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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BERKELY COUNTY  
Court of Common Pleas

Dale Van Slambrook, Master In Equity

Case No. 2015-CP-08-00965  
Appellate Case No. 2016-002234

PrimeLending, A  
PlainsCapital Company,

Respondent,

v.

Ronnell Demar Walker a/k/a  
Ronnell D. Walker; and South  
Pointe Homeowners Association  
Defendants, Of whom Ronnell  
Demar Walker a/k/a Ronnell D.  
Walker is the Appellant

Appellant.

RESPONSE TO RESPONDENT'S MOTION TO CORRECT RECORD ON APPEAL AND  
MOTION TO STAY TIME TO FILE FINAL BRIEF

Comes now I Ronnell Demar Bey in propria persona sui juris .

FACTS

I

1. As pertaining to Respondent requesting the "Order Granting Defendant's Motion to Compel filed June 16, 2016" the only information and documentation I was given

that pertained to the order respondent speaks of is contained in the “Order As To Motion to Dismiss” dated October 12, 2016 (See exhibit 1, page 1, 1<sup>st</sup> paragraph).

2. On September 12, 2017, Respondent sent a Motion for seventeen items to be included in the Appellants Record on Appeal. Within those seventeen items “Affidavit of Fact” filed on July 6, 2016 was not included within that motion. The requirement asking for an “Affidavit of Fact” is vague and ambiguous.
3. Rule 210 (c) Content, it does not state that the whole transcript has to be included with in the Record on Appeal.

## II

- a. The binding on Appellant Record on Appeal follows SCAC rules. Per Rule 267 (d) Margins and Bindings, “If staples or clasps are used to bind the volumes, the spines of the volumes shall be bound with heavy tape.”
- b. In Rule 210, it does not state where there should or should not be “cover pages” within the Record on Appeal.
- c. The Respondent states that there are “arguments contained in the index and/or Record”. Appellant is unaware of any arguments listed in the index and/or Record. If so please clarify, this request to what to fix this is vague and ambiguous.
- d. Appellant spoke with the Clerk of Court concerning the numbering of the pages of the Record on Appeal. Appellant is aware of this issue and this issue will be corrected.

CONCLUSION

Appellant believes that the court should request the Respondent to provide the Order Granting Defendant's Motion to Compel filed June 16, 2016 and the Affidavit of Fact filed on July 6, 2016 where these items can be included in the Record on Appeal of which the Respondent is claiming to exist where I have no record of these items. Appellant prays this honorable court allows this case to move forward so that I can continue the fight for my home and hopes that justice will prevail.

Respectfully submitted,

December 29, 2017

I Am: *Ronnell Demar Bay*  
Authorized Representative  
Natural Person, In Propria Persona: Sui Juris  
Ex Relatione RONNELL DEMAR WALKER  
All Rights Reserved:  
U.C.C. 1-207/ 1-308; U.C.C. 1-103  
Tunis Territory  
C/o 412 Eastover Circle  
Summerville, SC [29483]  
Non-Domestic, Non-Resident

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

PrimeLending, A PlainsCapital Company,

Plaintiff,

v.

Ronnell Demar Walker a/k/a Ronnell D. Walker; South Pointe Homeowners Association;

Defendants.

IN THE COURT OF COMMON PLEAS

DOCKET NO.: 2015-CP-08-00965

ORDER AS TO MOTION TO DISMISS

FILED  
16 OCT 12 PM 2:23  
MARY B. BROWN  
CLERK OF COURT  
BERKELEY COUNTY, S.C.

FILED  
MB

ES06951.00925 EL11

This matter came before me for a hearing on August 24, 2016, on Defendant Ronnell Demar Walker n/k/a/ Ronell Demar Bey's Motion captioned as "Affidavit of Fact," filed on July 6, 2016, which this Court treated as a Motion to Dismiss Plaintiff's complaint and a renewed Motion to Compel Discovery. Present for the hearing were counsel for the Plaintiff, Erica G. Lybrand, and Defendant Ronnell Demar Walker n/k/a/ Ronell Demar Bey ("Defendant"), appearing *pro se*. For the reasons set forth below, Defendant's Motion to Dismiss is denied, and Defendant's Motion to Compel is Denied in Part and Granted in Part.

During the course of the hearing, Defendant argued that Plaintiff's complaint should be dismissed because it has failed to respond to his discovery requests to his satisfaction. I hereby deny Defendant's Motion to Dismiss on these grounds and find that Plaintiff has properly pled the necessary and required allegations to prosecute its foreclosure action.

In finding that the *pro se* motion filed could also be interpreted as a Motion to Compel, the undersigned addressed each of Defendant's requests individually during the hearing. This court's rulings as to the individual requests are itemized below:

1. **Request Number 1, relating to the original promissory note:** I find that the Defendant has been previously provided with a true and correct copy of the promissory note and has been provided an opportunity to inspect the original. Therefore, there is no additional production or response required as to this Request.

2. **Request Number 2, relating to bookkeeping journals:** I find that Defendant was previously provided a copy of the payment history on the loan via hand delivery from counsel for the Plaintiff. However, to the extent Defendant did not receive that document, I hereby order Plaintiff to provide the full and complete payment history on the loan to Defendant via certified mail within five (5) days of the hearing, with a copy to the Court. Any other documents relating to journal entries are irrelevant to the proceedings and are, therefore, not discoverable.

3. **Request Number 6, relating to the original deposit slip:** I find that the request is vague and ambiguous. Additionally, I find the document requested is irrelevant to the foreclosure action and not discoverable.

4. **Request Number 8, relating to the account number and source of money:** I find that Defendant has been previously provided with the loan account number and the settlement statement showing the exchange of funds between the seller of the Subject Property and the original lender. Further, I find that the source of the funds relating to the loan is not relevant to the foreclosure action.

5. **Request Number 9, relating to documents providing gift to the lender:** I find that there are no documents responsive to this request and therefore Plaintiff has properly responded.

6. **Request Number 4, relating to insurance policies:** I find that Defendant has been previously provided with copies of documents in Plaintiff's file which may be responsive to this request. Further, I find that the additional documents sought by Defendant are not relevant to this matter. They are therefore not discoverable.

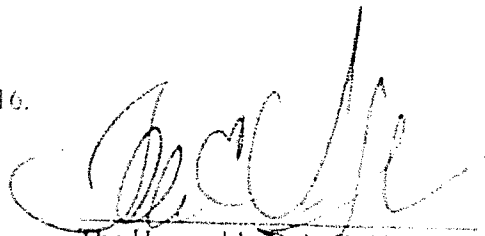
7. **Request Number 11, relating to the name of a CPA or Auditor:** I find that the named and information relating to Plaintiff's CPA and/or Auditor is not relevant to this matter. However, to the extent this request is one for the name of the Plaintiff's witnesses for trial, I hereby order Plaintiff to produce the name of its trial witness(es) within 15 days of the date of this hearing.

**IT IS THEREFORE ORDERED THAT:**

1. Defendant's Motion to Dismiss is denied as Plaintiff has alleged facts sufficient in its Complaint to move forward with the foreclosure action;
2. Plaintiff is ordered to produce a full and complete payment history to Defendant via certified mail within 5 days of the date of the hearing;
3. Plaintiff is ordered to provide the name of its trial witness(es) to Defendant within 15 days of the date of the hearing; and
4. All other requests of Defendant pursuant to his Motion to Compel are deemed as irrelevant to action and therefore not discoverable.

**AND IT IS SO ORDERED.**

This 11<sup>th</sup> day of OCTOBER, 2016.

  
The Honorable Dale E. VanSlambrook  
Master in Equity for Berkeley County

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BERKELY COUNTY  
Court of Common Pleas

Dale Van Slambrook, Master In Equity

Case No. 2015-CP-08-00965  
Appellate Case No. 2016-002234

PrimeLending, A  
PlainsCapital Company

Respondent,

v.

Ronnell Demar Walker a/k/a  
Ronnell D. Walker; and South  
Pointe Homeowners  
Association, Defendants, Of  
whom Ronnell Demar Walker  
a/k/a Ronnell D. Walker is the  
Appellant

Appellant.

PROOF OF SERVICE

I certify that I have served the **RESPONSE TO RESPONDENTS SECOND MOTION TO CORRECT RECORD ON APPEAL AND MOTION TO STAY TIME TO FILE FINAL BRIEF** by depositing a copy of it in the United States Mail, postage prepaid, on December 29, 2017, addressed to The Honorable Jenny Abbott Kitchings, Clerk of Court, South Carolina Court of Appeals at 1220 Senate Street Columbia, South Carolina 29201.

I certify that I have served the **RESPONSE TO RESPONDENTS SECOND MOTION TO CORRECT RECORD ON APPEAL AND MOTION TO STAY TIME TO FILE FINAL BRIEF** by depositing a copy of it in the United States Mail, postage prepaid, on December 29, 2017, addressed to Eric G. Lybrand, Rogers Townsend Attorney at Law at 1221 Main Street 14<sup>th</sup> Floor Columbia, SC 29201.

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I Am: Ronnell Demar Walker  
Authorized Representative  
Natural Person, In Propria Persona: Sui Juris  
Ex Relatione RONNELL DEMAR WALKER  
All Rights Reserved:  
U.C.C. 1-207/ 1-308; U.C.C. 1-103  
Tunis Territory  
C/o 412 Eastover Circle  
Summerville, SC [29483]  
Non-Domestic, Non-Resident

December 29, 2017

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SC Court of Appeals

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

RE: PrimeLending, A PlainsCapital Company, V. Ronnell Demar Walker a/k/a  
Ronnell D. Walker; and South Pointe Homeowners Association, Defendants, Of  
whom Ronnell Demar Walker a/k/a Ronnell D. Walker is the Appellant, Case No.  
2015-CP-08-00965, Appellate Case No. 2016-002234

Dear Ms. Kitchings:

Please find enclosed the an Original and 7 copies of the Response to  
Respondent's Second Motion to Correct Record on Appeal, Motion to Stay Time to File  
Final Brief and Proof of Service for the above referenced matter.

I Am: Ronnell Demar Walker  
Authorized Representative  
Natural Person, In Propria Persona:  
Ex Relatione RONNELL DEMAR WALKER  
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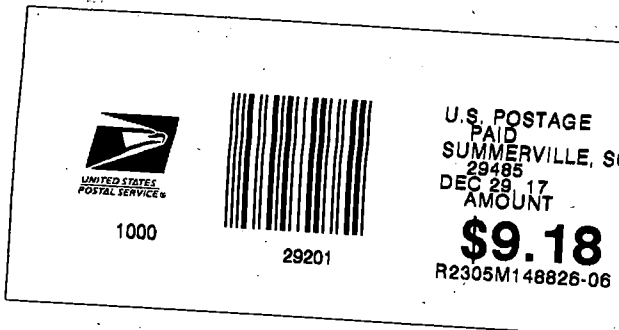
Enclosures

cc:  
Erica Greer Lybrand  
Rogers Townsend Attorney at Law  
1221 Main Street, 14<sup>th</sup> Floor  
Columbia, SC 29201

Nikole Deanna Haltiwanger  
ROGERS TOWNSEND & THOMAS, PC  
220 Executive Center Drive  
Columbia, SC 29201  
(803)744-4444

Rommel Demar Bey  
40 412 Eastover Circle  
Summerville, SC

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1220 Senate Street  
Columbia, SC

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