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**THE STATE OF SOUTH CAROLINA**  
In the Court of Appeals

**APPEALS FROM DORCHESTER COUNTY**  
James E. Chellis, Master-In-Equity

Case No.: 2013-CP-18-00519

Appellant Case No. 2016-000-704

WELLS FARGO BANK, N.A., Respondent,

vs.

Latisa L. Cunningham, et al., Defendants,

Of Whom Latisa L. Cunningham is the Appellant.

**MOTION TO RECONSIDER ORDER DISMISSING APPEAL**

J. Martin Page  
Chad Burgess  
BROCK & SCOTT, PLLC  
3800 Fernandina Rd, Ste 110  
Columbia, SC 29210  
Attorney for Respondent

Shelton Sterling Laney, III  
550 South Main, Suite 400  
Greenville, SC 29601

Matthew Todd Carroll  
1727 Hampton Street  
Columbia, SC 29201

Cunningham, Latisa L.  
1227 Wild Goose Trl  
Summerville, SC 29483

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AUG 07 2017

SC Court of Appeals

**COMES NOW**, Cunningham, Latisa in objection to the order dismissing the appeal signed on July 17, 2017, and making motion to this court to reconsider this decision in dismissing the case for the following reasons:

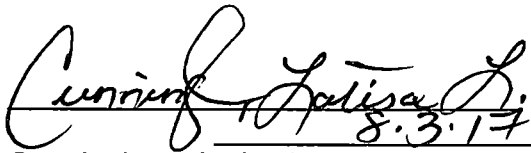
1. Based upon the case law that was used to make the decision to dismiss this case, it was not applicable to be used to make such a decision. The case law involving *Mattis v. S.C. State Highway Dept 260 S.C. 344, 346, 195 S.E. 2d, 713,715 (1973)* had nothing to do with appealing a motion to stay that was denied without giving any legal reason. This case was about a Respondent who was granted a judgment to receive his license by the appeals court and the date had already passed, in which the Respondent was supposed to receive his driver's license. The conclusion in all of this would have been that the appeal of the appellant would be moot at this point.

Now to the matters involving my appeal case it was the fact that the motion to stay was filed on February 25, 2016 in the lower court prior to the sale date of March 1, 2016 without any legal reasons. Denying the motion to stay without any legal reasons is a plausible action for an appeal which constitutes exercising the due process of law. There could be no such thing as a motion to stay being moot in this case, because the third party (purchaser) had not purchased the property at this time.

Furthermore, in the case law that was quoted to dismiss this Appeal did not involve a third party. The case only involved the parties of interest. This now brings me to this conclusion, that this case cannot be dismissed based upon a third party grievance, this case has been in the Court of Appeals since the early part of 2016, and there was never any opposition to the Appeal of the Motion to Stay until a third party came in and tried to plead with the court the fact that they have purchased the property and have been waiting for the outcome of this Appeal, and when I objected to the Appeal entering its plea to the court, the third party tried to execute an eviction which I filed an injunction to that eviction. The actions that I have seen with the third party and this court, seems to be that of a conflict of interest favoring the third party, who is not a party to the initial foreclosure.

2. Concerning the order dismissing this appeal, I am very skeptical of the signing of someone for the court, see (Exhibit A). It does not appear that a three panel judge came to this conclusion. This dismissal came at a critical point in this case, just as I was preparing to file a final brief and based upon the fact in a Court of Appeals it is reviewed by a panel of judges, there would case laws, statutes quoted as well as rules and or codes to support their decision.

**IN CONCLUSION:** The sale took place on March 1, 2016, See (Exhibit B) and was not sold to a third party at that time. The alleged bank Wells Fargo repurchased the property, therefore this order dismissing the appeal should be reconsidered and declared void and reinstate the appeal to complete the due process of law. The only thing that I am seeking is fairness and justice because the Supreme Court of the United States has already declared that congress cannot grant judicial powers to any court that they have established. The Master in Equity was established by legislature, which leads me to Burns v. Sup., Ct., SF, 140Cal. 1 "Ministerial officers are incompetent to receive grants of judicial power from the legislature, their acts in attempting to exercise such powers are necessarily nullities.", therefore I pray that this court would grant me the motion to reconsider.

  
8.3.17

Cunningham, Latisa L.  
1227 Wild Goose Trl  
Summerville, SC 29483

Date 8/3/17

**EXHIBIT A**  
**SIGNATURE PAGE OF THE ORDER**

# The South Carolina Court of Appeals

Wells Fargo Bank, N.A., Respondent,

v.

Richard B. Cunningham; Latisa L. Cunningham; SC  
Housing Corp.; Drakesborough Homeowners  
Association, Inc., Defendants,

Of Whom Latisa L. Cunningham is the Appellant.

Appellate Case No. 2016-000704

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## ORDER

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Appellant has appealed the master-in-equity's order striking Appellant's motion to stay the foreclosure sale and motion for status hearing. Because the property at issue in this case was sold to a third party in April 2016, this appeal is moot. *See Mathis v. S.C. State Highway Dep't*, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973) ("A case becomes moot when judgment, if rendered, will have no practical legal effect upon existing controversy. This is true when some event occurs making it impossible for [the] reviewing Court to grant effectual relief."). Accordingly, the appeal is dismissed. The remittitur will be sent as provided in Rule 221, SCACR.

Columbia, South Carolina

  
FOR THE COURT

cc:

Latisa L. Cunningham  
James Martin Page, Esquire  
Chad Wilson Burgess, Esquire  
Shelton Sterling Laney, III, Esquire  
Matthew Todd Carroll, Esquire

**FILED**

July 27, 2017

**Exhibit A**

**EXHIBIT B**  
**NOTICE OF SALE**

AMENDED  
NOTICE OF SALE

NOTICE OF SALE CIVIL ACTION NO. 2013-CP-18-00519 BY VIRTUE of the decree heretofore granted in the case of Wells Fargo Bank, N.A. vs. Richard B. Cunningham; Latisa L. Cunningham; SC Housing Corp.; Drakesborough Homeowners Association, Inc., the undersigned Master In Equity for Dorchester County, South Carolina, will sell on March 1, 2016 at 11:00AM, at the Dorchester County Courthouse, City of Saint George, State of South Carolina, to the highest bidder:

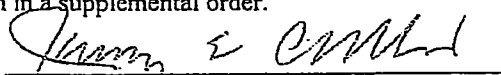
ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND, TOGETHER WITH ALL IMPROVEMENTS THEREON, SITUATE, LYING AND BEING IN THE COUNTY OF DORCHESTER, STATE OF SOUTH CAROLINA, KNOWN AND DESIGNATED AS LOT 272, OF DRAKESBOROUGH SUBDIVISION, IN THE JEDBURG COMMUNITY, AS SHOWN ON THAT CERTAIN PLAT ENTITLED: "FINAL PLAT SHOWING THE SUBDIVISION OF LOTS 99-115, LOTS 272-284, A PORTION OF HOA 1 AND HOA 4 OF PHASE 1, DRAKESBOROUGH SUBDIVISION FROM TRACT WITH TMS# 121-00-00-330, LOCATED IN THE JEDBURG COMMUNITY, DORCHESTER COUNTY, SOUTH CAROLINA", PREPARED BY MARK ELLIS LAMB, PLS, 23200, OF AEGIS LAND SURVEYING, INC. DATED AUGUST 17, 2007, REVISED OCTOBER 8, 2007, AND RECORDED NOVEMBER 7, 2007, IN PLAT CABINET L, AT PAGE 83, IN THE OFFICE OF THE REGISTER OF DEEDS FOR DORCHESTER COUNTY, SOUTH CAROLINA. FOR A MORE COMPLETE DESCRIPTION OF SAID LOT, REFERENCE MAY BE HAD TO THE AFOREMENTIONED PLAT OF RECORD.

BEING THE SAME PROPERTY CONVEYED TO RICHARD B. CUNNINGHAM AND LATISA L. CUNNINGHAM HEREIN BY DEED OF BEAZER HOMES CORP., A TENNESSEE CORPORATION, DATED NOVEMBER 24, 2008 AND RECORDED NOVEMBER 26, 2008 IN DEED BOOK 6871 AT PAGE 58. THEREAFTER, THE SAME PROPERTY WAS CONVEYED TO LATISA L. CUNNINGHAM BY DEED OF RICHARD B. CUNNINGHAM DATED MARCH 14, 2013 AND RECORDED MARCH 15, 2013 IN DEED BOOK 8728 AT PAGE 153 IN THE OFFICE OF THE REGISTER OF DEEDS FOR DORCHESTER COUNTY, SOUTH CAROLINA.

CURRENT ADDRESS OF PROPERTY: 1227 Wild Goose Trail, Summerville, SC 29483-8023  
TMS: 121-03-02-014.000C

TERMS OF SALE: The successful bidder, other than the Plaintiff, will deposit with the Master In Equity, at conclusion of the bidding, five percent (5%) of his bid, in cash or equivalent, as evidence of good faith, same to be applied to the purchase price in case of compliance, but to be forfeited and applied first to costs and then to the Plaintiff's debt in the case of non-compliance. Should the last and highest bidder fail to comply with the other terms of the bid within thirty (30) days, then the Master In Equity may re-sell the property on the same terms and conditions on some subsequent Sales Day (at the risk of the said highest bidder). No personal or deficiency judgment being demanded, the bidding shall not remain open after the date of sale and shall be final on that date, and compliance with the bid may be made immediately. Purchaser to pay for documentary stamps on the Deed. The successful bidder will be required to pay interest on the amount of the balance of the bid from date of sale to date of compliance with the bid at the rate of 6% per annum. The sale shall be subject to taxes and assessments, existing easements and restrictions, easements and restrictions of record and any other senior encumbrances.

In the event an agent of Plaintiff does not appear at the time of sale, the within property shall be withdrawn from sale and sold at the next available sales date upon the terms and conditions as set forth in the Judgment of Foreclosure and Sale or such terms as may be set forth in a supplemental order.

  
The Honorable James E. Chellis  
Master In Equity for Dorchester County

2/16/2016

Brock & Scott, PLLC  
3800 Fernandina Road, Suite 110  
Columbia, SC 29210  
Attorneys for Plaintiff  
13-03642

FILED - RECORDS  
2016 FEB 12 AM 10:00  
CHERYL GRAHAM  
CLERK OF COURT  
DORCHESTER COUNTY

Exhibit B

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEALS FROM DORCHESTER COUNTY

James E. Chellis, Master-In-Equity

Case No.: 2013-CP-18-00519

Appellant Case No. 2016-000-704

WELLS FARGO BANK, N.A., Respondent,

vs.

Latisa L. Cunningham, et al., Defendants,

Of Whom Latisa L. Cunningham is the Appellant.

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SC Court of Appeals

PROOF OF SERVICE

I, Cunningham, Latisa L. certify that I am of such age and discretion to be competent to serve papers. That on the 3rd day of August, 2017, I have served a copy of the documents listed below, by Certified Mail, sent to each of the following persons at the locations stated below, which is the last known location.

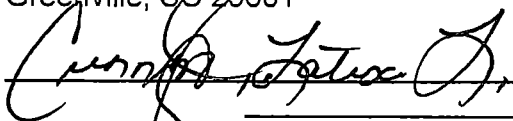
Documents: - Motion to Reconsider Order Dismissing Appeal

Party(ies) Served: James Martin Page, SC Bar No. 100200  
Chad Burgess

BROCK & SCOTT, PLLC, 3800 Fernandina Road Suite 110, Columbia, SC 29210

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550 South Main, Suite 400  
Greenville, SC 29601

Matthew Todd Carroll  
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Cunningham, Latisa L.  
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Date 8/5/17