

JOHNSON D KOOLA  
1587 Cambridge Lakes Dr  
Mt. Pleasant, SC 29464  
Phone: (843) 849-9241

December 27, 2017

The Hon. Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, S.C. 29201

**RECEIVED**  
DEC 28 2017  
SC Court of Appeals

Re: Appellate Case No.: 2014-001323; Bank of America, v. Johnson D. Koola

Sub: Update on the removal

Honorable Ms. Kitchings,

I am writing to you to update the status of the above referenced case after removal to United States District Court. The United States Court of Appeals for the Fourth Circuit denied Koola's appeal of the removed case. On December 11, 2017, Koola filed a Petition for a Writ of Certiorari in the underlying case under reference in the United States Supreme Court. The Supreme Court has accepted the Petition and assigned a case number, No.17-7108.

On December 12, 2017, the Master in Equity held a hearing for the foreclosure sale and to set a date for the foreclosure sale. Koola objected to holding the hearing informing the Court that a Petition for a Writ of Certiorari has been filed in the United States Supreme Court. Stating that he is not bound by the action in the United States Supreme Court, the Master in Equity continued the hearing and finally accepted a proposed Order from the plaintiff's attorney to set a date for the foreclosure sale. During the hearing, the Master in Equity never disclosed whether the Court has received remittur from the South Carolina Court of Appeals or mandate from the United States District Court and has Jurisdiction to hold the hearing.

On June 6, 2014, Koola filed Notice of Appeal in this Court. On June 16, 2016, Koola filed Notice of Appeal in the South Carolina Court of Appeals. Pursuant to Rule 205, SCACR, upon the service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal. The Master in Equity's Court would regain jurisdiction only when the appellate court sends the remittur back to the Court.

Furthermore, on May 20, 2016, Koola removed the underlying case to the United States District Court. Pursuant to 28 U.S.C. § 1446(d), the State Court action shall proceed no further unless and until the underlying case is remanded back to the State Court.

The case docket of the underlying case in the Circuit Court does not show that the Master in Equity's Court has received the remittur from the South Carolina Court of Appeals or the mandate from the United States District Court. The case docket of the underlying appeal in the South Carolina Court of Appeals shows that that case is kept in abeyance. Under these circumstances, the Master in Equity's Court did not have jurisdiction to hold the hearing for the foreclosure sale and to set a date for the foreclosure sale.

Honorable Ms. Kitchings, if it is within the authority of your office, you may advise the Master in Equity that he had no jurisdiction to hold December 12, 2017 hearing, and he should rescind and order null and void the December 12, 2017 hearing for foreclosure sale and the acceptance of the Proposed Order under advisement to set the date of foreclosure sale. This would eliminate any unnecessary delay to conclude the case.

Respectfully,

  
Johnson D Koola

Copy to:  
The Master in Equity  
Attorney Mr. Theodore von Keller, Esquire, attorney for plaintiff Bank of America

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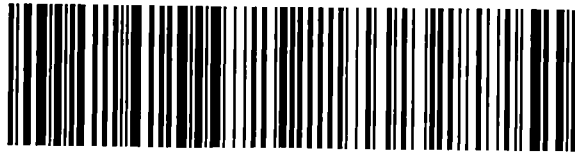
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FROM:

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TO:

CLERK OF COURT  
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COLUMBIA, SC 29201