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November 2, 2017 SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: American Homes 4 Rent Properties Ten, LLC (In re: Wells Fargo v. Cunningham)
Appellate Case No. 2017-002169

Dear Ms. Kitchings:

We recently received a deficiency letter in this appeal regarding Wells Fargo's Joinder to Motion to Dismiss, which we served on the parties on October 24, 2017. The deficiency letter indicated that our notice of joining American Homes 4 Rent's motion to dismiss was being treated as a standalone motion to dismiss, and thus required an extra filing fee. However, as explained below, Wells Fargo is not actually a party to this appeal, and our intention was not to file a motion separate from American Homes 4 Rent's.

This case has a tortured history. It is a foreclosure action that began in 2013, and summary judgment was entered in Wells Fargo's favor on May 4, 2015. That order was the subject of an appeal that was ultimately dismissed on December 22, 2015, due to Ms. Cunningham's failure to follow the Appellate Court Rules. (Appellate Case No. 2015-001211 (*"Cunningham I"*)).

When the case was remitted back to the circuit court, Ms. Cunningham objected to the foreclosure sale, but her objection was denied. That order was the subject of a second appeal that was ultimately dismissed on October 18, 2017. (Appellate Case No. 2016-000704 (*"Cunningham II"*)).

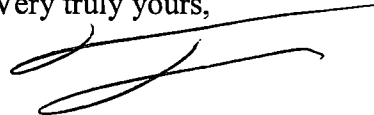
In the meantime, Ms. Cunningham took no steps to stay the underlying action before the circuit court. As such, the property was sold to American Homes 4 Rent via a foreclosure sale, and a master's deed was issued and recorded in April 2016. However, according to American Homes 4 Rent's amicus filing in *Cunningham II*, Ms. Cunningham refuses to leave the property and refuses to make rental payments, thus depriving it of over \$25,000 in income as of June 2017. When American Homes 4 Rent secured a Writ of Assistance from the circuit court authorizing the Dorchester County Sheriff to remove Ms. Cunningham, she filed a third appeal to this Court. (Appellate Case No. 2017-002169 ("*Cunningham III*").)

American Homes 4 Rent has moved to dismiss this latest frivolous appeal. However, with the dismissal of *Cunningham II*, Wells Fargo's involvement in this situation should be over. Nevertheless, because Ms. Cunningham's abuse of the judicial system continues, Wells Fargo filed its Joinder of Motion to Dismiss to note two points for the record: (1) it is not a party to this appeal; and (2) if it is somehow still part of these proceedings, it agrees with American Homes 4 Rent's motion to dismiss.

Accordingly, we do not believe a filing fee was necessary for Wells Fargo's notice of joinder. To help avoid further confusion, we would respectfully request that the Court consider amending the caption of *Cunningham III* to make clear that Ms. Cunningham is the appellant, that American Homes 4 Rent is the respondent, and that Wells Fargo was simply the plaintiff in the underlying action. If we can provide the Court with any additional materials or information, please do not hesitate to call on us.

With kind regards, I remain

Very truly yours,



M. Todd Carroll

MTC/tm

cc: Latisa L. Cunningham
Thomas I. Howard, Jr. Esq.



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