

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM SUMTER COUNTY

COURT OF COMMON PLEAS

Hon. Michael G. Nettles, Circuit Court Judge

**RECEIVED**

OCT 28 2016

SC Court of Appeals

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Appellate Case No: 2016-001526

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The Bank of New York Mellon f/k/a, The Bank of New York, as Trustee for the benefit of Certificateholders of Popular ABS, Inc. Mortgage Pass-Through Certificates Series 2006-E, Respondents,

v.

Charles Taylor, Burgess Brogdon Bldg. Supply, Palmetto Health Alliance, Defendants,

Of Whom Charles Taylor is the Appellant.

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APPELLANT'S 10-27-16 RETURN TO  
RESPONDENTS' 10-25-16 MOTION

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That Charles Taylor, (Hereinafter Appellant), return 10-27-16 to The Bank of New York Mellon, et al., (Hereinafter Respondents) 10-25-16 motion and Appellant return as follows:

1. That as an initial matter-this case (*a foreclosure action*) on its merits-have not been tried yet in the lower court & came to this court via an immediately appealable issue pursuant to SC. sec. 14-3-330 sub-sec. (1) & (2); more specifically the denial of an Aplnt's. motion to amend after a very long delay (*almost 5 years*) in which time a lot happened /changed, which denial then implicated

the cited sections above on page 1; in other words; this case presumably will remit to be tried on the merits after this court rules on the said narrow issue(s), in a nutshell more or less; and;

2. That what the Respondents are trying to do, with their motions, this one being their 2<sup>nd</sup>, is to, *in an underhanded way*, put the issues of the case not yet tried as stated, before this court via the matter designation--*hence their constant complaining of one thing or the other via motion(s)*, about things having nothing really to do with the narrow issue(s) on this appeal; nonetheless they are already included in the already prepared Record on Appeal, see SCACR 209(b) & (c) and (see each party's designation of matter lists on file as Appellant's amended), and;

3. That as another initial matter, Appellant served the Record to Respondents on October 12, 2016, and they kept quiet until their October 25, 2016 motion—just days before the prepared final briefs & the prepared Record on Appeal was due to be file before springing their latest /belated motion complaining yet again to cause delay & expense, about the designation of matter, claiming;

- a. appellant didn't include all their designation of matter on their list; but he did, compare respds.' & then aplnt's. matter designation lists (*on file as amended*);
- b. appellant didn't include the complete complaint on the list; but appellant did;
- c. appellant didn't include the complete, ("Certification"); but that appellant did;
- d. appellant didn't include the ("Notice") & that's because it is not on either's list, & can't now be added because Respds'. forgot etc. to earlier put it on their list;

- e. appellant didn't include the ("Certification's Ex's A-T"); but he did-all of them;
- f. appellant's ("Certification") copy re matter list 38p - respds'. motion err says 36;
- g. appellant didn't include ("Certification") 75 p.; but, apln't. included all he had; (except verification or service p's re SCACR 210(c); & it appears Respondents added more in their exhibit 2 w/ their motion including duplications to equal now 75p;
- h. appellant's Record on Appeal doesn't contain copies of the signed & filed orders entered in case; but the record does so contain such re the matter designation lists;
- i. appellant did not file the house photos to lower court; but he did because it is a 1p copy photo (*frontside & backside-ex. p.5 attached*) but in the Record it's 2 p's; & respds. ref. the public index (*obviously is in err v. court's file*) which index apln't. didn't file to in any case, but filed to court clerk; which Apln't. will, if necessary, swear to his position under the penalty of perjury if respondents will do likewise in their reply. More specifically Aplnt's. 4-28-16 Memo & Memo of Law Supporting Updated Motion to Dismiss.....was filed to lower court clerk's office totaling 8 p's see Aplnt's. & Respds'. filed matter desig. lists-Aplnt's. amended; for all in ROA;

4. That for the foregoing reasons, this court should deny the Respondents belated motion, and; because Respondents purposely / evidently waited as stated in paragraph #3 on p.2, to cause intentional hardship to disable, *with cancer et al. etc.*, Appellant who lives on a small fixed social security disability monthly income and they know it and uses that knowledge to sinisterly

try and burden the disable Appellant with unnecessary delay and unnecessary extra expenses as he would have to incur if their motion is granted to re-prepare the ready to file final briefs and Record on Appeal, which is why they waited to the very last minute to launch their 2<sup>nd</sup> motion, (*waiving any right they might have had to complain*), which motion should thus be denied in all respects, to file the Record on Appeal and final briefs promptly, Appellant respectfully urges & argues to this court & prays that it so orders; & / or allows the Appellant sufficient time to comply w/ any order the court sees fit otherwise.

MOST RESPECTFULLY SUBMITTED;  
  
CHARLES TAYLOR, APPELLANT  
332 MYRTLE BEACH HIGHWAY  
SUMTER SOUTH CAROLINA 2915  
(803) 609-7990  
FOR THE APPELLANT PRO SE

Sumter, South Carolina

October 27, 2016

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1. That the court can see from just a glance & / or a leaf through specifically Respondents' motion exhibit #2 to surmise what's all that got to do with the issue to allow Appellant to R.15(b) amend his answer or not; if anything, it has of course to do with the issues of foreclosure on any remand, which Appellant do not deny, and in fact, argues.

2. That a quick review *see* Respsds'. initial brief will show ("Certifications") only point is to ref. *compliance w/ the order to request lifting of a stay see* Respsds'. motion ex. #2 pg. 4 para. #27; thus the point here is to show bulk p's. attached to Respsds'. compliance is useless to this appeal; but nonetheless *see* Aplnt's. filed *matter designation list p.3 last line* already include 38 useless pages in violation of *SCACR 209(b) and (c)* which the *Respondents now wants added to 75 pages* and for no good reason, except to burden the disable Appellant, as shown heretofore.

3. That because of the uncertainty as to what to do created by Respondents' motion, the Appellant respectfully request the court stay the deadline to file final briefs and the Record on Appeal until after this court's ruling on Respondents' motion before time to file Record on Appeal & final briefs.




**After Purchase & Renovation**  
**FRONT LEFT / BACK RIGHT**

**p.5**  
w / Aplnt's 10-27-16 return  
to Respsd's 10-25-16 motion



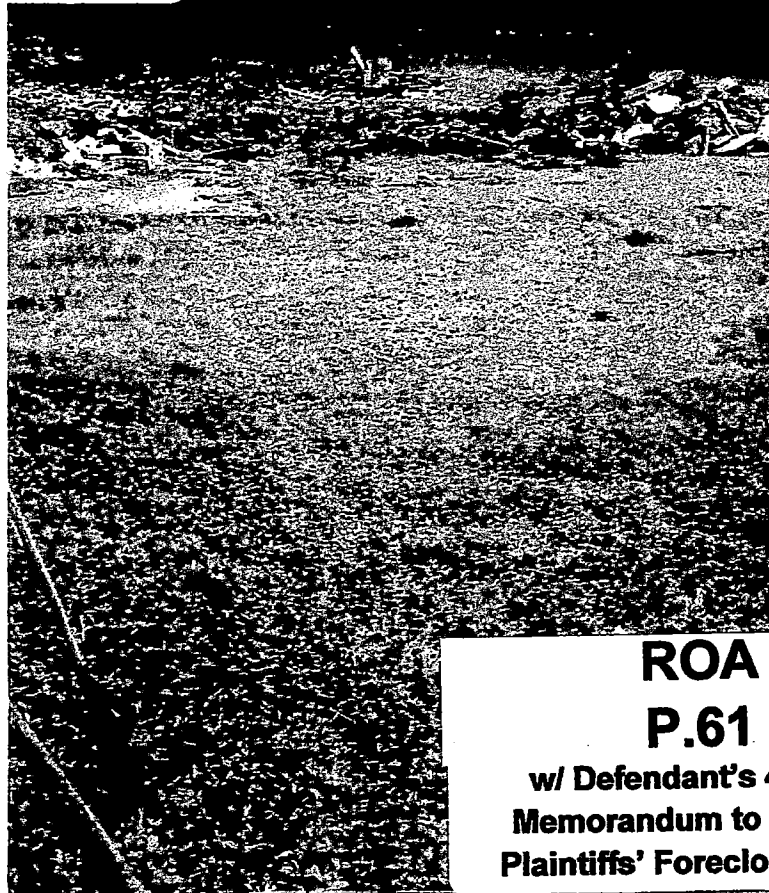
**EXHIBIT B of A**

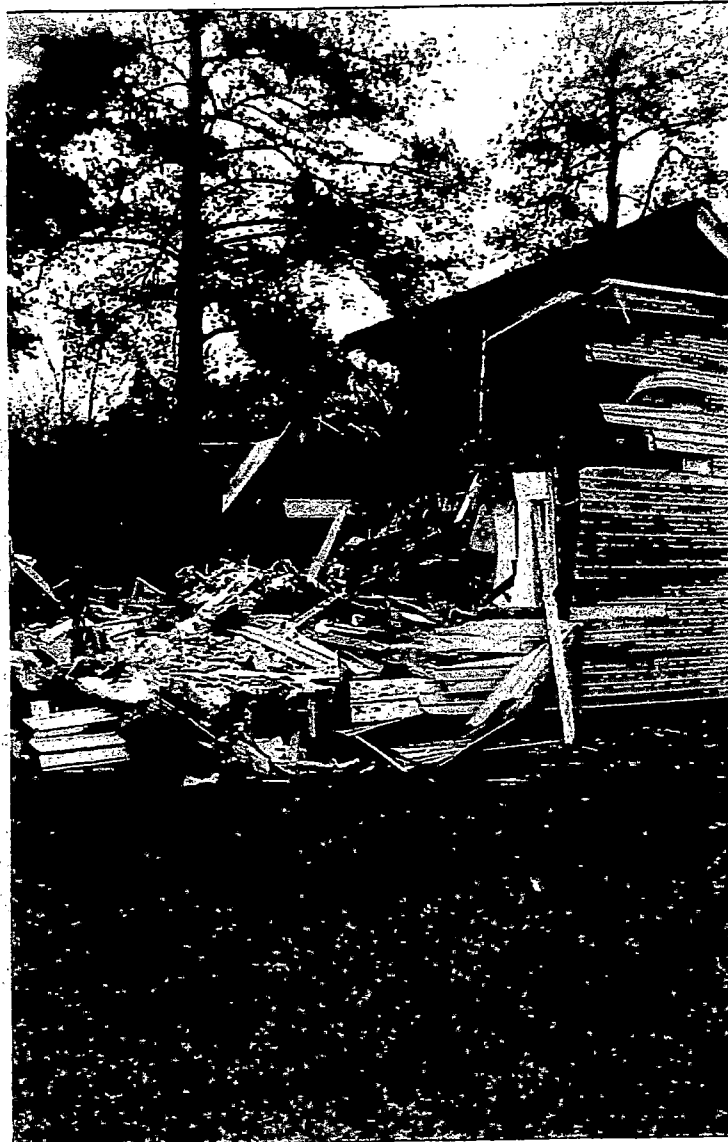
334 MYRTLE BEACH HWY  
SUMTER SC 29153  
HISTORIC HOUSE



**ROA**  
**P.61**  
w/ Defendant's 4-26-16  
Memorandum to Dismiss  
Plaintiffs' Foreclosure Suit

**NOW**  
**FRONT LEFT / BACK RIGHT**  
**\$150,000 INVESTED+ \$650 mth**  
**loss rent 6-1-13 to present all lost**





**ROA**  
**P.62**

**EXHIBIT A / Backside of B**  
**W/ Defendant's 4-26-16**  
**Memorandum to Dismiss**  
**Plaintiff's Foreclosure Suit**

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Through Certificates Series 2006-E, Respondents,

v.

Charles Taylor, Burgess Brogdon Bldg. Supply, Palmetto Health Alliance,  
Defendants,

Of Whom Charles Taylor is the Appellant.


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CERTIFICATE OF SERVICE

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I certify that Appellant's 10-27-16 Return to Respondents 10-25-16 motion was serve  
to Respondents' lead Counsel listed below at their address below wt/ postage prepaid.

October 27, 2016

BY:   
CHARLES TAYLOR-APPELLANT  
332 MYRTLE BEACH HIGHWAY  
SUMTER SOUTH CAROLINA 29153  
(803) 609-7990

Respondents' Counsel of Record:  
Lead-Sara B. Nielsen, Esq.  
B. Rush Smith, III., Esq.  
Of Nelson, Mullins, Riley & Scarborough, LLP.  
1320 Main Street / 17<sup>th</sup> Floor  
P O Box 11070 (29211-1070)  
Columbia, SC. 29201