

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

Richard L. Booth, Master-In-Equity

Appellate Case No. 2018-000197

86492
RECEIVED
APR 18 2018
SC Court of Appeals

Ameer Akeem Amin.....Appellant,

v.

DLJ Mortgage Capital, Inc..... Respondent,

MOTION TO DISMISS APPEAL AND MEMORANDUM IN SUPPORT

NOW COMES Respondent DLJ Mortgage, Inc. “Respondent”) by and through its undersigned attorneys, will move before this Court for an Order dismissing the instant appeal pursuant to South Carolina Appellate Court Rules 269 on the grounds that the Appeal is frivolous and taken solely for the purposes of delay.

BRIEF PROCEDURAL HISTORY

The instant action is an appeal from the Order for Writ of Assistance and Order Denying Defendant's motion to set aside sale and vacate summary judgment in the underlying action brought by Respondent against Appellant for foreclosure of property located in Sumter County. Respondent was granted summary judgment on November 20, 2014 and property sold to Respondent at the foreclosure sale held January 5, 2015. Based upon Appellant's continued occupation of the property a writ of assistance to have Appellant removed from the property was sought. Appellant filed a motion to vacate judgment and sale which was denied by the Master in Equity on May 12, 2015. Following the denial of the motion for relief, Appellant filed an appeal in this case on June 17, 2015 (Appellate Case No: 2015-001341). This Court affirmed the Master in Equity's ruling on July 26, 2017 and the matter was remitted back to the lower court on August 11, 2017. Respondent then sought a second Rule to Show Cause on October 18, 2017. Appellant filed a second Motion to set aside sale and vacate summary judgment on November 20, 2017. A hearing on Respondent's petition for rule to show cause and Appellant's motion to set aside sale and vacate summary judgment was held on December 19, 2017. An Order denying Appellant's motion to set aside sale and vacate summary judgment along with an Order for writ of assistance was filed January 18, 2018. This appeal followed.

ARGUMENT


The appeal appears to be frivolous and submitted for the purposes of delaying the eviction on its face. Appellants filings throughout the duration of this case, including the prior appeal, all appear to be sovereign citizens' type pleadings and should be afforded no weight by this Court. Further, Appellant has raised no issue on appeal to which Respondent could

reasonably be expected to respond through an appellate brief. Appellant's entire appeal is based upon his misreading of this Court's affirmation of the Master in Equity's ruling in his previous appeal. Appellant indicates in his Statement of Issues on Appeal that, "[o]n or around about July 30th I received an Order that was filed July 26, 2017, in which the order was in my favor of my appeal case 2015-001341. In spite of this order the attorney for the plaintiff still move forward with obtaining a writ of assistance and it was granted". Appellant's unilateral misunderstanding as to the outcome of his prior appeal does not form the basis of a new appeal and Appellant has raised no further basis for challenging the Orders at issue in the current appeal.

CONCLUSION

For the reasons set forth above, Respondent respectfully requests this Court to dismiss the present Appeal or, in the alternative, to reject Appellant's claims and affirm the judgment of foreclosure. Further, pursuant to South Carolina Appellate Court Rule 269, this Court should impose any and all sanctions it deems just and proper under the circumstances to discourage Appellant from continuing to file sham pleadings with the Court.

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Attorney for the Respondent

Dated: April 13, 2018

Columbia, South Carolina

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PROOF OF SERVICE

The undersigned certifies that the *MOTION TO DISMISS APPEAL AND MEMORANDUM IN SUPPORT* was served on the below listed parties by depositing a copy thereof in the United States Mail, first class, postage prepaid, addressed to:

Ameer A. Amin
4240 Amelia Drive
Sumter, South Carolina 29154
Appellant


Caroline Glenn (SC Bar# 77157)

Dated: 4-18, 2018