

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM GEORGETOWN COUNTY  
Court of Common Pleas

Ralph P. Stroman, Special Referee

Appellate Case No. 2016-002311

**RECEIVED**

FEB 16 2017

**SC Court of Appeals**

Wells Fargo Bank, N.A. and Wells Fargo Equipment Finance, Inc.,.....Plaintiff,

Of whom Wells Fargo Bank, N.A. and Wells Fargo Equipment Finance, Inc. are  
The..... Respondents.

v.

C.J.B. Holding & Trust Company, LLC, Cornelius J. Beck, Jr.; Inlet Dental Center, Inc., N/K/A  
Cameron Banks, LLC, Seaside Surgical, Inc., Andrews Dental Center Inc., Georgetown Dental  
Center of South Carolina, Inc., South Beach Dental Center, Inc., Southpark Centre Property  
Owners Association, Inc., Myrtle Beach Farms Company, Inc., Wachesaw Warehouses Property  
Owners Association, Inc. and Patterson Dental Supply, Inc., .....Defendants.

Of whom Cornelius J. Beck is the .....Appellant.

**RETURN TO MOTION FOR RECONSIDERATION [REINSTATE]**

COMES NOW, Wells Fargo Bank, N.A. and Wells Fargo Equipment Finance, Inc., the  
Respondents herein, by and through their undersigned counsel, to object to the Motion for  
Reconsideration filed by Appellant on February 10, 2017 (the "Motion"), on the following  
grounds:

1. The Notice of Appeal in this matter was filed on November 14, 2016 by the  
purported Appellant, identifying himself as "Beck Jr, Cornelius-Johnathan."

2. On November 18, 2016, the Court notified Appellant his filing was deficient in that the Notice of Appeal was not accompanied by the orders being appealed. The subject orders were submitted on November 23, 2016.

3. On November 29, 2016, the Court notified Appellant that his submission of the appealed orders was not accompanied by a proper proof of service.

4. On December 7, 2016, Appellant filed a document entitled, Notice of Ordering of Transcript. On the same date Appellant filed a Motion for Extension of Time on Filing Initial Brief and Designation of Matters (“Motion for Extension”), seeking an extension of sixty (60) days for the corresponding appeal deadlines for his initial brief and designation of matters.

5. On December 12, 2016, the Court notified Appellant of three deficiencies in his appellate filing. First, his Motion for Extension was not accompanied by the required filing fee. Second, his Motion for Extension referenced the wrong case number. Third, Appellant had not yet furnished the Court with evidence of his having ordered the related hearing transcript.

6. The following day, on December 13, 2016, the Court notified Appellant of further deficiencies concerning his proof of service and use of an incorrect case caption. On December 14, 2016, the Court again admonished the Appellant for his failure to provide the required evidence of having ordered the underlying hearing transcript and his reference to an incorrect case number.

7. Appellant filed an Amended Motion for Extension of Time on Filing Initial Brief and Designation of Matters on December 28, 2016 (“Amended Motion for Extension”), to which he again attached a letter requesting an audio transcript of a hearing in a different case than the one under appeal. Appellant also filed a Notice of Ordering Transcript which also included an attachment of a letter requesting to order a transcript from a case other than the one under appeal.

Significantly, Appellant for the first time in this proceeding identified the Appellant to be “Cornelius J. Beck.”

8. On January 4, 2017, the Court notified the Appellant that it was not in a position to consider his 60-day extension request until it was in possession of information concerning the date on which he received the transcript from the court reporter. In a subsequent correspondence filing the Respondents’ counsel advised the Court that the letter indicating the ordering of a transcript as attached to Appellant’s December 28, 2016 Amended Motion for Extension related to another case.

9. Hearing nothing further from the Appellant, the case was dismissed pursuant to SCACR 207 by Order filed February 1, 2017.

10. Appellant filed the Motion for Reconsideration on February 10, 2017, stating:

Upon me reviewing this document I discovered that I was indicating the wrong case and case number. This is a mistake on my part due to the fact that I have so many court cases going on at the same time. Attached is a copy of the filing that I am referring to from December 28, 2016 that I am referring to (sic). As of February 8, 2017, I filed a Notice of receiving the Transcript for this case and am in the process of completing the Initial Brief.

11. The letter attached to the Motion refers to a different case than the one under appeal and therefore Appellant remains in non-compliance under SCACR 207, the basis upon which the Court initially dismissed the appeal on February 1, 2017.

12. SCACR 207(a) requires the appellant to order a transcript in writing within ten (10) days of the notice of appeal, in this case by November 24, 2016. In other words, as of the date of the filing of the Motion, Appellant was 78 days delinquent on a 10-day deadline.

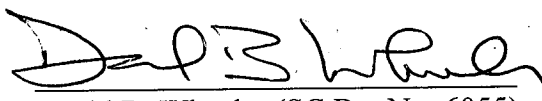
13. That Appellant has pending “so many court cases going” of a similar vein is no justification for his disregard of the Court’s rules and the time and expense incurred by

Respondents in this process. The Court has been more than generous with extending opportunities for the Appellant to cure numerous deficiencies and even now the Court has yet to be presented with evidence of the Appellant's order of the correct transcript.

### CONCLUSION

On the basis of the foregoing, it is respectfully submitted that the Motion should be denied and the case remitted to circuit court.

Respectfully submitted,



David B. Wheeler (SC Bar No. 6055)  
MOORE & VAN ALLEN, PLLC  
78 Wentworth Street  
Post Office Box 22828  
Charleston, SC 29413-2828  
Telephone: (843) 579-7000  
Email: davidwheeler@mvalaw.com

Attorneys for Respondents, Wells Fargo Bank, N.A. and  
Wells Fargo Equipment Financing, Inc.

February 14, 2017

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PROOF OF SERVICE

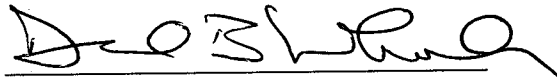
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This is to certify that I have this day served the Appellant in the foregoing matter with a  
copy of the foregoing **OBJECTION TO MOTION FOR RECONSIDERATION** by depositing

same in the United States Mail with adequate postage affixed thereon to ensure delivery, addressed as follows:

Cornelius J. Beck, Jr.  
34 Old Evergreen Lane  
Pawley's Island, SC 29585

February 14, 2017



David B. Wheeler (SC Bar No. 6055)  
MOORE & VAN ALLEN, PLLC  
78 Wentworth Street  
Post Office Box 22828  
Charleston, SC 29413-2828  
Telephone: (843) 579-7000  
Email: davidwheeler@mvalaw.com

Attorneys for Respondents, Wells Fargo Bank, N.A. and  
Wells Fargo Equipment Financing, Inc.

**Moore & Van Allen**

February 14, 2017

**David B. Wheeler**  
Certified Bankruptcy Specialist  
South Carolina Supreme Court  
T 843 579 7015  
F 843 579 8727  
davidwheeler@mvalaw.com

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Moore & Van Allen PLLC

78 Wentworth St.  
Charleston, SC 29401-1428

Mailing Address:  
Post Office Box 22828  
Charleston, SC 29413-2828

**RE: Wells Fargo Bank, N.A. and Wells Fargo Equipment Finance,  
Inc., Respondents  
Cornelius J. Beck, Jr. Appellant  
Appellate Case No. 2016-002311**

Dear Ms. Kitchings:

Enclosed for filing, please find an original and seven (7) copies of the following:

- (1) Respondents' Return to Motion for Reconsideration [Reinstate]; and
- (2) Proof of Service.

Please return a filed copy to this office in the enclosed envelope.

Thank you for your assistance in this matter and please call me with any questions.

Yours very truly,

MOORE & VAN ALLEN, PLLC



David B. Wheeler

DBW/jmc  
Enclosures

cc: Cornelius J. Beck, Jr.

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