

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.

RECEIVED
MAR 09 2018
SC Court of Appeals

RESPONSE TO RESPONDENT'S THIRD 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 to Dismiss filed on October 12, 2016" the Respondent did not request this documentation in their Second Motion to Correct Record on Appeal and Motion to Stay Time to File Final Brief dated

December 19, 2017 (See Exhibit A). The Respondent was requesting the “Motion to Compel filed June 16, 2016” which the court ordered (See Exhibit C) the Respondent to provide which the Appellant received and placed a copy into the Record on Appeal as requested.. A copy of the “Order to Dismiss filed on October 12, 2016” was provided in the first corrected Record on Appeal but was not what Respondent requested as evident of the Motion to Correct Record on Appeal dated March 5, 2018. Respondent never requested this documentation to be included in the Record on Appeal for which Appellant believes he should not have to under go the burden to correct the Record on Appeal which I have already done numerous times. Appellant is not confused and has not mixed up any documents because the Record on Appeal has been the same documentation included since the beginning of this Appeal. The only change that has occurred is the additional documents being requested to be added by the Respondent. In the situation of Respondent omitting documents that she deemed not necessary to her is not the responsibility of Appellant, I have responded to every Motion in a timely and orderly fashion acting in good faith. As evidence by the first motion that I received to correct the Record on Appeal (See Exhibit D) the information that the Respondent is now requesting was never requested before in any previous motions.

2. Per South Carolina Appellate Court Rules 210 (e) **Index**, “ Every Record on Appeal shall contain an index to the principal matters therein to include orders, judgments, decisions, pleadings, pretrial matters, opening statements, testimony, motions, closing arguments, jury charges, post-trial motions and exhibits. For witness testimony, the index

shall show the pages on which direct, cross, redirect and recross examination begins”,

I Ronnell Bey have found no discrepancy with the Index that I have prepared as it is done in accordance with SCACR. 210(e)index.

CONCLUSION

Appellant believes Respondent’s motion should be denied based on the facts listed above and exhibits contained herin which prove that the documents now being requested were provided but was deemed not what Respondent requested and omitted., 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,

March 8, 2018

I Am: Ronnell Demar Bey
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

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Dale E. Van Slambrook, Master-in-Equity

Appellate Case No. 2016-002234

Primelending, A Plains Capital Company Respondent,

vs.

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 Appellant.

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

Respondent Primelending, A Plains Capital Company ("Respondent") hereby moves, for a second time, to correct the Record on Appeal submitted by Appellant Ronnell Demar Bey ("Appellant") on the grounds that the proposed Record on Appeal omits documents designated for inclusion by Respondent and fails in other material aspects to comply with the South Carolina Appellate Court Rules. Additionally, Respondent hereby moves to stay the time for it to be required to file its final brief until such time as the below noted deficiencies are corrected.

On December 12, 2017, Appellant filed and served Respondent with a second corrected Record on Appeal. This second corrected Record is still materially deficient, and, as a result, Respondent now seeks an order of the Court requiring Appellant to correct these deficiencies prior to final briefs being submitted.

The material deficiencies in the Record on Appeal filed on December 13, 2017 are as follows:

I. Appellant improperly omitted several documents from the Record on Appeal that were designated for inclusion by Respondent in its Designation of Matter.

“The Record on Appeal shall include all matter designated to be included by any party under Rule 209 ...” Rule 210(c), SCACR. Appellant failed to include the following documents in the Record on Appeal that Respondent requested through its Designation of Matter:

1. Order Granting Defendant’s Motion to Compel filed June 16, 2016. A “cover sheet” naming this order is listed in the Record, but the document following it is not the correct order.
2. “Affidavit of Fact” filed on July 6, 2016.
3. Entire Transcript of non-jury trial on October 13, 2016.

Respondent respectfully requests an order requiring Appellant to correct the Record on Appeal by including these documents or the entirety of these documents in their original, unaltered form.

II. The proposed Record on Appeal Fails to Comply with the South Carolina Appellate Court Rules in Other Material Aspects.

Appellant’s proposed Record on Appeal fails to comply with the South Carolina Appellate Court Rules as follows:

- a) The Record received by counsel for the Respondent is improperly bound with packing tape and binder clips;
- b) The page numbers reflected in the index for each document is actually the page number of a "cover page" for each document. The "cover pages" should be removed and the page number on the index should reflect the page number for the first page of the document itself;
- c) The index and/or Record itself contains argument; and
- d) The documents included in the Record do not have page numbers. The only page numbers are those on the "cover pages."

Respondent respectfully requests an order requiring Appellant to correct the Record on Appeal to satisfy these requirements.

CONCLUSION

For these reasons, Respondent respectfully moves for an order requiring Appellant to correct the second corrected Record on Appeal and respectfully moves for an order staying the time for Respondent to be required to file its final brief until such time as the Record on Appeal is corrected.

Respectfully submitted,



Erica G. Lybrand (SC Bar # 79052)
ROGERS TOWNSEND & THOMAS, PC
Post Office Box 100200 (29202)
1221 Main Street, 14th Floor
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(803)771-7900
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ATTORNEYS FOR RESPONDENT
Rogers Townsend & Thomas, PC and its staff are debt collectors.

December 19, 2017

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, 1st 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

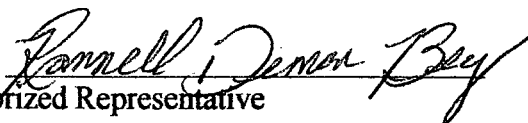
- a. The binding on Appellant Record on Appeal follows SCAC rules. Per Rule 267 (d) Margins and Bindings, “If staples or clasps are used to bind the volumes, the spines of the volumes shall be bound with heavy tape.”
- b. In Rule 210, it does not state where there should or should not be “cover pages” 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: 
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

The South Carolina Court of Appeals

PrimeLending, A PlainsCapital Company, Respondent,

v.

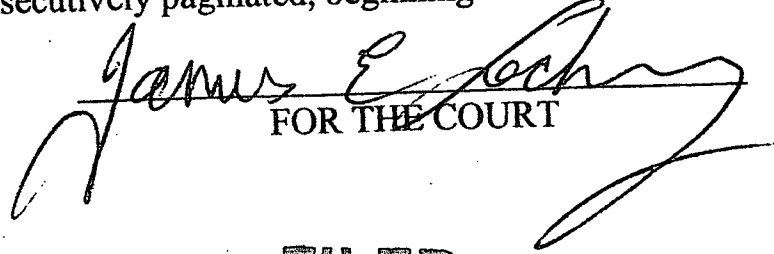
Ronnell Demar Walker a/k/a Ronnell D. Walker; and
South Pointe Homeowners Association, Defendants,

Of whom Ronnell Demar Walker a/k/a Ronnell D.
Walker is the Appellant.

Appellate Case No. 2016-002234

ORDER

Respondent's second motion to correct the record is granted. Within ten days of this order, Respondent shall provide Appellant with copies of (1) Defendant's Motion to Compel filed June 16, 2016, and (2) the Affidavit of Fact filed on July 6, 2016. Within twenty days of receipt of the documents from Respondent, Appellant shall serve and file an amended record on appeal. The amended record must include all matters listed in the parties' designations of matter, including the documents provided by Respondent and the entire transcript of the October 13, 2016 non-jury trial. The amended record shall begin with an index, which reflects the page number for the first page of each document included in the record. The amended record shall not include cover pages for the documents in the record or any other written explanation relating to the documents included. Finally, the amended record must be consecutively paginated, beginning with the index.


FOR THE COURT

Columbia, South Carolina

FILED
January 26, 2018

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Dale E. Van Slambrook, Master-in-Equity

Appellate Case No. 2016-002234

Primelending, A Plains Capital Company Respondent,

vs.

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 Appellant.

PROOF OF SERVICE

I HEREBY CERTIFY that I have served the **RESPONDENT'S MOTION TO CORRECT RECORD ON APPEAL AND MOTION TO STAY TIME TO FILE FINAL BRIEF** on Appellant Ronnell Demar Walker by depositing copies of it in the United States Mail, postage prepaid, on September 12, 2017, at 412 Eastover Circle, Summerville, SC 29483.



Erica G. Lybrand (SC Bar # 79052)

On September 5, 2017, Appellant filed and served Respondent with the Corrected Record on Appeal. Despite the fact that the Court returned the Corrected Record for failing to properly bind the document, Respondent is concerned that the Record served upon its counsel is also materially deficient in other aspects and, as a result, Respondent now seeks an order of the Court requiring Appellant to correct these deficiencies prior to submitted a revised Record on Appeal.

The material deficiencies in the Record on Appeal filed on September 5, 2017 are as follows:

I. Appellant improperly omitted several documents from the Record on Appeal that were designated for inclusion by Respondent in its Designation of Matter.

“The Record on Appeal shall include all matter designated to be included by any party under Rule 209 ...” Rule 210(c), SCACR. Appellant failed to include the following documents in the Record on Appeal that Respondent requested through its Designation of Matter:

1. Order of Reference filed on September 14, 2015. ✓
2. Order Granting Defendant’s Motion to Compel filed June 16, 2016. ✓
3. Complaint filed on April 16, 2013. ✓
4. Affidavit of Service to Ronnell Demar Walker filed April 20, 2015. ✓
5. Attorney Certification filed July 30, 2015. ✓
6. Affidavit of Default and Non-Military Service filed September 14, 2015. ✓
7. Answer filed on November 23, 2015. ✓
8. Motion To Be Relieved As Counsel filed March 15, 2016. ✓
9. Note dated June 27, 2014. ✓
10. Mortgage recorded July 3, 2014. ✓
11. Notice of Acceleration dated December 17, 2014. ✓
12. Assignment of Mortgage recorded April 8, 2015. ✓

- ✓ 13. Letter Responding to Discovery dated April 25, 2016.
- ✓ 14. Entire Transcript of hearing on August 24, 2016.
- ✓ 15. Letter Transmitting Payment History dated August 25, 2016.
- ✓ 16. Letter Providing Witness Information dated August 25, 2016.
- ✓ 17. Entire Transcript of non-jury trial on October 13, 2016. The transcript of this proceeding is included in the Record provided by Appellant, but it is only the condensed version.

Respondent respectfully requests an order requiring Appellant to correct the Record on Appeal by including these documents or the entirety of these documents in their original, unaltered form.

II. The proposed Record on Appeal Fails to Comply with the South Carolina Appellate Court Rules in Other Material Aspects.

Appellant's proposed Record on Appeal fails to comply with the South Carolina Appellate Court Rules as follows:

- a) The index for the proposed Record on Appeal improperly numbers or identifies documents for inclusion in the Record. The Index should list all documents included and should identify the page number upon which each document begins;
- b) The index and/or Record itself contains argument; and
- c) Multiple documents in the Appellant's proposed Record on Appeal are partial documents and/or include handwritten notations which do not appear in the original document. Respondent requests that complete and exact copies of these exhibits be included in the Record on Appeal, without alteration.

Respondent respectfully requests an order requiring Appellant to correct the Record on Appeal to satisfy these requirements.

CONCLUSION

For these reasons, Respondent respectfully moves for an order requiring Appellant to correct the Record on Appeal and respectfully moves for an order staying the time for Respondent to be required to file its final brief until such time as the Record on Appeal is corrected.

Respectfully submitted,



Erica G. Lybrand (SC Bar # 79052)
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Columbia, South Carolina 29201
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erica.lybrand@rtt-law.com
ATTORNEYS FOR RESPONDENT
Rogers Townsend & Thomas, PC and its staff are debt collectors.

September 12, 2017

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.

RECEIVED
MAR 09 2018
SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the **RESPONSE TO RESPONDENTS THIRD 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 March 08, 2018, 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 THIRD 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 March 8, 2018, addressed to Eric G. Lybrand, Rogers Townsend Attorney at Law at 1221 Main Street 14th Floor Columbia, SC 29201.

I certify that I have served the **RESPONSE TO RESPONDENTS THIRD 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 March 8, 2018, addressed to Nikole Haltiwanger, Rogers Townsend Attorney at Law at 220 Executive Center Drive Columbia, SC 29201.

I Am: Ronnell Demar Brey
Authorized Representative
Natural Person, In Propria Persona: Sui Juris
Ex Relatione RONNELL DEMAR WALKER
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Tunis Territory
C/o 412 Eastover Circle
Summerville, SC [29483]
Non-Domestic, Non-Resident

March 8, 2018

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MAR 09 2018

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 Third 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 Boy
Authorized Representative
Natural Person, In Propria Persona:
Ex Relatione RONNELL DEMAR WALKER
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Tunis Territory
C/o 412 Eastover Circle
[Summerville, SC 29483]
Non-Domestic, Non-Resident

Enclosures:

Exhibit A – Respondent's Second Motion to Correct Record on Appeal and
Motion To Stay Time to File Final Brief – Dated December 19, 2017

Exhibit B – Response to Respondent's Second Motion to Correct Record on
Appeal and Motion To Stay Time to File Final Brief – Dated
December 29, 2017

Exhibit C – South Carolina Court of Appeals – Order Filed January 26, 2018

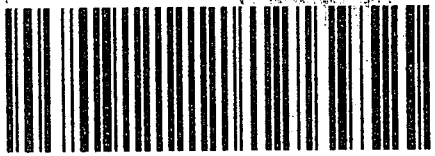
Exhibit D - Respondent's Motion to Correct Record on Appeal and Motion To
Stay Time to File Final Brief - Dated September 12, 2017

cc:

Erica Greer Lybrand
Rogers Townsend Attorney at Law
1221 Main Street, 14th Floor
Columbia, SC 29201

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

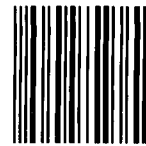
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C/O 412 Eastover Circle
[Summerville, SC 29483]



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The Honorable Jenny A. Kitchings
Clerk, SC Court of Appeals
1220 Senate Street
Columbia, SC 29201

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SC Court of Appeals

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