

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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MAR 10 2017

SC Court of Appeals

APPEAL FROM BARNWELL COUNTY
Court of Common Pleas
J. Martin Harvey, Special Referee

Circuit Court Civil Action No. 2015-CP-06-00070
Appellate Case No. 2016-001214

Quicken Loans, Inc.,

Appellant,

v.

Wayne D. Wilson; Calvin O. Wilson, III; Any other Heirs-in-Law or devisees of Ezekiel (Ellen) T. Wilson, deceased, their heirs, personal representatives, administrators, successors and assigns, and all other persons entitled to claim through them; all unknown persons with any right, title or interests in the real estate described herein; also any persons who may be in a class designated as John Doe; any unknown minors or persons under a disability being a class designated as Richard Roe; Park Sterling Bank,

Respondents.

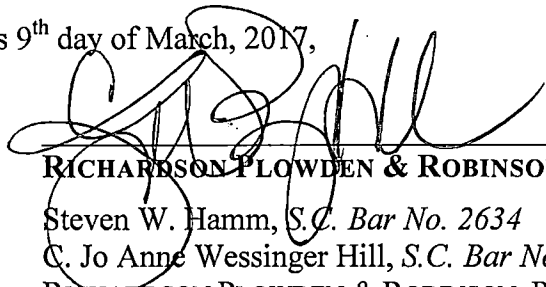
RESPONDENTS' MOTION AND MEMORANDUM FOR ORAL ARGUMENT

On June 7, 2016, the Appellant Quicken Loans Inc. ("Appellant") appealed the Order of the Special Referee J. Martin Harvey dated and filed on May 13, 2016, in which the Court granted the Respondent's Motion for Partial Summary Judgment and found that the Appellant violated the South Carolina's Attorney Preference Statute found at SC Code Ann. §37-10-102. The parties have filed their final briefs with the Court, along with the Record on Appeal.

In light of the statewide importance of the issues presented in this appeal, the importance of such issues to the Respondent and thousands of South Carolinians, where Quicken does not ascertain the attorney preference of the borrower and deprives the South Carolina borrower of a statutorily guaranteed right, the Respondent respectfully requests oral argument before the Court and makes this motion seeking oral argument pursuant to Rule 240, SCACR. *See Kennedy v. S.C. Retirement Sys.*, 349 S.C. 531, 564 S.E.2d 322 (2001) (demonstrating that appellate court has discretion to hear oral argument on motions and petitions due to significance or complexity of particular issue); *Watts v. Metro Security Agency*, 346 S.C. 235, 237 n.1, 550 S.E.2d 869 (Ct. App. 2001); *Blejski v. Blejski*, 325 S.C. 491, 493 n.1, 480 S.E.2d 462 (Ct. App. 1997) (two of the many cases in which Court of Appeals has stated it has the discretion to hear oral argument when it would aid the Court in resolving an issue on appeal); Rule 215, SCACR (granting discretion to appellate court to hear oral argument when necessary). Due to the significance of the issues presented in this appeal, the Respondent respectfully submits that oral argument will aid the court in its consideration and resolution of this important appeal.

WHEREFORE, the Respondent moves the Court for an Order granting the Respondents' request for oral argument of its appeal.

Respectfully submitted this 9th day of March, 2017,



RICHARDSON PLOWDEN & ROBINSON, P.A.

Steven W. Hamm, S.C. Bar No. 2634

C. Jo Anne Wessinger Hill, S.C. Bar No. 15025

RICHARDSON PLOWDEN & ROBINSON, P.A.

P.O. Drawer 7788 (1900 Barnwell Street, 29201)

Columbia, South Carolina 29202

(803)771-4400

(803)779-0016 (facsimile)

Email: swhamm@richardsonplowden.com

jhill@richardsonplowden.com

WILLIAMS & WILLIAMS

C. Bradley Hutto *S.C. Bar No. 6436*
PO Box 1084
Orangeburg, SC 29116-1084
(803) 534-5218
(803) 536-6544 (facsimile)
Email: cbhutto@williamsattys.com

BEDINGFIELD & WILLIAMS

Daniel Webster Williams *S.C. Bar No. 10233*
PO Box 616
Barnwell, SC 29812-0616
(803) 259-2759
(803) 259-5922
Email: danwilliams@bellsouth.net

DIBBLE LAW OFFICES

Charles L. Dibble *S.C. Bar No. 1674*
PO Drawer 1240
Columbia, SC 29202-1240
(803) 254-0307
(866) 253-0458
Email: cdibble@dibblelawofc.com

**ATTORNEYS FOR RESPONDENT'S PERSONAL
REPRESENTATIVE**

March 9, 2017
Columbia, South Carolina

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Quicken Loans, Inc.,Appellant,

v.

Wayne D. Wilson, Calvin O. Wilson, III; Any other Heirs-at-law or devisees of Ezekiel (Ellen) T. Wilson, Deceased, their heirs, Personal Representatives, Administrators, Successors and Assigns, and all other persons entitled to claim through them; all unknown persons with any right, title or interests in the real estate described herein; also any persons who may be in the military service of the United States of America, being a class designated as John Doe; and any unknown minors or persons under a disability being a class designated as Richard Roe; Park Sterling Bank, Respondents.

CERTIFICATE OF SERVICE

Steven W. Hamm S.C. Bar 2634
C. Bradley Hutto S.C. Bar 6436
Daniel Webster Williams S.C. Bar 10233
Charles L. Dibble S.C. Bar 1674
C. Jo Anne Wessinger Hill S.C. Bar 15025

Attorneys for Respondent

(addresses appear following the signature page)

March 9, 2017

CERTIFICATE OF SERVICE

The undersigned hereby certifies that service of the Respondents' Motion and Memorandum for Oral Argument in the above-captioned matter was made the 9th day of March, 2017, upon other counsel of record in this appeal as follows:

Via U.S. Postal Service:

NELSON, MULLING RILEY & SCARBOROUGH, LLP
Attn: Brian M. Barnwell, Esquire
Meridian Building, 17th Floor
1320 Main Street
Columbia, SC 29201

Via U.S. Postal Service:

WOODWARD COTHRAN & HERNDON
Warren R. Herndon, Jr., Esquire
218 E. Main Street, Suite 2
Lexington, SC 29072

Copies are also being forwarded on to opposing counsel in PDF format via electronic mail addressed as follows:

B. Rush Smith, III	rush.smith@nelsonmullins.com
A. Mattison Bogan	matt.bogan@nelsonmullins.com
Carmen Harper Thomas	carmen.thomas@nelsonmullins.com
Brian M. Barnwell	brian.barnwell@nelsonmullins.com
Warren R. Herndon, Jr.	lawyerherndon@yahoo.com

A handwritten signature in black ink, appearing to read "B. Barnwell", is written over a horizontal line. The signature is stylized and cursive.

March 9, 2017
Columbia, South Carolina

March 10, 2017

HAND DELIVERED

South Carolina Court of Appeals
1015 Sumter Street, #5
Columbia, SC 29201

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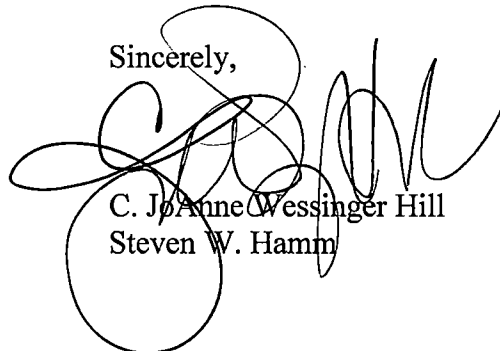
Re: Quicken Loans, Inc. v. Wayne D. Wilson, et al.
Appellate Case No. 2016-001214
Our File No.: 8275-001

Dear Sir or Madam:

Enclosed please find the original and seven (7) copies of Respondents' Motion and Memorandum for Oral Argument in connection with the above referenced matter. Also enclosed please find our check in the amount of \$25.00 to cover the cost of filing same. Please file the original and return a clocked copy to me via our courier.

Thank you for your assistance.

Sincerely,



C. JoAnne Wessinger Hill
Steven W. Hamm

CJWH/SWH/dwf

Enclosures

cc: Brian M. Barnwell, Esquire
Warren R. Herndon, Jr., Esquire
B. Rush Smith, III, Esquire
A. Mattison Bogan, Esquire
Carmen Harper Thomas, Esquire
Charles L. Dibble, Esquire
C. Bradley Hutto, Esquire
Daniel W. Williams, Esquire