

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM YORK COUNTY

Court of Common Pleas

S. Jackson Kimball, Special Circuit Judge

Case No. 2007-CP-46-04305

SunTrust Mortgage, Inc.,.....Respondent,

v.

Mark Ostendorff,Appellant

REPLY TO RETURN TO PETITION FOR REHEARING

Mark Ostendorff
137 King Street
Central, SC 29630
(864) 640-3340
Appellant, Pro Se

Brian S. Tatum
Tatum Law Firm
P.O. Box 11250
Charlotte, NC 28250
(704) 307-4350
Attorney for Respondent

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DEC 14 2012

SC Court of Appeals

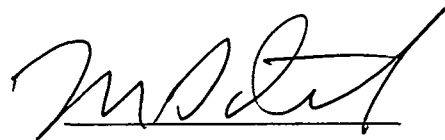
The matter was addressed by the Master –In-Equity. It was the basis for the Court to grant Summary Judgment as a matter of law (in addition to facts imagined by the Court). The facts Ostendorff provided in his affidavit are permitted under Rule 224(c)(3)SCARC. Ostendorff has no other avenue to present such facts since the matter was a surprise issue. The trial court questioned Ostendorff about an item on Susan Walker’s affidavit to which Susan Walker never addressed. Susan Walker never made herself available to be questioned by the Court about that particular item.

CONCLUSION

For the reasons above, Ostendorff again asks this Court to Rehear , Reverse, Remand per Ostendorff’s Petition for Rehearing.

December 11, 2011

Respectfully submitted,



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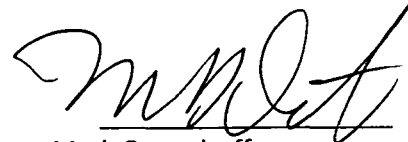
Mark Ostendorff.....Appellant.

CERTIFICATE OF SERVICE

I, Mark Ostendorff, certify that I placed in the United Postal Service with proper postage, a copy of Reply to Return to Petition for Rehearing addressed to the Respondent's attorney at:

Brian S. Tatum
Tatum Law Firm
POBox 11250
Charlotte, NC 28220
(704)307-4350

December 11, 2012



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Central, SC 29630
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