response was provided to Mr. Andrew W. Montgomery (PO Box 100200, Columbia SC 29202), Mr. Trent M. Grissom (201 N Tyron St, Suite 3000, Charlotte NC 28202) and Mr. Robert A. Muckenfuss (201 N Tyron St, Suite 3000, Charlotte NC 28202) on 10/18/2016 All mailings were sent via U.S. Postal Service.

I appreciate the Courts patience regarding this matter.



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