

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Joseph F. Strickland, Master in Equity Judge

Case No. 2018-00251

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SC Court of Appeals

SCBT, N.A.

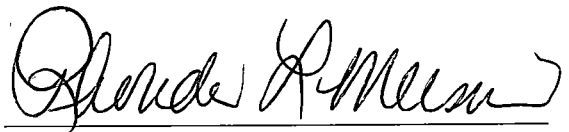
Respondent,

v.

Sand Dollar 31, LLC; Rhonda
Meisner, of whom Rhonda
Meisner is the

Appellant.

RESPONSE TO MOTION TO LIFT AUTOMATIC STAY



Rhonda Meisner
Post Office Box 689
Blythewood, South Carolina 29016
Pegasus333@icloud.com
(803) 206-3402
Appellant

May 1
April 30, 2018

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

S.C.B.T., N.A.

Plaintiff,

v.

Sand Dollar 31, LLC and Rhonda
Meisner

IN THE COURT OF COMMON
PLEAS

FIFTH JUDICIAL CIRCUIT

DOCKET NO. 2011-CP-40-6317 and
6318

RESPONSE TO MOTION TO LIFT
AUTOMATIC STAY

APPELLATE CASE NO. 2018-000251

The appellant, Rhonda Meisner respectfully submits her response to the motion to lift the automatic stay. For the reasons outlined in this response, the appellant (defendant) objects to the addition of not only the letter, but also to the addition of the expired 2012 appraisal that has never admitted into evidence.

The respondent (plaintiff) represents that the filing of the opinion letter is ministerial in nature because the ORDER on appeal, referenced the letter; however, this is not accurate. The respondent admits that the letter has not been entered into evidence at #3 in its motion to lift the automatic stay; however, the appraisal from 2012 has also never been entered into evidence.

Not only does the respondent request the 2017 letter referenced in the ORDER to be introduced into evidence, the respondent has also attached to the motion the *expired* 2012 appraisal to be added to the record, which was not entered

into evidence in 2012 or in 2017 by the respondent (plaintiff) and cannot be entered now.

ARGUMENT

As an initial matter, the respondent (plaintiff) has not followed Rule 241 SCACR procedures for lifting the automatic stay.

Rule 241 d (3), SCACR requires that the written petition be (1) verified by the client, (2) captioned the same as the appeal,(3) include a certified copy of the order, and (4)a copy of the notice of appeal with its proof of service.

A. Certification by Client is Missing

In the copy of the motion that was served on the appellant and filed in the electronic records, there is (1) no certification by the client,(2) no certified copy of the order, (3) no notice of appeal accompanied by its proof of service. As such, the motion is defective and should be denied on those grounds alone. The fact the client has not certified or verified the petition is fatal to the respondents motion.

B. No Certified Copy of the Order

The appellant also did not receive a certified copy of the Order. The appellant was served two Orders of the Court. The first Order was the Order that the appellant appealed. The appellant subsequently received another Order that was

marked "CLOCKED IN ERROR." Because the appellant has not been served either ORDER by the Court, the appellant argues the lack of the certified copy of the ORDER is fatal to the respondents motion.

C. No Affidavit was attached to the motion.

The appellant objected to the introduction of the letter and the appraisal into the record after the notice of appeal was filed, Rule 4(a) of SCACR 241 requires that an affidavit or other sworn statements be attached to the request to lift the automatic stay.

Additionally, the respondent is solely responsible for not entering the appraisal into evidence in 2012 and for not entering the appraisal or the opinion letter into evidence in 2017. The respondent is also responsible for "serving" the appellant with the 2017 Order by the Court instead of waiting for the Court's internal review process to file the Order. As such, the grounds for the respondents request are flawed. Had the respondent not served the clocked and filed Order

In 2012, the respondents argued a fair value for the properties was the amount of the mortgage in its motion to vacate the foreclosure sales. The appellant agreed with the respondent and accepted its valuation via court filings. As such, entering a lower appraised amount in 2017, other than the agreed upon valuation

would prejudice the appellant and as such the appellant objects. The respondent requests the court to not only enter the letter but the over 50 pages that represents the appraisal completed in 2012 that was never entered into evidence.

Finally, it is the respondent who is responsible for “serving” the appellant with the 2017 Order of the Court that did not include the “clocked in error” designation which brings into question how the respondent came into possession of an inaccurately clocked and presumably filed order in the first place to serve on the appellant.

If the Original Order was clocked in error and not “back clocked” this would have been the order served on the appellant. As such, the grounds for the respondent’s request are flawed. The respondent is now asking the Court to intervene on its behalf to change the facts under review to a more favorable appraisal for support of its request for a deficiency and to change the record on appeal which is not contemplated by SCACR Rule 241.

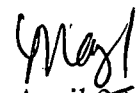
For the above reasons and references to the record, the appellant respectfully opposes the motion to add the letter and the appraisal to the record.

SIGNATURE LINE NEXT PAGE

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Rhonda Meisner', with a long horizontal flourish extending to the right.

Rhonda Meisner
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(803)206-3402


~~April 30~~, 2018

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

S.C.B.T., N.A.

Plaintiff,

v.

Sand Dollar 31, LLC and Rhonda Meisner

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

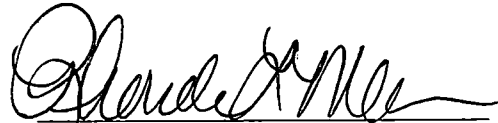
DOCKET NO. 2011-CP-40-6317 and 6318

CERTIFICATE OF SERVICE
RESPONSE TO MOTION TO LIFT THE
AUTOMATIC STAY

APPELLATE CASE NO. 2018-000251

The Defendant Rhonda Meisner hereby certifies that she has emailed a copy to the attorneys of record and mailed a copy of her RESPONSE TO MOTION TO LIFT THE AUTOMATIC STAY

And this certificate of service to the circuit court and South Carolina Court of Appeals by depositing into the U.S. Mail postage prepaid and to the attorneys of record in this case
TO: Sean Foerster, Rogers, Townsend and Thomas, PC 1221 main street 14th floor Columbia, SC 29201; Glenn Bowens Bowens law sc po box 424 Winnsboro SC 29180



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

Dear Ms. Kitchings,

Enclosed please find for filing response to motion to lift automatic stay along with the certificate of service. Would you kindly stamp and file with the Court the enclosed documents.

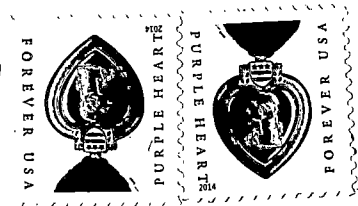
You may contact me at (803)206-3402 via phone or pegasus333@icloud.com via email.

Warm regards,



Rhonda Meisner
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Blythewood, SC 29016
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(803)206-3402

Donald Meisner
PO Box 689
Blythewood, SC 29016



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SC Court of Appeals

The Honorable Jimmy Abbott Kilchys
Clerk of Court
Court of Appeals
1220 Senate Street
Columbia, SC
29201