

STATE OF SOUTH CAROLINA  
In The Supreme Court

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S.C. SUPREME COURT

-----  
APPEAL FROM SUMTER COUNTY  
R. Booth Master in Equity, Court of Common Pleas

-----  
Trial Court Case No. 2016-CP-43-00733  
Appellate Case No. 2017-001490

-----  
JPMorgan Chase Bank, National Association, Respondent,

v.

Robert W. Wazney,

Appellant.

-----  
APPENDIX  
-----

ROBERT WILLIAM WAZNEY  
990 Wisacky Hwy.  
Bishopville, SC 29010  
Indigent Appellant / Petitioner

Scott and Corley, PA.  
2712 Middleburg Drive, Suite 200  
Columbia, SC 29204  
Attorneys for Plaintiff

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STATE OF SOUTH CAROLINA  
Court of Appeals

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APPEAL FROM SUMTER COUNTY  
R. Booth Master in Equity, Court of Common Pleas

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App. Case No. 2017-001490

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JPMorgan Chase Bank, National Association,

Respondent,

v.

Robert W. Wazney,

Appellant.

---

PETITION FOR REHEARING

---

Date: December 12, 2017

ROBERT WILLIAM WAZNEY  
990 Wisacky Highway  
Bishopville, SC 29010  
Indigent, Pro se, Appellant  
803-428-2800

PETITION FOR REHEARING


AFFIDAVIT

ROBERT WILLIAM WAZNEY, Appellant, being duly sworn, deposes and says:

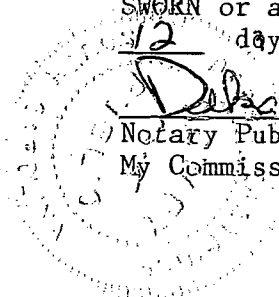
1. I am the Appellant in this above titled case 2016-CP-43-00733.
2. I am a pauper.
3. I have applied to the Court of Appeals to proceed in forma pauperis.
4. The Court of Appeals has denied my application for in forma pauperis on September 14, 2017 (see Exhibit A).
5. The Court of Appeals will not entertain my complaint of its judgment of the denial of my application for in forma pauperis (see Exhibit B) dated October 4, 2017.
6. I am in receipt of the Court of Appeals Order (see Exhibit C) of December 1, 2017 which I received on December 8, 2017.
7. The Court of Appeals has dismissed my grievance because I am a pauper.
8. I request this matter to be entertained by the South Carolina Supreme Court as it offends my State and Federal Constitutional rights guaranteed by the Government of this Nation.
9. In support of my claim, I declare under penalty of perjury the foregoing is true and correct. "

Executed this 12 day of December, 2017.

/s/

  
ROBERT WILLIAM WAZNEY  
990 Wisacky Hwy.  
Bishopville, SC 29010  
Indigent, pro se, Appellant  
803-428-2800

SWORN or affirmed to and subscribed before me this  
12 day of December, 2017.

  
Dale Estridge  
Notary Public for the State of S.C.  
My Commission Expires: 3/3/2024



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# The South Carolina Court of Appeals

JPMorgan Chase Bank, National Association,  
Respondent,

v.

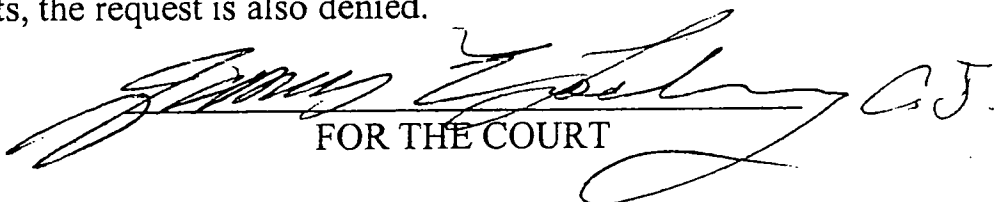
Robert W. Wazney, Appellant.

Appellate Case No. 2017-001490

2016-CP-43-00733  
Exhibit A

\_\_\_\_\_  
ORDER  
\_\_\_\_\_

The motion to proceed *in forma pauperis* is denied pursuant to *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995). The filing fee must be paid within fifteen days of the date of this order. To the extent that Appellant is requesting to receive the transcript without costs, the request is also denied.

  
FOR THE COURT

Columbia, South Carolina

cc:  
Robert W. Wazney  
Jessica S. Corley, Esquire

**FILED**  
September 14, 2017



4

# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

October 04, 2017

Robert W. Wazney  
990 Wisacky Hwy.  
Bishopville SC 29010

2016-CP-43-00733  
Exhibit B

Re: JPMorgan Chase Bank v. Robert Wazney  
Appellate Case No. 2017-001490

Dear Mr. Wazney:

We received your motion to alter or amend judgment dated September 25, 2017. According to Rule 240(i) of the South Carolina Appellate Court Rules, "The court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal." Therefore, no further action will be taken regarding your motion to alter or amend judgment. The notice of appeal filing fee must be paid within (5) days from the date of this letter. Failure to do so will result in the dismissal of this appeal.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Jessica S. Corley, Esquire



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# The South Carolina Court of Appeals

JPMorgan Chase Bank, National Association,  
Respondent,

v.

Robert W. Wazney, Appellant.

2016-CP-43-00733  
Exhibit C

Appellate Case No. 2017-001490

The Honorable Richard L. Booth  
Sumter County  
Trial Court Case No. 2016CP4300733

---

## ORDER

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Appellant has failed to provide the notice of appeal filing fee, as required by Rule 203 of the South Carolina Appellate Court Rules and this Court's letter dated October 4, 2017. Accordingly, this appeal is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK

Columbia, South Carolina

cc:  
Robert W. Wazney  
Jessica S. Corley, Esquire

**FILED**  
December 1, 2017 S.

STATE OF SOUTH CAROLINA  
Court of Appeals

6

APPEAL FROM SUMTER COUNTY  
R. Booth Master in Equity Court of Common Pleas

App. Case No. 2017-001490

JPMorgan Chase Bank, National Association, Respondent,

v.

Robert W. Wazney,

Appellant.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 12, 2017, true and correct copies of the PETITION FOR REHEARING were properly served or mailed, first class postage pre-paid, by U.S. Mail and by placing the same in the prison mail system, to all parties listed below.

Scott and Corley, PA.  
2712 Middleburg Drive, Suite 200  
Columbia, SC 29204

/s/

ROBERT WILLIAM WAZNEY  
990 Wisacky Hwy.  
Bishopville, SC 29010  
Indigent, pro se, Appellant  
803-428-2800



# The South Carolina Court of Appeals

JPMorgan Chase Bank, National Association,  
Respondent,

v.

Robert W. Wazney, Appellant.

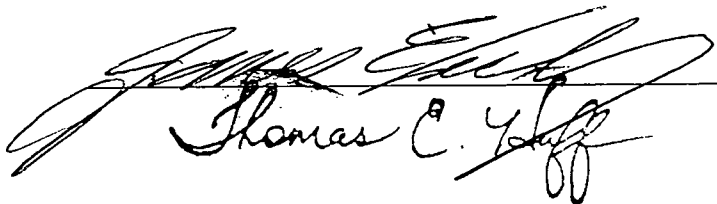
Appellate Case No. 2017-001490

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ORDER

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After careful consideration of the petition to reinstate, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for reinstating. Accordingly, the petition to reinstate is denied.

  
\_\_\_\_\_  
Thomas C. Hull C.J.

\_\_\_\_\_  
J.

  
\_\_\_\_\_  
D. Han Li J.

Columbia, South Carolina

cc:  
Robert W. Wazney  
Jessica S. Corley, Esquire

**FILED**  
January 11, 2018



South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS, CLERK  
POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211

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01/11/2018

US POSTAGE

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ZIP 29201  
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ROBERT W. WAZNEY 363679  
990 WISACKY HWY.  
BISHOPVILLE SC 29010

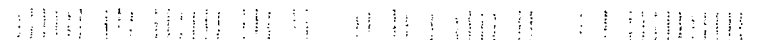
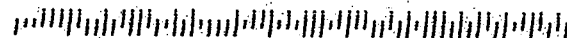
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Sp'd need  
2-17-18

29010-177590



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THE STATE OF SOUTH CAROLINA  
In the Supreme Court

-----  
APPEAL FROM SUMTER COUNTY  
Court of Common Pleas


-----  
Case No.: 2016-DR-43-00733  
Richard L. Booth Master in Equity

-----  
JPMorgan Chase Bank, National Association, Respondent,  
v.  
Robert W. Wazney, Appellant.

-----  
NOTICE OF APPEAL

-----  
Robert W. Wazney appeals the Judgment of the Hon. Richard L. Booth dated May 24, 2017. Appellant received written notice of entry of this judgment on May 31, 2017.

Date: June 21, 2017

  
-----  
Robert W. Wazney  
990 Wisacky Hwy.  
Bishopville, SC 29010  
Indigent Pro se Appellant

Other Counsel of Record:

Scott and Corley, P.A.  
2712 Middleburg Drive, Suite 200  
Columbia, SC 29204  
Attorney for Respondent



STATE OF SOUTH CAROLINA  
 COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS  
 CASE NO. 2016-CP-43-00733

10

JPMorgan Chase Bank, National Association,  
 PLAINTIFF,  
 VS.  
 Robert W. Wazney,  
 DEFENDANT(S).

ORDER DENYING DEFENDANT'S MOTION  
 TO ALTER OR AMEND JUDGMENT

(160268.00223)

ELECTRONICALLY FILED - 2017 May 24 11:57 AM - SUMTER - COMMON PLEAS - CASE#2016CP4300733

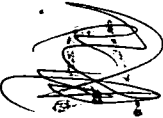
Pursuant to the Order of Reference filed in this matter on October 18, 2016 specifically granting this Court jurisdiction in post judgment matters and the Motion to Alter or Amend Judgment filed by the Defendant pursuant to Rule 59(b), SCRCP, a hearing in this matter was held May 17, 2017 at 11:00 am. Present and representing the Plaintiff was Jessica S. Corley, Esq.. Present solely in her capacity as Guardian ad Litem for the Defendant was Kelley Yarborough Woody, Esq.. Defendant Robert W. Wazney was also present for the hearing and appeared *pro se*.

Defendant's motion, as filed, alleged that the Master in Equity's Order Granting Plaintiff's Motion for Summary Judgment and Order and Judgment of Foreclosure and Sale filed in this matter on January 10, 2017 failed to include a ruling concerning two issues: 1. Plaintiff's negligence and 2. Payments made on the loan. Defendant orally requested a continuance of the motion hearing due to the fact that he was not able to read mail that had been sent to him by the Guardian ad Litem as a result of administrative issues with Lee Correctional Institution where he currently is incarcerated. Defendant presented several arguments, most of which were irrelevant to the motion. Defendant did not produce any physical evidence nor affidavits in support of his motion.

Plaintiff's counsel argued that the issues raised by the Defendant had been specifically and generally ruled upon within the Master in Equity's Order Granting Plaintiff's Motion for Summary Judgment and Order and Judgment of Foreclosure and Sale namely within the findings of fact that payments had not been made as required under the Note and Mortgage and within the conclusions of law that no genuine issue of material fact existed. Plaintiff's counsel argued that Defendant's motion was an attempt to either relitigate issues previously before the court or to introduce new matters before the court that could have been raised previously but were not and that this was an improper use of the Rule 59(b) motion.

Based upon the filed motion, arguments at hearing and the evidence presented in support thereof; IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Defendant, as the moving party, has the burden to prove it has a right to the relief requested in its Motion to Alter or Amend the Judgment. Defendant has failed to provide any argument or produce any evidence tending to show that the Master in Equity's Order Granting Plaintiff's



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Motion for Summary Judgment and Order and Judgment of Foreclosure and Sale failed to address the issues presented in the motion or that the judgment is in any way insufficient or void; therefore, Defendant's Motion to Alter or Amend Judgment is denied.

2. Kelley Yarborough Woody has performed all of her duties as Guardian ad Litem for Defendant Robert W. Wazney with the utmost due care and diligence. Kelley Yarborough Woody is released as Guardian ad Litem for Robert W. Wazney in this matter as of the date of the execution of this Order and shall have no further obligations herein.

Sumter, South Carolina  
\_\_\_\_\_, 2017

\_\_\_\_\_  
Richard L. Booth  
Master in Equity for Sumter County

**I SO MOVE:**

SCOTT AND CORLEY, P.A.

S/Jessica S. Corley, SC Bar 80470

Ronald C. Scott, SC Bar #4996  
 Reginald P. Corley, SC Bar #69453  
 Angella J. Grant, SC Bar #78334  
 Jessica S. Corley, SC Bar #80470  
 Allison E. Heffernan, SC Bar #68530

Matthew E. Rupert, SC Bar #100740  
 William P. Stork, SC Bar #100242  
 Louise M. Johnson, SC Bar #16586  
 Tasha B. Thompson, SC Bar #76415  
 Jane S. Ruschky, SC Bar #70472

**ATTORNEYS FOR PLAINTIFF**  
 2712 Middleburg Drive, Suite 200  
 Columbia, SC 29204  
 803-252-3340

KELLEY YARBOROUGH WOODY  
ATTORNEY AT LAW  
P.O. Box 6432  
COLUMBIA, SC 29260

12

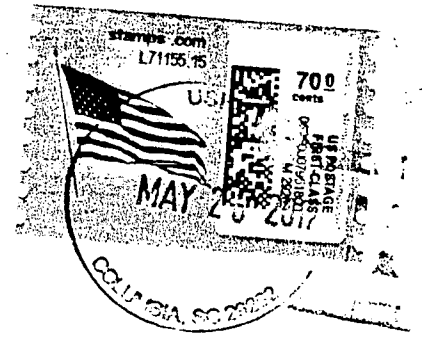
RECEIVED

MAY 30 2017

LEE CI MAIL ROOM

*signed rec'd  
MAY 31 - 2017*

Robert Wazney  
363679 F4B2247  
Lee Correctional Institution  
990 Wisacky Hwy.  
Bishopville, SC 29010



A handwritten signature in the bottom left corner of the document.

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM SUMTER COUNTY  
Court of Common Pleas

Case No.: 2016-DR-43-00733

Richard L. Booth Master in Equity

JPMorgan Chase Bank, National Association, Respondent,

v.

Robert W. Wazney, Appellant.

CERTIFICATE OF SERVICE

I, Robert W. Wazney, do hereby certify that I have served the

NOTICE OF APPEAL

by depositing the same in the prison mail system, addressed to the following  
addresses, postage prepaid on June 30, 2017.

Scott and Corley, P.A.  
2712 Middleburg Drive, Suite 200  
Columbia, SC 29204  
Attorney for Respondent

Clerk of Court  
215 North Harvin Street  
Sumter SC 29150



Robert W. Wazney  
990 Wisacky Highway  
Bishopville, SC 29010  
Indigent Pro se Appellant

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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM SUMTER COUNTY  
Court of Common Pleas

Case No.: 2016-DR-43-00733  
Richard L. Booth, Master In Equity

JPMorgan Chase Bank, National Association,

Respondent,

v.

Robert W. Wazney,

Appellant.

**LEAVE TO PROCEED  
IN FORMA PAUPERIS**

Robert W. Wazney  
990 Wisacky Highway  
Bishopville, SC 29010  
Indigent Pro se Appellant

Date: June 21, 2017

This Motion is made because the Appellant is unable to pay the Court expenses associated with this proceeding. Therefore, the Appellant requests that the Court grants leave to proceed in this action without prepayment of fees or costs.

DECLARATION

Robert W. Wazney, being duly sworn, deposes and says:

"I, Robert W. Wazney, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor, and I am entitled to redress. In support of my claim, I declare under penalty of perjury, that because of my poverty, I am unable to pay the costs of the said proceeding or give security thereof."

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 21, 2017.



-----  
Robert W. Wazney

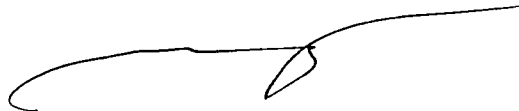
MEMORANDUM

Pursuant to Rule 3(b)(1) SCRPC "... A [party] who desires to file an action In Forma Pauperis shall file in the court a Motion for Leave to Proceed In Forma Pauperis, together with the complaint proposed to be filed and an affidavit showing the [party's] inability to pay the fee required to file the action. If the Motion is granted, the [party] may proceed without further application and file the complaint in the Court without payment of filing fees."

CONCLUSION

For the reason(s) set out above, it is requested that the Court grant relief to the Appellant.

Respectfully submitted,



-----  
Robert W. Wazney  
990 Wisacky Highway  
Bishopville, SC 29010  
Indigent Pro se Appellant

June 21, 2017

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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM SUMTER COUTNY  
Court of Common Pleas

Case No.: 2016-DR-43-00733  
Richard L. Booth, Master In Equity

JPMorgan Chase Bank, National Association,

Respondent,

v.

Robert W. Wazney,

Appellant.

CERTIFICATE OF SERVICE

I, Robert W. Wazney, do hereby certify that I have served the Leave To Proceed In Forma Pauperis, by depositing the same in the prison mail system, addressed to the following addresses, postage prepaid on June 30, 2017.

Scott and Corley, PA  
2712 Middleburg Drive, Suite 200  
Columbia, SC 29204

Clerk of Court  
215 North Harvin Street  
Sumter, SC 29150



Robert W. Wazney  
990 Wisacky Highway  
Bishopville, SC 29010  
Indigent Pro se Appellant

STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM SUMTER COUNTY  
R. Booth Master in Equity, Court of Common Pleas

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Trial Court Case No. 2016-CP-43-00733  
Appellate Case No. 2017-001490

-----  
JPMorgan Chase Bank, National Association, Respondent,

v.

Robert W. Wazney,

Appellant.

-----  
LEAVE TO PROCEED  
IN FORMA PAUPERIS

February <sup>15</sup>-----, 2018

/s/



ROBERT WILLIAM WAZNEY  
990 Wisacky Hwy.  
Bishopville, SC 29010  
Indigent Appellant / Petitioner

This Motion is made because the Appellant is unable to pay the Court expenses associated with this proceeding. Therefore, the Appellant requests that the Court grant leave to proceed in this action without prepayment of fees or costs.

DECLARATION

Robert W. Wazney, being duly sworn, deposes and says:

" I, Robert W. Wazney, am entitled to redress and hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my claim, I declare under penalty of perjury, that because of my poverty, I am unable to pay the costs of the above proceeding or give security thereof. "

Executed February 1<sup>ST</sup>, 2018.

/s/



ROBERT WILLIAM WAZNEY  
990 Wisacky Hwy.  
Bishopville, SC 29010  
803-428-2800  
Indigent Appellant / Petitioner

STATE OF SOUTH CAROLINA  
In The Supreme Court

-----  
APPEAL FORM SUMTER COUNTY  
R. Booth Master in Equity, Court of Common Pleas

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Trial Court Case No. 2016-CP-43-00733  
Appellate Case No. 2017-001490

-----  
JPMorgan Chase Bank, National Association, Respondent,

v.

Robert W. Wazney,

Appellant.

-----  
CERTIFICATE OF SERVICE

-----  
The undersigned hereby certifies that on February 15<sup>th</sup>, 2018, true and correct copies of the PETITION FOR A WRIT OF CERTIORARI and APPENDIX and LEAVE TO PROCEED IN FORMA PAUPERIS, were served by depositing the the same in the prison mail system, postage prepaid, to the following addresses:

Scott and Corley, PA.  
2712 Middleburg Drive, Suite 200  
Columbia, SC 29204

Clerk, Court of Appeals  
PO Box 11629  
Columbia, SC 29211

Clerk, S.C. Supreme Court  
PO Box 11330  
Columbia, SC 29211

/s/



ROBERT WILLIAM WAZNEY  
990 Wisacky Hwy.  
Bishopville, SC 29010  
Indigent Appelant / Petitioner