

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEALS FROM DORCHESTER COUNTY

James E. Chellis, Master-In-Equity

Case No.: 2013-CP-18-00519

Appellant Case No. 2017-002169

American Homes 4 Rent Properties Ten, LLC, Petitioner,

In Re:

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.

RECEIVED

OCT 27 2017

SC Court of Appeals

OBJECTION TO RESPONDENT MOTION TO DISMISS

Comes Now for Special Appearance, Latisa L. McAllister aka Latisa L. Cunningham objecting to the respondent Motion to Dismiss. The reasons are as follow:

1. Pursuant to United States Supreme Court in *Trinsey v. Pagliaro*, D. C. Pa. 1964, 229 F. Supp. 647, which states " While counsel may enlighten the court, statements of counsel in brief or in argument are not sufficient for motion to dismiss or for summary judgment," . The respondent attorney does not have standing in court to make a motion for dismissal of a Pro Se litigant.
2. The Federal Rule 5.1 (Constitutional Challenge to a Statute) is a federal remedy to protect Americans. This rule allows Americans to challenge any statutes, federal or state that violates his or her rights.
3. On or around about August 8, 2017, I filed a Constitutional Challenge against the statutes governing the Writ of Assistance including, but not limited to all the statutes that govern foreclosures.
4. Also on August 8, 2017, I filed an Injunction under Rule 24.1 to intervene in the proceeding concerning the Writ of Assistance that was scheduled for August 9, 2017.

5. A copy of the Constitutional Challenge and the Injunction was personally served to the office of the Master in Equity from the Clerk of Court Office on August 8, 2017 per my request.
6. The Master in Equity was aware of the Constitutional Challenge and Injunction and indicated at the hearing that I was just junking up my case file and indicated that he was going to issue an order for me not to file any other documents for my case.

My argument against the motion to dismiss is that Federal Rule 5.1 which is a Constitutional Challenge is a remedy that Americans can use if they feel that they are being deprived of rights and privileges without due process. This federal rule applies to federal and state statutes, and was filed in a timely fashion. According to this federal rule the attorney general of this state has sixty days to intervene and declared rather the statutes being challenged are constitutional and that the court may object to the constitutional challenge but cannot move to make a final decision in the matter. At this point unless the Attorney General established that the statutes are constitutional then the Writ of Possession cannot be executed by the Dorchester Sheriff Department. Therefore, I pray that this court will deny the respondent motion to dismiss.


Latisa L. McAllister

27 Oct 17
Date

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PROOF OF SERVICE

I, Latisa L. Cunningham certify that I am of such age and discretion to be competent to serve papers.
That on the 27 day of 2017, 2017, I have served a copy of the documents listed
below, by Certified Mail, sent to each of the following person(s) at the location(s) stated below,
which is the last known location.

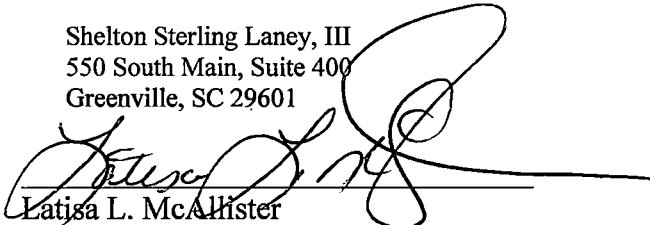
Document(s): **OBJECTION TO RESPONDENT MOTION TO DISMISS**

Party(ies) Served:
Matthew Todd Carroll
1727 Hampton Street
Columbia, SC 29201

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

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

J. Martin Page,
Brock & Scott, PLLC
3800 Fernandina Rd, Ste 110
Columbia, SC 29210


Latisa L. McAllister

Date

27 Oct 17