

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

James E. Chellis, Master-in-Equity

Appellate Case No. 2016-000704
Case No: 2013-CP-18-00519

RECEIVED
OCT 19 2017
SC Court of Appeals

Wells Fargo Bank N.A.,

Respondent,

v.

Richard B. Cunningham; Latisa L. Cunningham; SC Housing Corp.; and Drakesborough
Homeowner Association, Inc.,

Defendants,

Of Whom Latisa L. Cunningham is the Appellant.

MEMO IN SUPPORT OF MOTION TO DISMISS BY PETITIONER/RESPONDENT
AMERICAN HOMES 4 RENT PROPERTIES TEN, LLC

Petitioner/Respondent, American Homes 4 Rent Properties Ten, LLC (hereinafter
“Respondent”), by and through its counsel, Thomas I. Howard, Jr., in support of its motion to
dismiss appeal would show unto this Honorable Court:

1. Respondent is the third party good faith purchaser for value of the property at issue
herein at the foreclosure sale as evidenced by the Master’s Deed dated April 11, 2016 and recorded
on April 15, 2016 in the ROD Office for Dorchester County at Book 10180 at Page 354, a copy is
attached hereto and incorporate herein as Respondent’s **Exhibit “A”**.

2. Respondent purchased said property located at 1227 Wild Goose Trail, Summerville, SC 29483 with TMS# 121-03-02-014.000C for One Hundred Seventy Thousand One Hundred and 00/100 Dollars (\$170,100.00).

3. A Rule to Show Cause Hearing for a Writ of Assistance was held on August 9, 2017 before the Master-in-Equity for Dorchester County.

4. The Writ of Assistance was granted and upon information and belief the Court announced the granting of the Writ with a set out date of September 8, 2017 and provided a copy of the Writ of Assistance to Petitioner at the August 9, 2017 hearing. A copy of the Writ of Assistance is attached hereto as Respondent's **Exhibit "B"**.

5. Respondent believes that Appellant's Appeal is not timely filed pursuant to Rule 203(b)(1) of the SCACR which provides that "A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment."

6. Upon information and belief, the Court requested Respondent to also serve the Writ on Appellant.

7. The Writ was posted on the door of the property on August 29, 2017; however, Respondent argues upon information and belief that the presenting of the Writ of Assistance to Appellant and announcing of the Writ being granted at the August 9, 2017 hearing triggered the 30 day appeal timeline under SCACR Rule 203.

8. Appellant's appeal is dated September 14, 2017 which is four (4) days past the deadline for a timely appeal. "The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to "rescue" the delinquent party by extending or ignoring the deadline for service of the notice." *Mears v. Mears*, 287 S.C. 168, 337 S.E.2d 206 (1985).

9. Furthermore, pursuant to S.C. Code Ann. §18-9-170 and South Carolina Appellate Court Rules, Rule 241(b)(4) Petitioner has failed to put forth any bond to stay the delivery of possession of real property.

10. On or about September 7, 2017, the day before the set out, Appellant filed a Chapter 7 Petition in the United States Bankruptcy Court for the District of South Carolina.

11. Upon information and belief, as a result of the bankruptcy filing, the Dorchester County Sheriff's Office stopped the set-out on September 8, 2017.

12. Appellant's bankruptcy case has been dismissed for failure to file necessary paperwork. The Order Dismissing the Bankruptcy Proceeding is attached hereto at Respondent's **Exhibit "C"**.

13. As referenced in Respondent Wells Fargo Bank's Renewed Motion to Dismiss Appeal, Ms. Cunningham's filings and conduct have provided numerous examples of the "Sovereign Citizen" movement. Respondent Wells Fargo Bank's Renewed Motion to Dismiss is attached hereto as Respondent's **Exhibit "D"**.

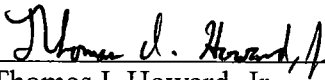
14. Respondent believes that Ms. Cunningham continues to file frivolous pleading after frivolous pleading and her current grounds for appeal are without merit as they deal with a constitutional challenge, a copy of which was provided in Respondent Wells Fargo Bank, N.A.'s Return in Opposition to Motion to Reconsider which seeks to have all state statutes on foreclosure and foreclosure proceedings invalidated including the Writ of Assistance that was granted on August 9, 2017. A copy of the above referenced Return in Opposition to Motion to Reconsider with Appellant's Constitutional Challenge is attached hereto as Respondent's **Exhibit "E"**.

15. Respondent believes that they are entitled to possession as no bond has been paid, Respondent has complied with its bid, Respondent had a Writ of Assistance granted only to be delayed by the aforementioned bankruptcy petition filing.

16. Respondent is being adversely affected as no rent or bond has been paid since the recording of the deed, Appellant has not surrendered possession of the Premises, and upon information and belief no payments are being made on the mortgage which was the basis of the foreclosure action. Respondent has lost the ability to rent the Premises which said rental rate would be \$1,695.00 per month and the estimated total losses to date are in excess of \$25,000.00 due to Appellant's repeated and frivolous appeal filings and bankruptcy filings. Petitioner would request a bond of same if applicable.

Therefore, American Homes 4 Rent Properties Ten, LLC respectfully requests this Honorable Court dismiss Appellant's Appeal, issue an Order preventing any further frivolous filings by Appellant on this matter or in the alternative require a bond be put in place to stay the set-out which Respondent intends to seek as no bond has been paid staying the delivery of possession under SCACR Rule 241(b)(4).

Respectfully submitted this 18th day of October, 2017.


Thomas I. Howard, Jr.
SC Bar No. 101252
Brownlee Whitlow & Praet, PLLC
3255 Landmark Drive, Ste. 301
N. Charleston, South Carolina 29418
Telephone & E-Fax (843) 628-0847
Email: Thoward@bwpf-law.com
Attorney for Petitioner American Homes 4
Rent Properties Ten, LLC

MARGARET L BAILEY
DORCHESTER COUNTY
REGISTER OF DEEDS

201 Johnston Street ~ Saint George, SC 29477 (843) 563-0181

*** THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE ***



Instrument #:	2016908623	Return To:	WEEKS LAW FIRM
Receipt Number:	3931		
Recorded As:	DEED		
Recorded On:	April 15, 2016		
Recorded At:	02:52:07 PM	Received From:	WEEKS LAW FIRM
Recorded By:	NW	Parties:	
Book/Page:	RB 10180: 354 - 358		Direct- CUNNINGHAM, LATISA L
Total Pages:	5		Indirect- AMERICAN HOMES 4 RENT PROPERTIES

*** EXAMINED AND CHARGED AS FOLLOWS ***

Recording Fee:	\$10.00
Consideration:	\$170,100.00
County Tax:	\$187.55
State Tax:	\$443.30
Tax Charge:	\$630.85



Margaret Bailey

Margaret Bailey - Register of Deeds

EXHIBIT

A

www.registars.com No. 7113

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

MASTER'S DEED
CASE NO.: 2013-CP-18-00519

After Recording Return to
Weeks & Irvine, LLC
8086 - B Rivers Avenue
North Charleston, SC 29406

FILED/RECORDED
APRIL 15, 2016
DORCHESTER COUNTY
REGISTER OF DEEDS

TO ALL TO WHOM THESE PRESENTS SHALL COME OR BE MADE KNOWN OR WHOM THE SAME MAY IN ANYWISE CONCERN, I, James E. Chellis, as Master-In-Equity for the County of Dorchester, State of South Carolina, Send Greetings:

WHEREAS, Wells Fargo Bank, N.A., on or about the 26th day of March, 2013, did exhibit its Complaint in the Court of Common Pleas in the County of Dorchester, State of South Carolina, against Richard B. Cunningham; Latisa L. Cunningham; SC Housing Corp.; Drakesborough Homeowners Association, Inc.,

WHEREAS the Cause, being at issue before the Honorable Court aforesaid, came on to be heard May 4, 2015, when the said Court, after a full hearing thereon, made mature deliberation in the Premises, Did Order, Adjudge and Decree that the premises hereinafter mentioned and described, should be sold at public auction on the terms and for the purposes mentioned in said Decretal Order as by reference thereto, on file in the said Court, will appear;

WHEREAS, James E. Chellis, as Master-In-Equity for Dorchester County, after having duly advertised the said premises for sale by Public outcry, on the 1st day of March, 2016 did then, openly and publicly, and according to the custom of auction, sell and dispose of the said premises below described, unto American Homes 4 Rent Properties Ten, LLC, for the sum of One Hundred Seventy Thousand One Hundred and No/100ths Dollars (\$170,100.00), being, at that price, the highest bidder for the same.

WHEREAS, American Homes 4 Rent Properties Ten, LLC, has now complied with its bid;
NOW, THEREFORE,

KNOW ALL MEN AND WOMEN, That I, James E. Chellis, as Master-In-Equity for Dorchester County, for and in consideration of the recitals, and also in consideration of the sum of One Hundred Seventy Thousand One Hundred and No/100ths (\$170,100.00) Dollars paid to me by American Homes 4 Rent Properties Ten, LLC, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these Presents, do grant, bargain, sell and release unto:

American Homes 4 Rent Properties Ten, LLC, Its Successors and Assigns Forever

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

Master in Equity's Deed
Case Number: 13-CP-18-00519
Grantee: American Homes 4 Rent Properties Ten, LLC

American Homes 4 Rent Properties Ten, LLC
8086 - B Rivers Avenue
3rd Floor
North Charleston SC 29406
16-1842 TO 1A 4/16 3/16

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.

TMS# 121-03-02-014.000C

Property Address: 1227 Wild Goose Trail, Summerville, SC 29483-8023

Grantee's Address: 30601 Agoura Road, Ste. 200, Agoura Hills, CA 91301

TOGETHER with all and singular rights, members, hereditaments and appurtenances whatsoever, to the said premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof; and also all the estate, right, title, dower, possessions, property, benefit, claim and demand whatsoever, both at law and in equity, of the said Richard B. Cunningham; Latisa L. Cunningham; SC Housing Corp.; Drakesborough Homeowners Association, Inc., and of all the parties to the said suit and of all other persons rightfully claiming or to claim the same, or any part thereof, by from or under all the parties to the suit, or any of them.

Subject to assessments, taxes, easements, conditions and restrictions of record and otherwise affecting the property.

TO HAVE AND TO HOLD, the said premises with its hereditaments, privileges and appurtenances unto the said American Homes 4 Rent Properties Ten, LLC, Its Successors and Assigns forever.

IN WITNESS WHEREOF, I, the said James E. Chellis, as Master-In-Equity for
Dorchester County, under and by virtue of the said Decree, have hereunto set my Hand and Seal
at St. George, South Carolina April 11 2016.

FILED/RECORDED
APRIL 15, 2016
DORCHESTER COUNTY
REGISTER OF DEEDS

Sealed and Delivered in
The Presence of:

Sheryle B. Young
Meagan J. Kizer

James E. Chellis
James E. Chellis
Master-In-Equity for Dorchester County

STATE OF SOUTH CAROLINA

ACKNOWLEDGMENT

COUNTY OF DORCHESTER

I, o Meagan J. Kizer/ o Sheryle B. Young, do hereby certify that The Honorable James E.
Chellis, Master in Equity for Dorchester County, personally appeared before me this day
and acknowledged the due execution of the Master's Deed.

Witness my hand and official seal this the 11th day of April 2016.

Meagan J. Kizer
Meagan J. Kizer/Sheryle B. Young
Notary Public for South Carolina

Meagan J. Kizer's Commission Expires: October 7, 2023
Sheryle B. Young's Commission Expires: October 2, 2023

16-1842TD Meagan J. Kizer

Master in Equity's Deed
Case Number: 13-CP-18-00519
Grantee: American Homes 4 Rent Properties Ten, LLC

Jay Page 3

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

Date of Transfer of Title
March 17, 2016

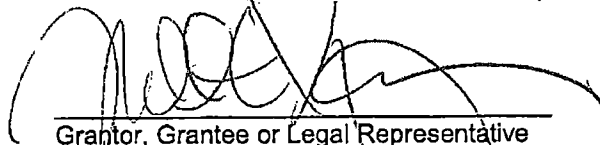
AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property is being transferred by Master in Equity for Dorchester County TO American Homes 4 Rent Properties Ten, LLC on April 11, 2016.
3. Check one of the following: The deed is:
subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - a. X worth.
 - b. ___ subject to the deed recording fee as a transfer between a corporation, a partnership or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - c. ___ EXEMPT from the deed recording fee because _____. (Explanation, if required: n/a If exempt, please skip items 4-6 and go to Item No. 7 of this affidavit.
4. Check one of the following if either Item 3(a) or Item 3(b) above has been checked.
 - a. X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$170,100.00.
 - b. ___ The fee is computed on the fair market value of the realty, which is \$_____.
 - c. ___ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$_____.
5. Check YES or NO to the following: A lien or encumbrance existed on the land, tenement or realty before the transfer and remained on the land, tenement or realty after the transfer. If "YES", the amount of the outstanding balance of this lien or encumbrance is \$_____.
6. The DEED Recording Fee is computed as follows:
 - a. \$170,100.00 the amount listed in Item No. 4 above
 - b. \$0.00 the amount listed on Item No. 5 above (no amount, please zero)
 - c. \$170,100.00 subtract Line 6(b) from Line 6(a) and place the result here.
7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as Legal Representative.
8. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year or both.

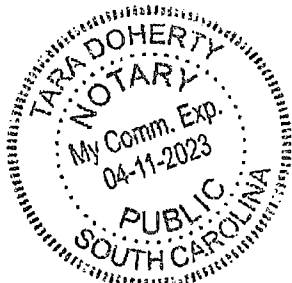
SWORN to before me this the 13 day of April, 2016.

Notary Public
My Commission Expires: _____



Grantor, Grantee or Legal Representative
Connected with this Transaction
Michael Eric Hempton
Print or Type Name Here

(SEAL)



Affidavit (Deed)

Wicks & Irvine, LLC
8085 Rivers Avenue
2nd Floor
North Charleston SC 29406

16-1842TD

MARGARET L BAILEY
DORCHESTER COUNTY
REGISTER OF DEEDS

201 Johnston Street ~ Saint George, SC 29477 (843) 563-0181

*** THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE ***



Instrument #:	2016908624	Return To:	WEEKS LAW FIRM
Receipt Number:	3931	Received From:	WEEKS LAW FIRM
Recorded As:	SATISFACTION	Parties:	
Recorded On:	April 15, 2016	Direct-	CUNNINGHAM, LATISA L
Recorded At:	02:52:08 PM	Indirect-	MORTGAGE ELECTRONIC REGISTRATION
Recorded By:	NW		
Book/Page:	RB:10180: 359 - 360		
Total Pages:	2		

*** EXAMINED AND CHARGED AS FOLLOWS ***

Recording Fee: \$5.00
Tax Charge: \$0.00

Margaret Bailey

Margaret Bailey - Register of Deeds



STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

Wells Fargo Bank, N.A.,

Plaintiff,

vs.

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

Defendant(s).

SATISFACTION OF MORTGAGE
BY FORECLOSURE

CASE NO.: 2013-CP-18-00519

FILED/RECORDED
APRIL 15, 2016
DORCHESTER COUNTY
REGISTER OF DEEDS

Mortgage from Latisa L. Cunningham and Richard B. Cunningham to Mortgage Electronic Registration Systems, Inc., as nominee for WR Starkey Mortgage, L.L.P. dated November 25, 2008 and recorded November 26, 2008 in Book 6871 at Page 69 in the Register Mesne Conveyance Office for Dorchester County, South Carolina. Subsequently, assigned in Book 8121 at Page 321. The lien of the said mortgage was released, cancelled and satisfied by sale under foreclosure, this the 11 day of April, 2016.

WITNESS:

Sheryl B. Young

James E. Chellis

James E. Chellis, as
Master-in Equity for Dorchester County

Meagan J. Kizer

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

ACKNOWLEDGMENT

I, Meagan J. Kizer/ Sheryle B. Young, do hereby certify that The Honorable James E. Chellis, Master in Equity for Dorchester County, personally appeared before me this day and acknowledged the due execution of the Master's Deed.

Witness my hand and official seal this the 11th day of April, 2016.

Meagan J. Kizer

Meagan J. Kizer/Sheryle B. Young
Notary Public for South Carolina

Meagan J. Kizer's Commission Expires: October 7, 2023
Sheryle B. Young's Commission Expires: October 2, 2023

Meagan J. Kizer
10/07/2023

Frank P. Irvine, LLC
6056 Rivers Avenue
2nd Floor
North Charleston SC 29406

16-1842 TD/AN 4/23/16

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

IN THE COURT OF COMMON PLEAS
CIVIL CASE NO: 2013-CP-18-00519

AMERICAN HOMES 4 RENT PROPERTIES TEN, LLC

Petitioner)

IN RE:)

Wells Fargo Bank, NA,)

Plaintiff,)

vs.)

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

Defendant(s).)

CLERK OF COURT
DORCHESTER COUNTY

Christina S. ...

2017 AUG - 9 PM 12: 29

CERTIFIED COPY

WRIT OF ASSISTANCE

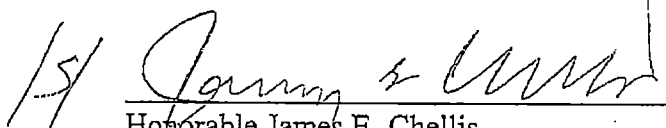
This matter concerns the above-named Defendants Richard B. Cunningham and Latisa L. Cunningham or any occupant of the property located at 1227 Wild Goose Trail, Summerville, SC 29483 to issue a Writ of Assistance by this Court to the Sheriff of Dorchester County, South Carolina, ordering and directing him to remove, peaceably or forcibly, the Defendants, Richard B. Cunningham and Latisa L. Cunningham; together with any all persons claiming under said Defendants, and all of their personal property located within or on the subject premises described herein.

IT IS ORDERED that on the 30th day after the execution of this Writ of Assistance, the Sheriff shall be authorized to enter upon the aforescribed premises, by force if necessary, and seize the said premises and to remove therefrom any and all such persons who may be occupying the same, together with all of their possessions, and to put the Petitioner, American Homes 4



Rent Properties Ten, LLC, in full, peaceful and quiet possession of the premises without delay, and thereafter, within ten (10) days, make due Return to the Clerk of Court for Dorchester County, South Carolina, showing how this Order has been executed. The computation used to determine the 30th day shall be governed by Rule 6(a) of the South Carolina Rules of Civil Procedure. Rule 6(a), SCRCF provides, "In computing any period of time . . . the day of the act . . . after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a State or Federal Holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor such holiday."

IT IS SO ORDERED.


Honorable James E. Chellis
Master In Equity, Dorchester County

Dec 9
2017
St. George, South Carolina

United States Bankruptcy Court
District of South Carolina

Case Number: 17-04504-dd

Chapter: 7

In re:

Latisa Lenette McAllister
aka Latisa Lenette Cunningham

Entered By The Court
9/27/17

ORDER DISMISSING AND CLOSING CASE

Filed By The Court

9/27/17

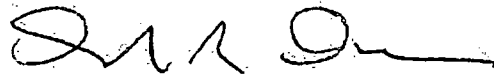
Laura A. Austin
Clerk of Court
US Bankruptcy Court

The following document(s), required by applicable statute or rule, have not been filed within the required time period:

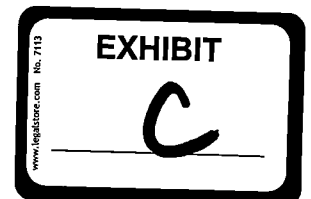
**Summary of Assets and Liabilities Schedule A/B Schedule C Schedule D Schedule E/F Schedule G Schedule H
Schedule I Schedule J Statement of Financial Affairs Chapter 7 Stmt of Income/Mean Test Copies of Payment Advices
Stmt of Increase Income/Exp Statement of Intent**

Notice of possible dismissal was provided to the debtor(s). Therefore,

1. Pursuant to SC LBR 1017-2, this case is dismissed;
2. The clerk shall close the case;
3. Any fees due to the Clerk of Court pursuant to 28 U.S.C. §1930 and the appendix thereto, including filing fees, shall be paid within seven (7) days of the entry of this order, unless otherwise ordered by the court;



Chief United States Bankruptcy Judge



84062

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

The Honorable James E. Chellis, Master in Equity

Appellate Case No. 2016-000704
Circuit Court Case No. 2013-CP-18-00519

RECEIVED

JUL 19 2017

SC Court of Appeals

Wells Fargo Bank, N.A., Respondent,

v.

Richard B. Cunningham; Latisa L. Cunningham; Sumter Housing,
Inc.; and Drakesborough Homeowner Association, Inc., Defendants,

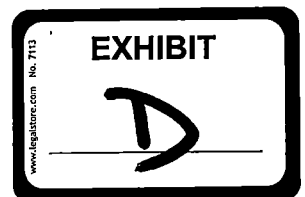
of whom

Latisa L. Cunningham is the Appellant.

RENEWED MOTION TO DISMISS APPEAL

Wells Fargo respectfully renews its motion to dismiss this appeal due to Ms. Cunningham's habitual, abusive failure to follow the Court's Rules. On June 16, 2017, Ms. Cunningham again filed a woefully incomplete record on appeal that omitted scores of materials that Wells Fargo designated for inclusion in the appellate record. Tellingly, Wells Fargo designated 35 documents to be included in the record (Exhibit A), but the "Second Amended Record on Appeal" that Ms. Cunningham filed contains only 30 pages (Exhibit B).

Her latest improper filing again manifests her total contempt for this Court and the Judiciary as a whole. As Wells Fargo pointed out in its initial motion to dismiss this appeal, Ms. Cunningham's conduct has the tell-tale signs of the fringe "Sovereign Citizen" movement. Her "Amended Initial Brief" begins as follows: "On January 27, 2016, I gave a judicial notice to the court concerning my status stating that I am an American and not a U.S. Citizen, also indicating



that the court lack[s] jurisdiction, because the court only has jurisdiction over U.S. Citizens.” (Amended Initial Brief at 1 (filed July 25, 2016).) That “brief” continues by declaring it a “crime for a person, the living man or woman to call themselves a U.S. Citizen,” and it concludes by arguing that South Carolina’s courts do “not have jurisdiction concerning an American.” (*Id.* at 3, 4.) This nonsense is consistent with her threat to the circuit court that “[f]or this Court to move any further will be considered treason.” (Judicial Notice ¶ 6 (filed with the circuit court on Jan. 27, 2016) (Page 19 of “Second Amended Record on Appeal”).)

To date, the Court has issued at least ten deficiency letters regarding Ms. Cunningham’s disregard of the Appellate Court Rules.¹ The Court has also issued six orders extending grace to Ms. Cunningham for her disregard of the Rules.² Despite all of this, she still refuses to file an appellate record that includes everything that Wells Fargo has designated for inclusion, as required by Rule 210(c), SCACR. She even misrepresented to the Court that there were no transcripts of the circuit court proceedings in her “Notice of No Transcript” filing when Wells Fargo specifically designated three hearing transcripts for inclusion in the appellate record.

¹ These deficiency letters have been continuous since the outset of this appeal: May 3, 2016 (missed transcript deadline); May 19, 2016 (missed deadline to serve opening brief and designation of matter); June 16, 2016 (deficiencies in opening brief); August 9, 2016 (deficiencies in designation of matter); November 3, 2016 (missed deadline to serve record); March 1, 2017 (missed new deadline to serve record); April 5, 2017 (missed another new deadline to serve record); April 20, 2017 (omitted required portions of motion); May 12, 2017 (omitted required portions of motion); and June 7, 2017 (new deficiencies in record). Copies of these letters are collectively attached as Exhibit C.

² These orders have also been continuous since the outset of the appeal: June 16, 2016 (permitting brief to be filed out of time); August 26, 2016 (granting motion to file opening brief and designation out of time); November 23, 2016 (extending deadline to serve record on appeal); February 8, 2017 (granting an opportunity to file an amended record); April 25, 2017 (extending deadline to serve amended record on appeal); and May 18, 2017 (again extending deadline to serve amended record on appeal). Copies of these orders are collectively attached as Exhibit D.

Respectfully, enough is enough. Commentators have strongly urged South Carolina's courts to "utilize dismissal procedures to purge the court system of frivolous claims" from Sovereign Citizens. Michelle Theret, *A Homegrown Terrorist Threat and Its Negative Impact on South Carolina*, 63 S.C. L. Rev. 853, 882 (2012). Rule 260(a), SCACR, specifically enables the Court to dismiss an appeal when "it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules," which is indisputably the case here.

Accordingly, the Court should grant this motion, dismiss this appeal, and send a forceful message that the South Carolina Judiciary will not be co-opted by a fringe movement that disrupts the orderly administration of justice and hijacks the rights of adverse litigants.³

Respectfully submitted,

WOMBLE CARLYLE SANDRIDGE & RICE, LLP

By: 

S. Sterling Laney, III
S.C. Bar No. 6933
550 South Main Street, Suite 400
Greenville, South Carolina 29601
(864) 255-5400
slaney@wcsr.com

M. Todd Carroll
S.C. Bar No. 74000
1221 Main Street, Suite 1600
Columbia, South Carolina 29201
(803) 454-6504
todd.carroll@wcsr.com

Attorneys for Respondent

July 19, 2017

³ Nor is Wells Fargo the only entity that is suffering as a result of Ms. Cunningham's dilatory behavior. Over one year ago, a third party purchased the property at issue in this case during a foreclosure sale. However, Ms. Cunningham apparently refuses to leave the property. That third party has moved for leave to file an amicus curiae brief in order to protect its interest in the property. Wells Fargo certainly consents to that motion, though it does not believe the Court needs to even reach that issue because this appeal should be summarily dismissed.

Exhibit A

Wells Fargo's Designation of Matter

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM DORCHESTER COUNTY CIRCUIT COURT SEP 23 2016
James E. Chellis, Master-In-Equity

SC Court of Appeals

Appellate Case No.: 2016-000704

Wells Fargo Bank N.A.,

Respondent,

v.

Richard B. Cunningham, Latisa L. Cunningham, Sumter Housing, Inc., And Drakesborough
Homeowner Association, Inc.,

Defendants,

Of whom, Latisa L. Cunningham is the Appellant.

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Chad W. Burgess, Esq.
Brock & Scott, PLLC
3800 Fernandina Road, Suite 110
Columbia, South Carolina 29210
(803) 454-3540
Attorney for Respondent

Latisa L. Cunningham
1227 Wild Goose Trail
Summerville, South Carolina 29483
Pro Se Appellant

Respondent proposes the following be included in the Record on Appeal:

1. Complaint;
2. Subject Note;
3. Subject Mortgage;
4. Subject Assignment;
5. Affidavit of Service on Defendant Latisa L. Cunningham;
6. Appellant's Motion to Dismiss;
7. Order of Reference;
8. Respondent's Memorandum in Opposition to Appellant's Motion to Dismiss and attachments;

9. Appellant's Affidavit Against Introduction of Facts;
10. Appellant's Request for Continuance;
11. Transcript of September 30, 2014 hearing
12. Master in Equity's Order Denying Appellant's Motion to Dismiss;
13. Appellant's Answer;
14. Respondent's Motion to Strike;
15. Respondent's Motion for Summary Judgment;
16. Respondent's Memorandum in Support of Summary Judgment and attachments;
17. Notice of May 4, 2015 hearing;
18. Transcript of May 4, 2015 hearing;
19. Appellant's Judicial Notice and attachments;
20. Master in Equity's Order and Judgment of Foreclosure and Sale;
21. Master in Equity's Order Granting Respondent's Motion to Strike;
22. Appellant's first Notice of Appeal;
23. Dispositional Order dismissing Appellant's first appeal;
24. Remittitur from Appellant's first appeal;
25. Notice of January 27, 2016 hearing;
26. Appellant's second Judicial Notice;
27. Appellant's Notice of Citizenship;
28. Appellant's Objection to Plaintiff's Supplementary Judgment;
29. Appellant's Affidavit of Facts Concerning American Citizen;
30. Transcript of January 27, 2016 hearing;
31. Master in Equity's Amended Notice of Sale;
32. Appellant's Motion to Stay Sale;
33. Appellant's Motion for Status Hearing;
34. Master in Equity's Form 4 Order Striking Appellant's Motions to Stay Sale and for a Status Hearing;
35. Appellant's Objection to Sale;

I certify that this designation contains no matter which is irrelevant to this appeal.

September 23, 2016



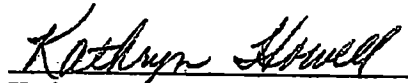
Chad W. Burgess, Esq. (SC Bar No.: 72520)
Brock and Scott, PLLC
3800 Fernandina Road, Suite 110
Columbia, SC 29210
(803) 454 3540

CERTIFICATE OF SERVICE

The undersigned certifies that, on September 23, 2016, Respondent's Designation of Matter to be Included in the Record on Appeal was served on Appellant by depositing a copy thereof in the United States Mail, first Class, postage prepaid, addressed to:

Latisa L. Cunningham
1227 Wild Goose Trail
Summerville, South Carolina 29483
Pro Se Appellant

September 23, 2016
Served By:


Kathryn Howell
Brock and Scott, PLLC
3800 Fernandina Road, Suite 110
Columbia, SC 29210
(803) 454 3540

RECEIVED

SEP 23 2016

SC Court of Appeals

Exhibit B

Appellant's "Second Amended Record on
Appeal"

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED
JUN 16 2017
SC Court of Appeals

APPEALS FROM DORCHESTER COUNTY
Court of Common Pleas

James E. Chellis, Master-In-Equity
2013-CP-18-00519

Appellant Case No. 2016-000704

WELLS FARGO BANK, N.A. Respondent

vs.

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

Of Whom Latisa L. Cunningham is the Appellant.

Second Amended Record on Appeal

Pro Se
Latisa L. Cunningham
c/o 1227 Wild Goose Trail
Summerville, South Carolina Republic [29483]

Attorney(s) for Respondent
James Martin Page
Chad Burgess
3800 Fernandina Road Suite #110
Columbia, SC 29210

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

Matthew Todd Carroll
1727 Hampton Street
Columbia, SC 29201

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Notice of Supplemental Hearing	27

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

WELLS FARGO BANK, N.A.

FILED-RECORDED
2016 APR -1 PM 12:00

CLERK OF COURT
DORCHESTER COUNTY

Plaintiffs,

Case No. 2013-CP-18-00519

Vs.

V. Latisa L Cunningham et al;

Defendant(s)

OBJECTION TO SALE


I, Cunningham, Latisa L object to the sale that was held on my property. This sale was without my consent and unauthorized by my power of attorney.

For the record I would like to state that I, Cunningham, Latisa L am the living breathing self aware women who is an American. This court is operating in deception because it has not given full disclosure because they have withheld the fact that they did not explain to me that I am looked upon as a corporate entity that they have jurisdiction over and not as the natural person. This type of conduct will cause injury to the real person. This court is trying to deny the fact that it only has jurisdiction over U.S. Citizens and cannot interact with the natural person.

(See case law "US v Minker, 350 US 179 at 187(1956)

Supreme Court of the United States 1795 "Inasmuch as every government is an artificial person, an abstraction, and a creature of the mind only, a government can interface only with other artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and attaining parity with the tangible. The legal manifestation of this is that no government, as well as any law, agency, aspect, court, etc. can concern itself with anything other than corporate, artificial persons and the contracts between them.

Therefore, this is violation of my rights for this court to have sold my house without my consent and force me and my family to move out of our home. This was an unauthorized sale and did not have my consent.


Cunningham, Latisa L Executrix
1227 Wild Goose Trail
Summerville, SC 29483
STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

WELLS FARGO BANK, N.A.

Plaintiff,

vs.

Latisa Lenette Cunningham

Defendant(s)

Case No. 2013-CP-18-00519

RECORDED
2016 APR -1 PM 12:00

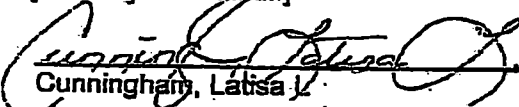
CLERK OF COURT
DORCHESTER COUNTY

OBJECTION TO SALE

CERTIFICATE OF SERVICE

For the claim is with the knowledge, I have sent a copy of the **OBJECTION TO SALE** by Certified Mail, to the following location(s) on this 27th day of March, in the year 2016.

J. Martin Page, SC bar#: 100200
Brock & Scott, PLLC
3800 Fernandina Road Suite 110
Columbia, SC 29210
[Attorney for Plaintiff]

 Executrix
Cunningham, Latisa J.

DBA LATISA L CUNNINGHAM
1227 Wild Goose Trail
Summerville, SC 29483

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS
CASE NO.: 2013-CP-18-00519

FILED - RECORDED
2015 MAR 25 PM 3: 15

Wells Fargo Bank, N.A.,

Plaintiff,

CHERYL GRAMM
CLERK OF COURT
DORCHESTER COUNTY

v.
Richard B. Cunningham; Latisa L. Cunningham; SORENSON
Corp.; Drakesborough Homeowners Association, Inc.,

Defendant(s)

AFFIDAVIT OF VERIFIED STATEMENT OF ACCOUNT

PERSONALLY APPEARED, who being duly sworn, deposes and says:

1. My name is Yergalem Werkineh and I am authorized to execute this affidavit on behalf of Wells Fargo Bank, N.A., (hereinafter "Wells Fargo").
2. In the regular performance of my job functions, I am familiar with business records maintained by Wells Fargo for the purpose of servicing mortgage loans. These records (which include data compilations, electronically imaged documents, and others) are made at or near the time by, or from information provided or transmitted by, persons with knowledge of the activity and transactions reflected in such records, and are kept in the course of business activity conducted regularly by Wells Fargo. It is the regular practice of Wells Fargo's mortgage servicing business to make these records. In connection with making this affidavit, I have acquired knowledge of the matters stated herein by examining these business records.
3. Wells Fargo Bank, NA, directly or through an agent, has possession of the Promissory Note. Wells Fargo Bank, NA is either the original payee of the Promissory Note or the Promissory Note has been duly indorsed.
4. The borrower has defaulted under the terms of the Promissory Note and Mortgage, the default has not been cured, making the entire balance due and owing in accordance with the terms of the loan. Plaintiff is owed the following sums of money:

The amount due the Plaintiff on said Note through 12/29/2015 is \$215,842.35 which breaks down as follows:

Principal	\$173,443.06
Interest	
From 01/01/2013 to 12/29/2015@6%	\$31,151.02
Pre-acceleration Late Charges	\$0.00
Hazard Insurance Disbursements	\$4,425.77
Tax Disbursements	\$4,219.91
Property Inspections/Preservation	\$30.00
PMIMIP Insurance	\$2,745.24
Other (specify charges/fees)	\$0.00
Escrow Balance Credit	\$0.00
Credits to Borrower	\$172.65
Total	\$215,842.35

Interest will continue to accrue until the date of judgment under the terms of the Note and Mortgage

5. It is the regular practice of Wells Fargo on behalf of Plaintiff, to generate such account summary information from the electronic payment history it maintains for Plaintiff. This payment history summary accurately reflects, to the best of my knowledge, the debits and credits made on the loan's account.

FURTHER AFFIANT SAYETH NOT.

Yergalem Werkineh-Vice President Loan Documentation
Wells Fargo Bank NA
01/06/16

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

The foregoing instrument was sworn to and subscribed before me this 6th day of January,
2016, by Yergalem Werkineh, who is personally known to me.

Annette White

Annette White
NOTARY PUBLIC
Mecklenburg County, NC
My Commission Expires April 29, 2020

NOTARY PUBLIC, State of North Carolina

my commission expires: 4/29/2020

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER
IN THE COURT OF COMMON PLEAS

FILED - RECORDED

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2013CP1800519

Wells Fargo Bank, Na

2016 MAR 21 PM 3:02

Richard B Cunningham
SC Housing Corp

Latisa L Cunningham
Drakesborough
Homeowners
Association, Inc

CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: Plaintiff Defendant
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: Rule 11 _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: Motion to Stay of Sale and Motion for Status Hearing are hereby stricken pursuant Rule 11. The Motions were signed but failed to state the address of the Movant.

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Master in Equity *Jenny S. Miller*

3078
Judge Code

3/8/2016
Date

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on 3-21-2016, and a copy mailed first class or placed in the appropriate attorney's box on 3-21-2016, to attorneys of record or to parties (when appearing pro se) as follows:

Alan Martin Stewart 3800 Fernandina Road Suite 110
Columbia, SC 29210
Patrick Alan McCabe 3800 Fernandina Road Suite 110
Columbia, SC 29210

George Hamlin O'Kelley III 652 Coleman Blvd., Ste.200
Mt. Pleasant, SC 29464
Sara Volk Martinez 60 Executive Park South, N.E. Atlanta,
GA 30329
Latisa L Cunningham 1227 Wild Goose Trail Summerville,
SC 29483

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Cheryl Graham

Court Reporter

Cheryl Graham - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

RECORD
2016 MAR -7 PM 4:14

BROCK & SCOTT, PLLC
4550 COUNTRY CLUB RD
WINSTON-SALEM NC 27107

CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

2013-CP-18-00519-Cunningham

AFFIDAVIT OF PUBLICATION

the summerville
JOURNAL SCENE

State of South Carolina
County of Dorchester

I personally appeared before me the undersigned advertising clerk of the above indicated newspaper published in the city of Summerville, county and state aforesaid, who, being duly sworn, says that the advertisement of

(copy attached)

appeared in the issues of said newspaper on the following day(s):

- 2/12/16 Fri SJS 02/26/16 Fri SJW
- 2/19/16 Fri SJS
- 2/26/16 Fri SJS
- 2/12/16 Fri SJW
- 2/19/16 Fri SJW

Estimated cost of publication \$226.45
Account# 224441
Order# 1416401
P.O. Number 13-03642

Subscribed and sworn to before me this 29th day of February, A.D. 2016

Stephanie Kruger
advertising clerk

Cheryl D...
NOTARY PUBLIC, SC
My commission expires

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; Laila S. L. Cunningham; SC Housing Corp.; Drakeborough 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 772 OF DRAKESBOROUGH DIVISION, IN THE JEDBURG COMMUNITY, AS SHOWN ON THAT CERTAIN PLAT ENTITLED "FINAL PLAT SHOWING THE SUBDIVISION OF LOTS 89-115, LOTS 272-284, A PORTION OF HOA 1 AND HOA 4 OF PHASE 1, DRAKESBOROUGH, SUBDIVISION FROM TRACT TMS# 121-03-00-330, LOCATED IN THE JEDBURG COMMUNITY, DORCHESTER COUNTY, SOUTH CAROLINA, PREPARED BY MARK ELLIS, LAND, PLS 23200, OF AEGIS LAND SURVEYING, INC. DATED AUGUST 27, 2007, REVISED OCTOBER 8, 2007 AND RECORDED NOVEMBER 7, 2007, IN PLAT CABINET L, AT PAGE 89, 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 AFORESAID PLAT OF RECORD BEING THE SAME PROPERTY CONVEYED TO RICHARD B. CUNNINGHAM AND LAILA S. CUNNINGHAM BY DEED OF RICHARD B. CUNNINGHAM, 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 LAILA S. CUNNINGHAM BY DEED OF RICHARD B. CUNNINGHAM DATED MARCH 14, 2013 AND RECORDED MARCH 15, 2013 IN DEED BOOK 8728 AT PAGE 193 IN THE OFFICE OF THE REGISTER OF DEEDS FOR DORCHESTER COUNTY, SOUTH CAROLINA. CURRENT ADDRESS OF PROPERTY: 1227 Wild Goose Trail, Summerville, SC 29403-802 TMS# 121-03-01-0000C

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 after 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 of record and any other order encumbrances. In the event an agent of Plaintiff does not answer all the terms 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, Brock & Scott, PLLC 3800 Fernandina Road, Suite 110 Columbia, SC 29210 Attorneys for Plaintiff (copy attached)

BROCK & SCOTT FILED - RECORDED
PLLC

2016 MAR -7 PM 4:13

Consumer Hotline
844-856-6646

Phone:
803-454-3540

3800 Fernandina Road, Suite 110, Charleston, SC 29405
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY
ConsumerContact@brockandscott.com
www.brockandscott.com

Fax:
803-454-3541

March 4, 2016

Dorchester County Clerk of Court
5200 East Jim Bilton Blvd.
Saint George, SC 29477

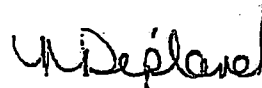
Re: Wells Fargo Bank, N.A. v. Richard B. Cunningham; Latisa L. Cunningham;
SC Housing Corp.; Drakesborough Homeowners Association, Inc., et al.
Case#: 2013-CP-18-00519
B&S file #: 13-03642

To Whom It May Concern:

Enclosed please find an original and one copy of an Affidavit of Publication with regard to the above referenced matter. Kindly file the same and return a clocked copy to me in the enclosed self-addressed stamped envelope.

Thank you in advance for your assistance in this matter.

Sincerely,



Nicole Depland
Legal Assistant
Brock & Scott, PLLC

Enclosures

\$2500 MB ✓

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF _____)

FILED - RECORDED

JUDICIAL CIRCUIT

2016 FEB 25 PM 1:00

CASE NO.:

2013-CP-18-00819

Wells Fargo

CHERYL BRADAM

MOTION AND ORDER INFORMATION

CLERK OF COURT

FORM AND COVERSHEET

vs.

DORCHESTER COUNTY

L. A. Cunningham

Defendant.

Plaintiff's Attorney: _____ Bar No. _____ Address: <u>1227 Wild Goose Trail</u> Phone: <u>Summerville</u> Fax <u>S.C. 29783</u> E-mail: _____ Other: _____		Defendant's Attorney: _____ Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____	
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information			
Nature of Motion: _____		Estimated Time Needed: _____	
		Court Reporter Needed: <input type="checkbox"/> YES/ <input type="checkbox"/> NO	
SECTION II: Motion/Order Type			
<input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.			
Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant		Date submitted _____, 20____	
SECTION III: Motion Fee			
<input type="checkbox"/> PAID - AMOUNT: \$ _____ <input type="checkbox"/> EXEMPT: (check reason)			
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input type="checkbox"/> Other: _____			
JUDGE'S SECTION			
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____		JUDGE CODE _____ Date: _____, 20____	
CLERK'S VERIFICATION			
Collected by: _____		Date Filed: _____, 20____	
<input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____			

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

WELLS FARGO BANK, N.A.

Plaintiffs,

FILED - RECORDS

2016 FEB 25 PM 1:58

CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

Case No. 2013-CP-18-00519

Vs.

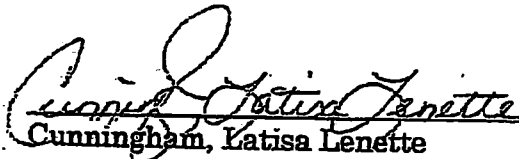
Latisa Lenette Cunningham

Defendant(s)

MOTION TO STAY OF SALE

I, Latisa moves this court for a Motion to Stay of Sale pursuant to the fact that a payment process has been tendered for the outstanding mortgage account.

I pray this court will grant this motion. This motion will be followed up with a Motion For Status Hearing to Show evidence of payment tendered.


Executrix
Cunningham, Latisa Lenette

PRINT NAME: Cunningham, Latisa L. DATE: February 25, 2016

STATE OF SOUTH CAROLINA - RECORD-
COUNTY OF DORCHESTER FEB 25 PM 2: 03

WELLS FARGO BANK, N.A. CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY
Plaintiff,

MOTION TO STAY OF SALE

vs.

Latisa Lenette Cunningham

Case No. 2013-CP-18-00519

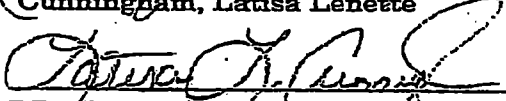
Defendant(s)

CERTIFICATE OF SERVICE

For the claim is with the knowledge I have sent a copy of the MOTION TO STAY OF SALE by Certified Mail, to the following location(s) on this 25th day of February, in the year 2016:

J. Martin Page, SC bar#: 100200
Brock & Scott, PLLC
3800 Fernandina Road Suite 110
Columbia, SC 29210
[Attorney for Plaintiff]


Cunningham, Latisa Lenette Executrix


DBA LATISA LENETTE CUNNINGHAM
1227 Wild Goose Trl
Summerville, SC 29488

\$25.00 mg

STATE OF SOUTH CAROLINA)
COUNTY OF _____ FILED - RECORDS)

IN THE COURT OF COMMON PLEAS)
JUDICIAL CIRCUIT)

Wells Fargo

2016 FEB 25 PM 5:58

CASE NO. 2013-CPC-18-00 519

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

CHEERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

vs. LATISA CUMMING

Defendant.

Plaintiff's Attorney: _____ Bar No. _____	Defendant's Attorney: _____ Bar No. _____
Address: 1227 Wild Goose Trail Summerville, S.C. 29483	Address: _____
Phone: _____ Fax: _____	Phone: _____ Fax: _____
E-mail: _____ Other: _____	E-mail: _____ Other: _____

- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
- FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
- PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: _____
Estimated Time Needed: 15 min Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type

Written motion attached
 Form Motion/Order
 I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for Plaintiff / Defendant _____ Date submitted _____, 20__

SECTION III: Motion Fee

- PAID - AMOUNT: \$ _____
- EXEMPT: (check reason)
 - Rule to Show Cause in Child or Spousal Support
 - Domestic Abuse or Abuse and Neglect
 - Indigent Status State Agency v. Indigent Party
 - Sexually Violent Predator Act Post-Conviction Relief
 - Motion for Stay in Bankruptcy
 - Motion for Publication Motion for Execution (Rule 69, SCRCP)
 - Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
- Name of Court Reporter: _____
- Other: _____

JUDGE'S SECTION

Motion Fee to be paid upon filing of the attached order.
 Other: _____

JUDGE CODE _____
 Date: _____, 20__

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____, 20__

- MOTION FEE COLLECTED: \$ _____
- CONTESTED - AMOUNT DUE: \$ _____

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

FILED -- RECORDS
2016 FEB 25 PM 1:58

WELLS FARGO BANK, N.A.

CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

Plaintiffs,

Case No. 2013-CP-18-00519


Vs.

Latisa Lenette Cunningham

Defendant(s)

MOTION FOR STATUS HEARING

I, Latisa moves this court for Motion For Status Hearing to show evidence of tender of payment to satisfy the outstanding account.

 Executrix
Cunningham, Latisa Lenette

PRINT NAME: Cunningham, Latisa L DATE: February 25, 2016

FILED - RECORD

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

2016 FEB 25 PM 2:03

WELLS FARGO BANK, N.A.

CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

MOTION FOR STATUS HEARING

Plaintiff,

vs.

Case No. 2013-CP-18-00519

Latisa Lenette Cunningham

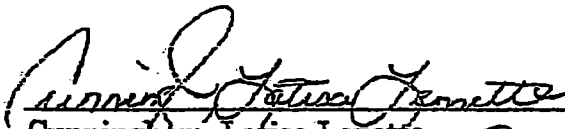
Defendant(s)

CERTIFICATE OF SERVICE

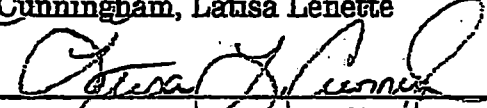
For the claim is with the knowledge I have sent a copy of the MOTION FOR STATUS HEARING by Certified Mail, to the following location(s) on this 25th day of February, in the year 2016:

Party (s) Served:

J. Martin Page, SC bar# 100200
Brock & Scott, PLLC
3800 Fernandina Road Suite 110
Columbia, SC 29210
[Attorney for Plaintiff]



Executrix
Cunningham, Latisa Lenette



DBA LATISA LENETTE CUNNINGHAM
1227 Wild Goose Trl
Summerville, SC 29483

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

Wells Fargo Bank, N.A.,

Plaintiff,

vs.

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

Defendant(s).

IN THE COURT OF COMMON PLEAS
CASE NO. 2013-CP-18-00519

SUPPLEMENTAL MEMORANDUM

FILED - RECORDED
2016 FEB 12 AM 10:00
SHERYL GRANHAUS
CLERK OF COURT
DORCHESTER COUNTY

I. INTRODUCTION AND FACTS

The action is one for foreclosure of real estate located in Dorchester County, South Carolina. The action was filed on March 26, 2013. Latisa L. Cunningham filed an Answer to Summons and Complaint on October 13, 2014. An order granting the Plaintiff's Motion for Summary Judgment was granted on May 4, 2015. The Defendant filed a Notice of Appeal of Summary Judgment on June 3, 2015. On December 2, 2015, the Defendant's appeal was dismissed for failure to correct the deficiencies of her initial brief as required under Rule 208 of the South Carolina Court of Appeals. The Court of Appeals then waited fifteen days before sending the remittitur to the lower court as required under Rule 221 (b) of the South Carolina Appellate Court Rules. As the Defendant failed to file a petition for rehearing within fifteen days the South Carolina Court of Appeals mailed the Dorchester County Clerk of Court a copy of the order dismissing the case along with a remittitur as required by Rule 221(b). At a supplemental hearing held on January 27, 2016 the Master in Equity raised a question as to whether there was any post remittitur procedure that needed to occur before he could schedule the foreclosure sale of the property.

II. DISCUSSION

SCACR Rule 260 (a) provides that, “[w]henver it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court. A case shall not be reinstated except by leave of the court, upon good cause shown, after notice to all parties. The clerk shall remit the case to the lower court or administrative tribunal in accordance with Rule 221 unless a motion to reinstate the appeal has been actually received by the court within fifteen (15) days of filing of the order of dismissal (the day of filing being excluded)”. The Defendant’s case was dismissed pursuant to 260 (a) and said dismissal acts as an order of the appellate court. The rules additionally provide that when a dismissal occurs a remittitur will be provided in accordance with Rule 221 of the South Carolina Appellate Court Rules.

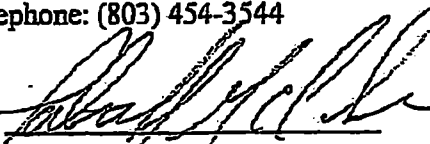
SCACR Rule 221 stipulates that, “The remittitur shall contain a copy of the judgment of the appellate court, shall be sealed with the seal and signed by the clerk of the court, and unless otherwise ordered by the court shall not be sent to the lower court or administrative tribunal until fifteen (15) days have elapsed (the day of filing being excluded) since the filing of the opinion, order, judgment, or decree of the court finally disposing of the appeal. If a petition for rehearing is received before the remittitur is sent, the remittitur shall not be sent pending disposition of the petition by the court. Where a petition for rehearing has been denied, the Court of Appeals shall not send the remittitur to the lower court or administrative tribunal until the time to petition for a writ of certiorari under Rule 242(c) has expired. If a petition for writ of certiorari is filed, the Court of Appeals shall not send the remittitur until notified that the petition has been denied. If the writ is granted by the Supreme Court, the Court of Appeals shall not send the remittitur.”

The defendant did not file a petition for a rehearing within the fifteen days as required by the rules. As such the South Carolina Court of Appeals mailed the Clerk of Court for Dorchester a copy of the judgment along with the remittitur as required by Rule 221(b) thereby transferring jurisdiction back to the Dorchester County Master in Equity. Proof of this is found in the letter that was sent to the Defendant on January 7, 2016. In this letter the South Carolina Court of Appeals notifies the Defendant that because her motion for reconsideration was not received within the fifteen days of the dismissal that the remittitur was sent to trial court and the South Carolina Court of Appeals no longer has jurisdiction to act. Attached as Exhibit "1" Noticeably absent from the South Carolina Appellate Court Rules are instructions regarding post remittitur procedure. If the court was to require any post remittitur procedures one would expect to find them within the South Carolina Appellate Court Rules or the South Carolina Rules of Civil Procedure. The lack of any additional procedures denotes that once the remittitur has been filed the case is restored to an active status with the trial court

III. CONCLUSION

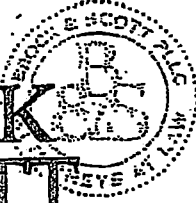
Since that the case has been properly remitted to the trial court and there are no post remittitur procedures that need to occur, it is proper for the Master in Equity to schedule the property for public auction in accordance with the Order and Judgment of Foreclosure and Sale.

Brock & Scott PLLC
3800 Fernandina Road, Suite 110
Columbia, South Carolina 29210
Telephone: (803) 454-3544

By: 

Patrick A. McCabe
Attorney for the Plaintiff

**BROCK
& SCOTT
PLLC**



COLUMBIA OFFICE
WESTPARK CENTER
3800 FERNANDINA ROAD
SUITE 110
COLUMBIA, SC
PHONE 803-454-3540
FAX 803-454-3541

www.brockandscott.com

RECEIVED

FEB 03 2016

Cheryl Graham, Clerk of Court
Dorchester County, SC

ATLANTA, GA
CHARLOTTE, NC
RALEIGH, NC
WILMINGTON, NC
WINSTON-SALEM, NC
COLUMBIA, SC
FRANKLIN, TN

THOMAS E. BROCK*
GREGORY A. SCOTT*
JAMES P. BONNER*
MARK A. PEARSON**
BRIAN L. CAMPBELL**
SEAN M. CORCORAN*

* Licensed in North Carolina

** Licensed in North Carolina and South Carolina

February 1, 2016

Cheryl Graham
Dorchester County Clerk of Court
5200 East Jim Bilton Blvd.
Saint George, SC 29477

RE: Wells Fargo Bank, N.A. v. Latisa L. Cunningham; Richard B. Cunningham; Drakesborough Homeowners Association, Inc.; SC Housing Corp.
Case No.: -2013-CP-18-00519
B&S No: 13-03642

Enclosed please find an original Supplemental Memorandum with two copies of the same in the above referenced matter. If the document is in order, please arrange to have it signed, file the originals and return the clocked copies to me in the enclosed envelope.

Should you have any questions or concerns, please contact me at (803) 454-3540.

Respectfully,

Chadwick Mark

Legal Assistant
Brock & Scott, PLLC

Carolyn,
This has a notice of
sale for March that
I have not mailed
cc copy w/it.

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

WELLS FARGO BANK, N.A.

Plaintiffs,

Vs.

Latisa Lenette Cunningham

Defendant(s)

FILED - RECORDED

2016 JAN 27 AM 9:53

CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

2013-CP-18-519

JUDICIAL NOTICE

Please take Judicial Notice:

1. I am an American Citizen and not a US Citizen.
2. Any Contracts that indentify me as a US Citizen is void, because it would have be signed without full disclosure.
3. This Court lacks Jurisdiction, because I am not a US Citizen.
4. This Court is Administrating my Estate without my Consent. This is trespassing.
5. I have appointed Wright, Ronald Allen as Power of Attorney over my Estate. He is the only one that has any authority to handle any of my Commercial affairs of my Estate.
6. For this Court to move any further will be considered treason.

Latisa Lenette

Cunningham, Latisa Lenette Executrix

PRINT NAME Cunningham, Latisa Lenette DATE: January 25, 2016

Subscribe and sworn to (or affirmed) before me on this 25th day of January, 2016, by Cunningham, Latisa Lenette proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

[Signature]

NOTARY PUBLIC
My Commission Expires: 1-25-2025

CHERENDRA JACKSON
Notary Public - South Carolina
My Commission Expires
January 25, 2025

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

WELLS FARGO BANK, N.A.

JUDICIAL NOTICE

Plaintiff,

vs.

Latisa Lenette Cunningham

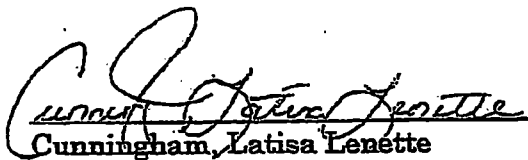
Defendant(s)

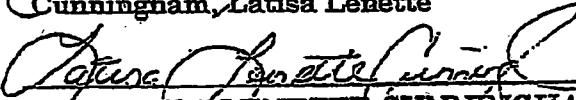
CERTIFICATE OF SERVICE

For the claim is with the knowledge I have sent a copy of the JUDICIAL NOTICE by Certified Mail, to the following location(s) on this 27th day of January, in the year 2016:

J. Martin Page, SC bar#: 100200
Brock & Scott, PLLC
3800 Fernandina Road Suite 110
Columbia, SC 29210
[Attorney for Plaintiff]

FILED - RECORDED
2016 JAN 27 AM 9:53
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY


Cunningham, Latisa Lenette Executrix


DBA LATISA LENETTE CUNNINGHAM
1227 Wild Goose Trl
Summerville, SC 29483

2015-CP-10-00011

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER
WELLS FARGO BANK, N.A.

FILED - RECORDED
2016 JAN 27 AM 9:54
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

Plaintiffs,

Vs.

Latisa Lenette Cunningham

Defendant(s)

NOTICE OF CITIZENSHIP

Please take Notice that I, Cunningham, Latisa Lenette am an American Citizen, and not a US Citizen. Any contract that ties me into being a US Citizen such as a Social Security Number, Drivers License etc... is void, because it was not signed with full disclosure indicating that I was waving my unalienable rights as an American. I am not an artificial person.

I have stated true, correct and complete facts to the best of my knowledge and ability under penalty of perjury in the NOTICE OF CITIZENSHIP, So Help Me God

Latisa Lenette Cunningham
Executrix
Cunningham, Latisa Lenette

PRINT NAME: Cunningham, Latisa Lenette DATE: January 25, 2016

Subscribe and sworn to (or affirmed) before me on this 25 day of January, 2016, by Cunningham, Latisa Lenette proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Kendra Jackson
NOTARY PUBLIC
My Commission Expires: January 25, 2025

(Seal)
KENDRA JACKSON
Notary Public, South Carolina
My Commission Expires
January 25, 2025

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

WELLS FARGO BANK, N.A.

NOTICE OF CITIZENSHIP

Plaintiff,

vs.

Latisa Lenette Cunningham

Defendant(s)

CERTIFICATE OF SERVICE

For the claim is with the knowledge I have sent a copy of the **NOTICE OF CITIZENSHIP** by Certified Mail, to the following location(s) on this 27th day of January, in the year 2016:

J. Martin Page, SC bar#: 100200
Brock & Scott, PLLC
3800 Fernandina Road Suite 110
Columbia, SC 29210
[Attorney for Plaintiff]

FILED - RECORDED
2016 JAN 27 AM 9:54
SHERYL GRANHAM
CLERK OF COURT
DORCHESTER COUNTY

Cunningham, Latisa Lenette Executrix
Cunningham, Latisa Lenette

Latisa Lenette Cunningham
DBA LATISA LENETTE CUNNINGHAM
1227 Wild Goose Trl
Summerville, SC 29483

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

WELLS FARGO BANK, N.A.

Plaintiffs,

Vs.

Latisa Lenette Cunningham

Defendant(s)

CASE No: 2013-CR18-00519

FILED - RECORDED
2016 JAN 27 AM 10:00

CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

OBJECTION TO PLAINTIFF SUPPLEMENTARY JUDGMENT

I, Latisa Objects to the Plaintiff Motion for Supplementary Judgment for the following reasons:

1. As an American Citizen this is a Foreign Jurisdiction to me. This Court does not have jurisdiction over me.
2. I am not a US Citizen, which means if the Plaintiff moves forward with a Motion they will be violating my unalienable rights.

In conclusion, the claim the Plaintiff has must be discharged with the proper IRS Forms. I pray that this Court denies the Plaintiff Motion

I have stated true, correct and complete facts to the best of my knowledge and ability under penalty of perjury in the OBJECTION TO PLAINTIFF SUPPLEMENTARY JUDGMENT, So Help Me God.

Cunningham, Latisa Lenette Executrix
Cunningham, Latisa Lenette

PRINT NAME: Cunningham, Latisa Lenette DATE: January 25, 2016

Subscribe and sworn to (or affirmed) before me on this 25th day of January, 2016, by Cunningham, Latisa Lenette proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Kendra Jackson
NOTARY PUBLIC
My Commission Expires: January 25, 2025

(Seal) KENDRA JACKSON
Notary Public, South Carolina
My Commission Expires
January 25, 2025

FILED - RECORD

2016 JAN 27 AM 10:00

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

WELLS FARGO BANK, N.A.

Plaintiff,

vs.

Latisa Lenette Cunningham

Defendant(s)

**OBJECTION TO PLAINTIFF
SUPPLEMENTARY JUDGMENT**

CERTIFICATE OF SERVICE

For the claim is with the knowledge I have sent a copy of the **OBJECTION TO
PLAINTIFF SUPPLEMENTARY JUDGMENT**
by Certified Mail, to the following location(s) on this 27th day of January, in
the year 2016:

J. Martin Page, SC bar#: 100200
Brock & Scott, PLLC
3800 Fernandina Road Suite 110
Columbia, SC 29210
[Attorney for Plaintiff]

Cunningham, Latisa Lenette Executrix
Cunningham, Latisa Lenette

Latisa Lenette Cunningham
DEA LATISA LENETTE CUNNINGHAM
1227 Wild Goose Trl
Summerville, SC 29483

AFFIDAVIT OF FACTS CONCERNING AMERICAN CITIZEN

I, **Cunningham, Latisa Lenette** is a living breathing self-aware woman and am an American citizen and not U.S. Citizen

1. An American Citizen is the natural living breathing person known as **Cunningham, Latisa**. American Citizens has unalienable rights.
2. An U.S. Citizen is an entity/ artificial person known as **LATISA LENETTE CUNNINGHAM**. U.S. Citizens have no rights, but privileges.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 25, 2016. Cunningham, Latisa Lenette
Cunningham, Latisa Lenette

WITNESSES:

BY: Alice Lucas

PRINT NAME: Alice Lucas DATE: 1/25/16

BY: Dwight Lucas

PRINT NAME: Dwight Lucas DATE: 1/25/16

FILED - RECORDED
2016 JAN 27 AM 9:57
SHERYL GRANHAM
CLERK OF COURT
DORCHESTER COUNTY

Subscribe and sworn to (or affirmed) before me on this 25 day of January, 2016, by **Cunningham, Latisa Lenette** proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Kendra Jackson
NOTARY PUBLIC

My Commission Expires: January 25, 2025

KENDRA JACKSON
Notary Public, South Carolina
My Commission Expires
January 25, 2025

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# 121-00-00-350, 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.

James E. Chellis

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 - RECORDED
29 FEB 12 AM 10:00
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

RECORDED IN THE COURT OF COMMON PLEAS
C/A NO.: 2013-CP-18-00519

2016 JAN 15 AM 11:39

SHIRLEY L. BRANHAM
CLERK OF COURT
DORCHESTER COUNTY

✓ Wells Fargo Bank, N.A.,
Plaintiff,

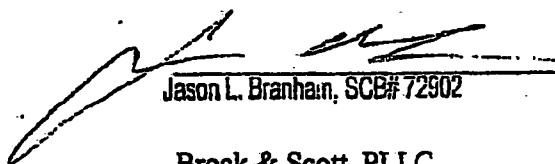
vs.

Richard B. Cunningham; Latisa L. Cunningham; SC
Housing Corp.; Drakesborough Homeowners
Association, Inc.,
Defendant(s).

**NOTICE OF SUPPLEMENTAL
HEARING**

YOU WILL PLEASE TAKE NOTICE THAT, by virtue of the Order of Reference issued in the above-entitled cause, The Honorable James E. Chellis, Master In Equity for Dorchester County, has appointed January 27, 2016 at 10:00AM at 5200 East Jim Bilton Boulevard, Saint George, SC 29477, as the time and place for holding a Final Hearing in Foreclosure, at which time and place all interested parties will appear, and that the Plaintiff intends to prepare and submit a Record of Hearing containing written testimony. The Master In Equity will be authorized to enter a final judgment and to order the judicial sale of the property subject to foreclosure herein.

You are requested to notify Brock & Scott, PLLC at phone number (803) 454-3540 of your intention to appear.


Jason L. Branham, SCB# 72902

Brock & Scott, PLLC
Westpark Center
3800 Fernandina Road Suite 110
Columbia, SC 29210
Phone 803-454-3540 Fax 803-454-3541
Attorneys for Plaintiff

Dated: January 13, 2016
Columbia, South Carolina

13-03642 FC01



STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER
Wells Fargo Bank, N.A.,
Plaintiff,

IN THE COURT OF COMMON PLEAS
RECORDED/A NO.: 2013-CP-18-00519

2016 JAN 15 AM 11:39

vs.

Richard B. Cunningham; Latisa L. Cunningham; SC HOUSING
Corp.; Drakesborough Homeowners Association, Inc.,
Defendant(s).

CHERYL GIBSON
CLERK OF COURT
DORCHESTER COUNTY
CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that he/she is an employee of Brock & Scott, PLLC, and is a person of such age and discretion as to be competent to serve papers.

That on the 13th day of January, 2016, he/she served a copy of the Notice of Supplemental Hearing by placing said copy in a postage paid envelope addressed to each of the following persons at the address stated below, which is the last known address, and by depositing said envelope and contents in the U.S. Mail.

Pleading: Notice of Supplemental Hearing

Party (ies) Served:

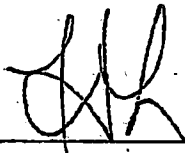
Occupant(s)
1227 Wild Goose Trail
Summerville, SC 29483

Sara J. Volk
Attorney for SC Housing Corp.
300-C Outlet Pointe Boulevard
Columbia, SC 29210

Maria E. Kiehling
Attorney for Drakesborough Homeowners Association, Inc.
652 Coleman Blvd., Suite 200
Mount Pleasant, SC 29464

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

Richard B. Cunningham
9551 Palmetto Commerce Parkway
Ladson, SC 29456



Brock & Scott, PLLC

Columbia, South Carolina

*** THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF YOU HAVE BEEN DISCHARGED IN A CHAPTER SEVEN BANKRUPTCY, WE ARE NOT SEEKING PERSONAL LIABILITY AGAINST YOU, BUT ARE PURSUING THE RIGHTS AGAINST THE PROPERTY AS PROVIDED IN THE SECURITY AGREEMENTS***

**BROCK
& SCOTT
PLLC**

COLUMBIA OFFICE
WESTPARK CENTER
3800 FERNANDINA ROAD
SUITE 110
COLUMBIA, SC 29210
PHONE 803-454-3540
FAX 803-454-3541

www.brockandscott.com

THOMAS E. BROCK *
GREGORY A. SCOTT *
JAMES P. BONNER *
MARK A. PEARSON **
BRIAN L. CAMPBELL **
SEAN M. CORCORAN *

* Licensed in North Carolina

** Licensed in North Carolina and South Carolina

LEG-RECORDED
2016 JAN 15 AM 11:39

CHERYL GRADY
CLERK OF COURT
DORCHESTER COUNTY

ATLANTA, GA
CHARLOTTE, NC
RALEIGH, NC
WILMINGTON, NC
WINSTON-SALEM, NC
COLUMBIA, SC
FRANKLIN, TN

January 13, 2016

Dorchester County Clerk of Court
5200 East Jim Bilton Blvd.
Saint George, SC 29477

RE: Wells Fargo Bank, N.A. v. Richard B. Cunningham, *et al.*
Case Number: 2013-CP-18-00519
B&S File No.: 13-03642 FC01

Dear Dorchester County Clerk of Court:

Enclosed please find an original and one copy of the Notice of Supplemental Hearing with Certificate of Service by Mail regarding the above referenced matter.

Please file same and return the clocked copy to the undersigned in the envelope provided.

Thank you for your kind assistance in this matter.

Respectfully,


Brock & Scott, PLLC

Enclosures

FILED-RECORDED

2016 JAN 15 AM 11:39

**BROCK
& SCOTT
PLLC**

CHERYL BRANHAM
CLERK OF COURT
DORCHESTER COUNTY

COLUMBIA OFFICE

WESTPARK CENTER
3800 FERNANDINA ROAD
SUITE 110
COLUMBIA, SC 29210
PHONE 803-454-3540
FAX 803-454-3541

www.brockandscott.com

THOMAS E. BROCK*
GREGORY A. SCOTT*
JAMES P. BONNER*
MARK A. PEARSON**
BRIAN L. CAMPBELL**
SEAN M. CORCORAN*

ATLANTA, GA
CHARLOTTE, NC
RALEIGH, NC
WILMINGTON, NC
WINSTON-SALEM, NC
COLUMBIA, SC
FRANKLIN, TN

* Licensed in North Carolina

** Licensed in North Carolina and South Carolina

January 13, 2016

To All Interested Parties:

RE: Wells Fargo Bank, N.A. v. Latisa L. Cunningham and Richard B. Cunningham, et al.
Case Number: 2013-CP-18-00519
B&S File No.: 13-03642 FC01

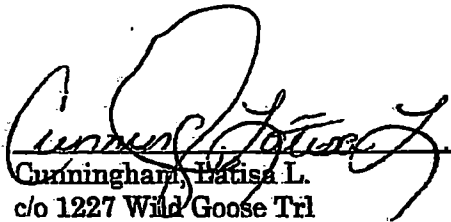
Please find enclosed herewith and served upon you the Notice of Supplemental Hearing which includes the date, time and location of the final foreclosure hearing in the above referenced matter. Please read the document carefully and notify us at (803) 454-3540 if you plan to attend the hearing.

Respectfully,


Brock & Scott, PLLC

Enclosures

*** THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF YOU HAVE BEEN DISCHARGED IN A CHAPTER SEVEN BANKRUPTCY, WE ARE NOT SEEKING PERSONAL LIABILITY AGAINST YOU, BUT ARE PURSUING THE RIGHTS AGAINST THE PROPERTY AS PROVIDED IN THE SECURITY AGREEMENTS***


Cunningham, Latisa L.
c/o 1227 Wild Goose Trl
Summerville, South Carolina Republic [29485]

10.19.17
Date

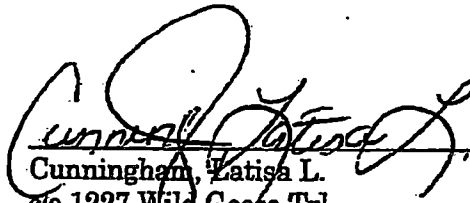
CERTIFICATE OF COUNSEL

I, Latisa Cunningham certify that the Second Amended Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

RECEIVED

JUN 16 2017

SC Court of Appeals


Cunningham, Latisa L.
c/o 1227 Wild Goose Trl
Summerville, South Carolina Republic [29485]

6.15.17
Date

Exhibit C

Deficiency Letters Sent to Appellant



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

May 03, 2016

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

Re: Wells Fargo v. Latisa Cunningham
Appellate Case No. 2016-000704

Dear Ms. Cunningham:

Our records reflect that the time for ordering the transcript has expired. Within ten days of the date of this letter, you must file a copy of the letter showing that you have ordered the transcript directly from the court reporter, along with a motion requesting permission to order the transcript outside of the filing deadlines set by Rule 207 of the South Carolina Appellate Court Rules. Your appeal will be dismissed if no motion is made within ten days of the date of this letter.

Very truly yours,

A handwritten signature in black ink that reads "Jenny Abbott Kitchings". The signature is written in a cursive style and includes a flourish at the end.

CLERK

cc: James Martin Page, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

May 19, 2016

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

Re: Wells Fargo v. Latisa Cunningham
Appellate Case No. 2016-000704

Dear Ms. Cunningham:

Our records reflect that the appellant's initial brief and designation of matter were due to be served and filed on May 2, 2016. Within ten days of the date of this letter, you must serve and file the appellant's initial brief and designation of matter, along with a motion requesting permission to serve and file the appellant's initial brief and designation of matter outside of the filing deadlines set by Rules 208 and 209 of the South Carolina Appellate Court Rules, SCACR. Your appeal will be dismissed if no motion is made within ten days from the date of this letter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jenny Abbott Kitchings".

CLERK

cc: James Martin Page, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 16, 2016

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

Re: Wells Fargo v. Latisa Cunningham
Appellate Case No. 2016-000704

Dear Ms. Cunningham:

Enclosed is a copy of the Court's decision regarding the motion to allow the late filing of the appellant's initial brief. Also, upon reviewing your appellant's initial brief, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The appellant's initial brief is not in accordance with Rule 208 of the South Carolina Appellate Court Rules (SCACR). Specifically, the initial briefs under this Rule (and the final briefs under Rule 211) shall contain the table of contents and cases, the statement of issues on appeal, the statement of the case, the argument, and the conclusion.

Very truly yours,

V. Claire Allen, Deputy
CLERK

cc: James Martin Page, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

August 09, 2016

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

Re: Wells Fargo v. Latisa Cunningham
Appellate Case No. 2016-000704

Dear Ms. Cunningham:

Upon reviewing your amended appellant's initial brief, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The initial brief is not accompanied by a designation of matter to be included in the record on appeal. (See Form 14 in Forms in Appendices to Part II of the South Carolina Appellate Court Rules.)

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: James Martin Page, Esquire
Chad Wilson Burgess, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1880
FAX: (803) 734-1839
www.sccourts.org

November 03, 2016

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

Re: Wells Fargo v. Latisa Cunningham
Appellate Case No. 2016-000704

Dear Ms. Cunningham:

Our records reflect that the time for serving the record on appeal has expired. Within ten days of the date of this letter, you must serve the record on appeal along with a motion requesting permission to serve the record on appeal outside the filing deadlines set by Rule 210 of the South Carolina Appellate Court Rules. Your appeal will be dismissed if no motion is made within ten days of the date of this letter.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: James Martin Page, Esquire
Chad Wilson Burgess, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

March 01, 2017

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

Re: Wells Fargo v. Latisa Cunningham
Appellate Case No. 2016-000704

Dear Ms. Cunningham:

We received your amended designation of matter dated February 22, 2017 in response to the Court's order dated February 8, 2017. However, as the order stated, "Appellant shall serve and file an amended record on appeal that includes all of the documents listed in the parties' designations of matter." Within ten (10) days from the date of this letter, you must serve and file an amended record on appeal. Failure to do so will result in the dismissal of this appeal.

Very truly yours,


CLERK

cc: James Martin Page, Esquire
Chad Wilson Burgess, Esquire
Shelton Sterling Laney, III, Esquire
Matthew Todd Carroll, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

April 05, 2017

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

Re: Wells Fargo v. Latisa Cunningham
Appellate Case No. 2016-000704

Dear Ms. Cunningham:

We received your second amended designation of matter dated March 13, 2017 in response to the Court's letter dated March 1, 2017. However, as this Court's order stated, "Appellant shall serve and file an amended record on appeal that includes all of the documents listed in the parties' designations of matter." Within ten (10) days from the date of this letter, you must serve and file an amended record on appeal. Failure to do so will result in the dismissal of this appeal. (Please see Rule 210, SCACR. For an example, please refer to "Form 15" found in "Forms" under "Appendices to Part II".)

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: James Martin Page, Esquire
Chad Wilson Burgess, Esquire
Shelton Sterling Laney, III, Esquire
Matthew Todd Carroll, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
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www.sccourts.org

April 20, 2017

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

Re: Wells Fargo v. Latisa Cunningham
Appellate Case No. 2016-000704

Dear Ms. Cunningham:

Upon reviewing your motion for extension, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The required filing fee has not been submitted. The correct filing fee is \$25.00.
- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: James Martin Page, Esquire
Chad Wilson Burgess, Esquire
Shelton Sterling Laney, III, Esquire
Matthew Todd Carroll, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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1220 SENATE STREET
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TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

May 12, 2017

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

Re: Wells Fargo v. Latisa Cunningham
Appellate Case No. 2016-000704

Dear Ms. Cunningham:

Upon reviewing your motion for extension, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your motion will not be considered and your appeal will be dismissed:

- The required filing fee has not been submitted. The correct filing fee is \$25.00.

Very truly yours,


CLERK

cc: James Martin Page, Esquire
Chad Wilson Burgess, Esquire
Shelton Sterling Laney, III, Esquire
Matthew Todd Carroll, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 07, 2017

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

Re: Wells Fargo v. Latisa Cunningham
Appellate Case No. 2016-000704

Dear Ms. Cunningham:

Upon reviewing your amended record on appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal may be dismissed:

- The caption/title does not comply with Rule 267(a), SCACR. Specifically, the caption should read as follows:

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.

- All counsel are not listed on the cover of the Record on Appeal. This Court recognizes James Martin Page, Esquire, Chad Wilson Burgess, Esquire, Shelton Sterling Laney, III, Esquire, and Matthew Todd Carroll, Esquire, as counsel for the Respondent.
- The document is not accompanied by the certificate of counsel as required by Rule 210(g).

Very truly yours,

V. Clair Allen, Deputy

CLERK

cc: James Martin Page, Esquire
Chad Wilson Burgess, Esquire
Shelton Sterling Laney, III, Esquire
Matthew Todd Carroll, Esquire

Exhibit D

Orders Regarding Appellant's Missed
Deadlines

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

The Honorable James E. Chellis
Dorchester County
Trial Court Case No. 2013CP1800519

ORDER

Appellant has filed a motion to allow the late filing of the appellant's initial brief.
No return was filed. This motion is Granted.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:
Latisa L. Cunningham
James Martin Page, Esquire

FILED

June 16, 2016 ss

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

ORDER

Appellant filed a motion for an extension to serve and file her initial brief. Because Appellant has now filed her brief and designation of matter, we construe the motion as a request to file the brief and designation of matter out of time. The motion is granted.

Respondent's motion to dismiss is denied. This court will consider the merits of the appeal once we receive final briefs and the record on appeal. Respondent shall serve and file its initial brief and designation of matter within thirty days of this order.



FOR THE COURT

Columbia, South Carolina

cc:
Latisa L. Cunningham
James Martin Page, Esquire
Chad Wilson Burgess, Esquire

FILED

August 26, 2016

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

The Honorable James E. Chellis
Dorchester County
Trial Court Case No. 2013CP1800519

ORDER

The time for serving the record on appeal is hereby extended until November 29, 2016.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:
Latisa L. Cunningham
James Martin Page, Esquire
Chad Wilson Burgess, Esquire

FILED
November 23, 2016

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

ORDER

Respondent's motion to dismiss this appeal is denied. However, we strike the record on appeal filed on November 28, 2016. Within twenty days of this order, Appellant shall serve and file an amended record on appeal that includes all of the documents listed in the parties' designations of matter. Failure to comply with this order may result in the dismissal of this appeal.


FOR THE COURT

Columbia, South Carolina

cc:

Latisa L. Cunningham
James Martin Page, Esquire
Chad Wilson Burgess, Esquire

FILED

February 8, 2017

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

The Honorable James E. Chellis
Dorchester County
Trial Court Case No. 2013CP1800519

ORDER

The time for serving and filing the amended record on appeal is hereby extended until May 2, 2017.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:

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

FILED

April 25, 2017

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

The Honorable James E. Chellis
Dorchester County
Trial Court Case No. 2013CP1800519

ORDER

The time for serving and filing the amended record on appeal is hereby extended until fifteen (15) days from the date of this order. No further extension shall be granted absent extraordinary circumstances.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:

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

FILED

May 18, 2017

PROOF OF SERVICE

I, the undersigned Legal Secretary of the law offices of Womble Carlyle Sandridge & Rice LLP, Attorneys for Respondent, do hereby certify that I have served the below parties in this action with a copy of the pleading(s) specified below by mailing a copy of the same, postage prepaid, to the following address(es):

Pleading: Renewed Motion to Dismiss Appeal

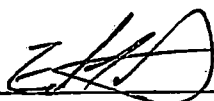
Parties Served: Latisa L. Cunningham
1227 Wild Goose Trail
Summerville, SC 29483

Appellant

Thomas I. Howard, Jr.
Brownlee Whitlow Praet & File, PLLC
3255 Landmark Drive, Suite 301
North Charleston, SC 29418

Counsel for Prospective Amicus Curiae

RECEIVED
JUL 19 2017
SC Court of Appeals



Edwin T. Mathis

July 19, 2017

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

The Honorable James E. Chellis, Master in Equity

Appellate Case No. 2016-000704
Circuit Court Case No. 2013-CP-18-00519

RECEIVED

AUG 16 2017

SC Court of Appeals

Wells Fargo Bank, N.A., Respondent,

v.

Richard B. Cunningham; Latisa L. Cunningham; Sumter Housing,
Inc.; and Drakesborough Homeowner Association, Inc., Defendants,

of whom

Latisa L. Cunningham is the Appellant.

RETURN IN OPPOSITION TO MOTION TO RECONSIDER

The Court rightly dismissed Ms. Cunningham's frivolous appeal, and it should summarily deny her motion to reconsider that ruling.¹ Her stated grounds for reconsideration are patently incorrect:

(1) Only a single judge of this Court signed the dismissal order—a point that is expressly rebutted by Rule 240(j), SCACR; and

(2) No third party owns the property at issue—a point that is expressly rebutted by the Master's Deed that American Homes 4 Rent Properties Ten, LLC, attached as Exhibit A to its motion for leave to file an amicus brief in this matter.

¹ Concurrently with filing her motion to reconsider the dismissal of this appeal, Ms. Cunningham filed a so-called "Constitutional Challenge" in the circuit court, in which she seeks a declaration that "ALL State Statues [sic] involving Foreclosure and Foreclosure proceedings" are unconstitutional under the 1886 South Carolina Constitution, the Constitution of Maryland, and the United States Constitution. A copy of that filing is attached for the Court's review.

EXHIBIT

E

In short, the Court properly held that this appeal is moot because the property at issue has already been sold to a third party, and nothing in Ms. Cunningham's motion changes this conclusion. Accordingly, the Court should affirm that decision by denying Ms. Cunningham's request to reinstate this appeal and put an end to Ms. Cunningham's abuse of the Judiciary at the appellate level.

Respectfully submitted,

WOMBLE CARLYLE SANDRIDGE & RICE, LLP

By: 

S. Sterling Laney, III
S.C. Bar No. 6933
550 South Main Street, Suite 400
Greenville, South Carolina 29601
(864) 255-5400
slaney@wcsr.com

M. Todd Carroll
S.C. Bar No. 74000
1221 Main Street, Suite 1600
Columbia, South Carolina 29201
(803) 454-6504
todd.carroll@wcsr.com

Attorneys for Respondent

August 14, 2017

Exhibit A

Ms. Cunningham's "Constitutional
Challenge"

In Propria Persona
Cunningham, Latisa L.
[1227 Wild Goose Trl,
Summerville, SC [29483]]

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS
Civil Action No. 2013-CP-18-00519

STATE OF SOUTH CAROLINA,
ALAN WILSON-ATTORNEY GENERAL,
[WELLS FARGO BANK, N.A.]

**NOTICE OF CONSTITUTIONAL
CHALLENGE RULE 5.1
AND INJUNCTION**

Plaintiff(s)

vs.

LATISA L. CUNNINGHAM., (Corporate Person)
Cunningham, Latisa L., In Propria Persona
1227 Wild Goose Trl
Summerville, SC [29483]

Defendant in Error,

CERTIFIED COPY
2017 AUG - 8 PM 1:36
Cheryl Hester
CLERK OF COURT
DORCHESTER COUNTY

**NOTICE OF CONSTITUTIONAL CHALLENGE RULE 5.1
AND INJUNCTION**

TAKE NOTICE THAT pursuant to the [FRCP Rule 5.1(a)] the defendant listed in the above-styled action will make an application for:

1. Short leave to be granted for the application; and
2. Relief under [24(1) of the FRCP] on the following grounds:

A. Challenge of the constitutionality of ALL State Statues involving Foreclosure and Foreclosure proceedings including and but not limited to the Writ of Assistance.

The following is a list of Constitutional Rights that are being violated by State Statues. Also, I reserve the right to adopt other States Constitutional Rights under the United States Constitution Article IV Section 4 (Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof) and Section 2 (The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States):

CONSTITUTION OF SOUTH CAROLINA OF 1886

DECLARATION OF RIGHTS

ARTICLE I

- 1) **SECTION 1.** All political power is vested in and derived from the people only; therefore, they have the right at all times to modify their form of government.
- 2) **SECTION 3.** The privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.
- 3) **SECTION 4.** No bill of attainder, ex post facto law, law impairing the obligation of contracts, nor law granting any title of nobility or hereditary emolument shall be passed, and no conviction shall work corruption of blood or forfeiture of estate.
- 4) **SECTION 13(A).** Except as otherwise provided in this Constitution, private property shall not be taken for private use without the consent of the owner, nor for public use without just compensation being first made for the property. Private property must not be condemned by eminent domain for any purpose or benefit including, but not limited to, the purpose or benefit of economic development, unless the condemnation is for public use.
- 5) **SECTION 21.** No person shall in any case be subject to martial law or to any pains or penalties by virtue of that law, except those employed in the armed forces of the United States, and except the militia in actual service, but by the authority of the General Assembly.
- 6) **SECTION 22.** No person shall be finally bound by a judicial or quasi-judicial decision of an administrative agency affecting private rights except on due notice and an opportunity to be heard; nor shall he be subject to the same person for both prosecution and adjudication; nor shall he be deprived of liberty or property unless by a mode of procedure prescribed by the General Assembly, and he shall have in all such instances the right to judicial review.
- 7) **SECTION 23.** The provisions of the Constitution shall be taken, deemed, and construed to be mandatory and prohibitory, and not merely directory, except where expressly made directory or permissive by its own terms.

CONSTITUTION OF MARYLAND DECLARATION OF RIGHTS

- 8) **ARTICLE 5.**
 - a) (1) That the Inhabitants of Maryland are entitled to the Common Law of England, and the trial by Jury, according to the course of that Law, and to

the benefit of such of the English statutes as existed on the Fourth day of July, seventeen hundred and seventy-six; and which, by experience, have been found applicable to their local and other circumstances, and have been introduced, used and practiced by the Courts of Law or Equity; and also of all Acts of Assembly in force on the first day of June, eighteen hundred and sixty-seven; except such as may have since expired, or may be inconsistent with the provisions of this Constitution; subject, nevertheless, to the revision of, and amendment or repeal by, the Legislature of this State. And the Inhabitants of Maryland are also entitled to all property derived to them from, or under the Charter granted by His Majesty Charles the First to Cecilius Calvert, Baron of Baltimore.

(2) Legislation may be enacted that limits the right to trial by jury in civil proceedings to those proceedings in which the amount in controversy exceeds \$15,000.

- b) The parties to any civil proceeding in which the right to a jury trial is preserved are entitled to a trial by jury of at least 6 jurors.
 - c) That notwithstanding the Common Law of England, nothing in this Constitution prohibits trial by jury of less than 12 jurors in any civil proceeding in which the right to a jury trial is preserved.
- 9) **ARTICLE 6.** That all persons invested with the Legislative or Executive powers of Government are the Trustees of the Public, and, as such, accountable for their conduct: Wherefore, whenever the ends of Government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the People may, and of right ought, to reform the old, or establish a new Government; the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.
- 10) **ARTICLE 19.** That every man, for any injury done to him in his person or property, ought to have remedy by the course of the Law of the Land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the Law of the Land.
- 11) **ARTICLE 23.** In the trial of all criminal cases, the Jury shall be the Judges of Law, as well as of fact, except that the Court may pass upon the sufficiency of the evidence to sustain a conviction. The right of trial by Jury of all issues of fact in civil proceedings in the several Courts of Law in this State, where the amount in controversy exceeds the sum of \$15,000, shall be inviolably preserved.

THE CONSTITUTION OF THE UNITED STATES OF AMERICA

- 1) **ARTICLE 1 SECTION 9.** No Bill of Attainder or ex post facto Law shall be passed (A bill of attainder (also known as an act of attainder or writ of attainder or bill of pains and penalties) is an act of a legislature declaring a person or group of persons guilty of some crime and punishing them without privilege of a judicial trial. As with attainder resulting from the normal judicial process, the effect of such a bill is to nullify the targeted person's civil rights, most notably the right to own property (and thus pass it on to heirs), the right to a title of nobility, and, in at least the original usage, the right to life itself.

- 2) ARTICLE 1 SECTION 10 PARAGRAPH 1. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.
- 3) ARTICLE 3 SECTION 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State,—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.
- 4) ARTICLE 4 SECTION 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.
- 5) ARTICLE 4 SECTION 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States. A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime. No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.
- 6) ARTICLE 6 PARAGRAPH 2. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.
- 7) ARTICLE 6 PARAGRAPH 3. The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

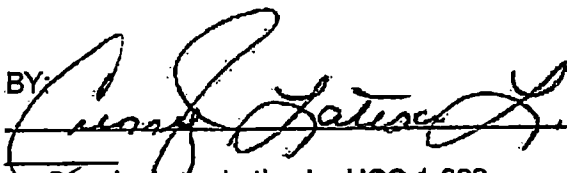
DECLARATION OF BILL OF RIGHTS

- 8) **AMENDMENT 7** – In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.
- 9) **AMENDMENT 11** – The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.
- 10) **AMENDMENTS 14, SECTION 1** - All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

AND TAKE FURTHER NOTICE THAT the grounds for this Constitutional challenge are as follows:

1. Is the Statues listed, that I have challenged Constitutional?

Take further notice as an Officer who has taken an Oath to uphold the United States Constitution and the Constitution of South Carolina, he or she has an obligation to intervene in any proceedings or actions that violate my rights under the Constitution or be guilty of Treason and become a Tortfeasor.

BY:  8.3.17
Cunningham, Latisa L., UCC 1-308 Dated:
1227 Wild Goose Trl
Summerville, SC [29483]

In Propria Persona
Cunningham, Latisa L.
[1227 Wild Goose Trl,
Summerville, SC [29483]]

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS
Civil Action No. 2013-CP-18-00519

STATE OF SOUTH CAROLINA,
ALAN WILSON-ATTORNEY GENERAL,
[WELLS FARGO BANK, N.A.]

**NOTICE OF CONSTITUTIONAL
CHALLENGE AND
INJUNCTION BRIEF**

Plaintiff(s)

vs.

LATISA L. CUNNINGHAM., (Corporate Person)
Cunningham, Latisa L., In Propria Persona
1227 Wild Goose Trl
Summerville, SC [29483]

Defendant in Error,

NOTICE OF CONSTITUTIONAL CHALLENGE BRIEF

CERTIFIED COPY
2017 AUG -8 PM 1:36
David H. Blanton
CLERK OF COURT
DORCHESTER COUNTY

I, Cunningham, Latisa L. (Private American National state citizen) am challenging all Statues that govern the Foreclosure of this State including but not limited to the Writ of Assistance. The foreclosure action is overall governed by USC Title 12 which has never been ratified (never codified as Constitutional). Therefore, this means that the Foreclosure and Codes of the Great South Carolina are not constitutional. Being subject to the Special Laws that have been put in place for Foreclosure is a direct violation of my Civil and Constitutional Rights as an Owner of Properties (House, Car, etc.) for the following reasons:

1. According to South Carolina Constitution of 1886 Article 1 Section 3, explains that no citizen shall be deprived of property without due process of law. This means that the entire matter, including the contract that I signed must be put on trial to determine if it was a legal contract and if it violated my Civil and Constitutional Rights.
2. According to South Carolina Constitution of 1886 Article 1 Section 4, prohibits ex post facto laws being passed by Congress impairing the Obligation of Contract, which would have been the very act committed when Congress passed the Emergency Banking Act of 1933.
3. According to the United States Constitution Article 1 Section 10 Paragraph 1, states that no state should enter into any agreements that impair the Obligation of Contract in any fashion or form, which will point back to the Banking Act of 1933.

In Conclusion, as a Private American National state citizen of the United States who is free pursuant to Executive Order 13132, which states "people of states are free and can only be restricted by that which is in the U.S. Constitution. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." This Case should be vacated and removed from my credit report. I pray that this Court will grant this request.

According to the Federal Rule 5.1 the Attorney General has Sixty days to respond. If he does not respond I am instructing the Clerk of Court to seal this case, Vacate Judgments and Orders, and dismiss with Prejudice.

BY: Cunningham, Latisa L. 8.3.17

Cunningham, Latisa L., UCC 1-308
1227 Wild Goose Trl
Summerville, SC [29483]

Dated:

In Propria Persona
Cunningham, Latisa L.
[1227 Wild Goose Trl,
Summerville, SC [29483]]

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS
Civil Action No. 2013-CP-18-00519

STATE OF SOUTH CAROLINA,
ALAN WILSON-ATTORNEY GENERAL,
[WELLS FARGO BANK, N.A.]

NOTICE OF CONSTITUTIONAL
CHALLENGE RULE 5.1
AND INJUNCTION

Plaintiff(s)

vs.

LATISA L. CUNNINGHAM., (Corporate Person)
Cunningham, Latisa L., In Propria Persona
1227 Wild Goose Trl
Summerville, SC [29483]

Defendant in Error,

CERTIFIED COPY
2017 AUG - 8 PM 1:35
CLERK OF COURT
DORCHESTER COUNTY
Clayton H. Hester

CERTIFICATE OF SERVICE

For the claim is with the knowledge I have sent a - copy - of the NOTICE OF CONSTITUTIONAL CHALLENGE RULE 5.1 AND INJUNCTION, by Certified Mail Return Receipt Requested, to the following location(s) on this 3rd day of August, in the year 2017:

Office of the Attorney General
Honorable Alan Wilson
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, S.C. 29201

Dorchester County Sheriff's Office

Sheriff Luther C. Knight
212 Deming Way
Summerville, SC 29483

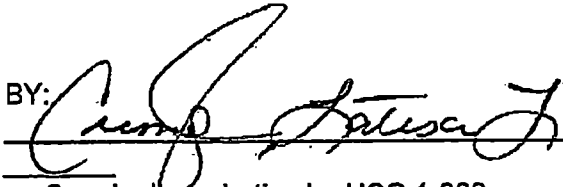
Dorchester County Courthouse
Cheryl Graham
Clerk of Court
5200 E Jim Bilton Boulevard
St George, SC 29477

CC: Brock & Scott, PLLC
James M. Page
Chad Burgess
3800 Fernandina Road Suite 110,
Columbia, SC 29210
Attorney for the Plaintiff

CC: U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

CC: Department of Justice- South Carolina District
First Union Building
1441 Main Street, Suite 500
Columbia, SC 29201

BY:



8-3-17

Cunningham, Latisa L., UCC 1-308
1227 Wild Goose Trl
Summerville, SC [29483]

Dated:

For the claim is I, Cunningham, Latisa L., have given true and correct statements in the NOTICE OF CONSTITUTIONAL CHALLENGE RULE 5.1 AND INJUNCTION under Penalty of Perjury.

"I declare under penalty of perjury that the foregoing is true and correct.
Executed on 3rd day of August, 2017".

Cunningham, Latisa L.

IN WITNESS WHEREOF, I have here unto set my hand and seal on this 3rd day of August, 2017.

BY:

Latisa L. Cunningham
Cunningham, Latisa L.

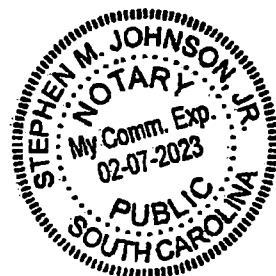
Before me, the undersigned authority in the County of Charleston in the State of South Carolina, personally appeared Cunningham, Latisa L., who has sworn to and subscribed before me this 3rd day of August, 2017.

Stephen M. Johnson
NOTARY PUBLIC

My Commission Expires: 02/07/2023

AFFIDAVIT FOR RULE 5.1
Rule 5.1. Constitutional Challenge to a Statute

The Federal Civil Procedure Rule 5.1 states the following:



Stephen M. Johnson
CLERK OF COURT
DORCHESTER COUNTY
2017 AUG - 8 PM 1:26
CERTIFIED COPY

(a) NOTICE BY A PARTY. A party that files a pleading, written motion, or other paper drawing into question the constitutionality of a federal or state statute must promptly:

(1) file a notice of constitutional question stating the question and identifying the paper that raises it, if:

(A) a federal statute is questioned and the parties do not include the United States, one of its agencies, or one of its officers or employees in an official capacity; or

(B) a state statute is questioned and the parties do not include the state, one of its agencies, or one of its officers or employees in an official capacity; and

(2) serve the notice and paper on the Attorney General of the United States if a federal statute is questioned—or on the state attorney general if a state statute is questioned—either by certified or registered mail or by sending it to an electronic address designated by the attorney general for this purpose.

(b) CERTIFICATION BY THE COURT. The court must, under 28 U.S.C. §2403, certify to the appropriate attorney general that a statute has been questioned.

(c) INTERVENTION; FINAL DECISION ON THE MERITS. Unless the court sets a later time, the attorney general may intervene within 60 days after the notice is filed or after the court certifies the challenge, whichever is earlier. Before the time to intervene expires, the court may reject the constitutional challenge, but may not enter a final judgment holding the statute unconstitutional.

(d) NO FORFEITURE. A party's failure to file and serve the notice or the court's failure to certify, does not forfeit a constitutional claim or defense that is otherwise timely asserted.

"I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 3rd day of August, 2017".

Cunningham, Latisa L.

IN WITNESS WHEREOF, I have here unto set my hand and seal on this 3rd day of August, 2017.

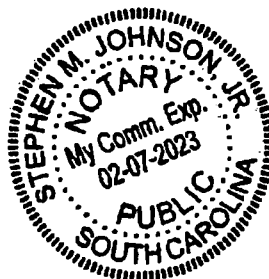
BY:

Cunningham, Latisa L.

Before me, the undersigned authority in the County of Charleston in the State of South Carolina, personally appeared Cunningham, Latisa L., who has sworn to and subscribed before me this 3rd day of August, 2017.

Stephen M. Johnson
NOTARY PUBLIC

My Commission Expires: 02/07/2023



PROOF OF SERVICE

I, the undersigned Legal Secretary of the law offices of Womble Carlyle Sandridge & Rice LLP, Attorneys for Respondent, do hereby certify that I have served the below parties in this action with a copy of the pleading(s) specified below by mailing a copy of the same, postage prepaid, to the following address(es):

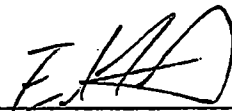
Pleading: Return in Opposition to Motion to Reconsider

Parties Served: Latisa L. Cunningham
1227 Wild Goose Trail
Summerville, SC 29483

Appellant

Thomas I. Howard, Jr.
Brownlee Whitlow Praet & File, PLLC
3255 Landmark Drive, Suite 301
North Charleston, SC 29418

Counsel for Prospective Amicus Curiae



Edwin T. Mathis

August 14, 2017

RECEIVED
AUG 16 2017
SC Court of Appeals

BROWNLEE WHITLOW & PRAET, PLLC

ATTORNEYS AT LAW

THOMAS I. HOWARD, JR.^o
PATRICK A. JOHNSON[†]
NORMAN D. PRAET[†]
BRIAN J. REGISTER[†]
DANIEL W. SMITH[†]
F. TODD WHITLOW *

* Licensed in NC and SC
† Licensed in NC
o Licensed in SC

CHARLESTON OFFICE

3255 LANDMARK DRIVE, SUITE 301
N. CHARLESTON, SOUTH CAROLINA 29418
TELEPHONE: (843) 628-7120
FAX: (843) 628-0847
THOMAS I. HOWARD, JR.

ATTORNEY AT LAW

EMAIL: thoward@bwpf-law.com

October 18, 2017

RETIRED

WILL K. BROWNLEE

Ms. Jenny Abbott Kitchings
The SC Court of Appeals
P.O. Box 11629
1220 Senate Street
Columbia, SC 29211

Re: Latisa L. Cunningham v. Wells Fargo Bank, NA
Appellate Case No: 2016-000704
Our File No.: 30044-138

RECEIVED
OCT 19 2017
SC Court of Appeals

Dear Ms. Kitchings:

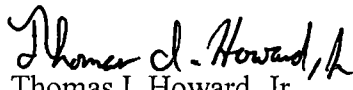
Enclosed are the original and seven (7) copies of our Motion to Dismiss by Petitioner/Respondent American Homes 4 Rent Properties Ten, LLC and Memo in Support of Motion to Dismiss by Petitioner/Respondent American Homes 4 Rent Properties Ten, LLC. Please file the same and return a clocked-in copy to me in the enclosed envelope.

By copy of this letter, I am serving a copy of the same upon all parties to this action.

Thank you for your assistance in this matter. Should you have any questions or need anything further, please do not hesitate to contact me.

Sincerely,

BROWNLEE WHITLOW PRAET & FILE, PLLC


Thomas I. Howard, Jr.

TIH,JR./jlw

cc: Latisa L. Cunningham
Chad W. Burgess, Esquire
S. Sterling Laney, III, Esquire
M. Todd Carroll, Esquire
J. Martin Page, Esquire
American Homes 4 Rent Properties Ten, LLC