

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS
THE HONORABLE JOSEPH M. STRICKLAND
MASTER IN EQUITY

RECEIVED

APR 05 2018

APPELLATE CASE NO. 2016-001468
CIVIL ACTION NO. 2008-CP-40-8887

SC Court of Appeals

South Carolina Community Bank,

RESPONDENT,

versus

Carolina Procurement Institute, Inc., Gary A. Washington,
Michele A. Washington, First Palmetto Savings Bank, F.S.B.,
Branch Banking and Trust Company of South Carolina,
Palmetto Health Alliance, State of South Carolina Department
of Revenue,

DEFENDANTS,

Of whom Carolina Procurement Institute, Inc.,
Gary A. Washington, and Michele A. Washington are the

APPELLANTS.

**RESPONDENT'S RETURN TO APPELLANTS' REQUEST ATTORNEY
WILLIAM PYATT BE RELIEVED AS APPELLANTS' COUNSEL, RETURN OF
FUNDS AND THE ATTACHED DOCUMENTATION OF FACTS TO INCLUDE
TRANSCRIPTS OF FRAUD BY ATTORNEY WESTON NELSON, ATTORNEY
CHARLES WEBB, ATTORNEY LINDA BARR AND SOUTH CAROLINA
COMMUNITY BANK BE INTRODUCED INTO EVIDENCE UNDER JUDICIAL
NOTICE WITHIN THIS APPEAL**

On or about March 26, 2018, Appellant Gary Washington filed a document with this Court titled “Request Attorney William Pyatt Be Relieved As Appellants’ Counsel, Return Of Funds And The Attached Documentation Of Facts To Include Transcripts Of Fraud By Attorney Weston Nelson, Attorney Charles Webb, Attorney Linda Barr And South Carolina Community Bank Be Introduced Into Evidence Under Judicial Notice Within This Appeal.”

In his motion, Washington moves to relieve William Pyatt as his counsel in this appeal, requests for a return of funds paid to Mr. Pyatt, asks for a 90 day stay of the appeal to seek new counsel, and requests to admit a substantial amount of documentation never raised to the Master-in-Equity in the foreclosure case and add new arguments never raised to the Master-in-Equity regarding purported fraud committed upon him.

While Respondent South Carolina Community Bank (“SCCB”) has no opinion on whether Washington relieves his current appellate counsel and decides to either proceed *pro se* or seek new counsel, SCCB objects to all other relief requested in Washington’s motion.

Final Briefs were filed by both parties in this appeal on or about April 6, 2017, almost one year ago. This Court notified the parties on or about March 1, 2018 that the case has been submitted for a decision without oral argument. The briefs have been completed, the issues have been raised, the Record on Appeal has been prepared and filed, and the case is ready for a decision. There is no reason to stay this case in order for Washington to obtain new counsel because the work has been completed.

Further, Washington’s request to admit new evidence and raise frivolous allegations of fraud against SCCB and other non-parties to this appeal should be denied.

This alleged evidence and these issues were not raised to the Master-in-Equity in the case below as grounds to set aside the foreclosure sale. See Record on Appeal, pp. 87-92, 104-107.

Washington's request that this Court take judicial notice of the purported fraud should also be denied. This Court has held that "original judicial notice of adjudicative facts at the appellate level should be limited to matters which are indisputable." Masters v. Rodgers Dev. Group, 283 S.C. 251, 256, 321 S.E.2d 194, 197 (Ct. App. 1984). In addition, "[n]otice of 'facts' for the first time on appeal may deny the adverse party the opportunity to contest the matters noticed; it may also violate the general principle that appellate review should be limited to the record." Id.

For the reasons set forth herein, Respondent SCCB objects to Washington's request for a stay of this appeal to retain new counsel and request to admit new evidence and documentation and to raise issues of purported fraud for the first time on appeal.

Respectfully submitted,



Charles J. Webb
Carmen V. Ganjehsani
RICHARDSON, PLOWDEN & ROBINSON, PA
1900 Barnwell Street (29201)
Post Office Drawer 7788
Columbia, South Carolina 29202
(803) 771-4400
**ATTORNEYS FOR RESPONDENT
SOUTH CAROLINA COMMUNITY
BANK**

April 5, 2018.

CERTIFICATE OF SERVICE

I, the undersigned, attorney for Respondent South Carolina Community Bank, do hereby certify that I have this date served the foregoing **Respondent's Return To Appellants' Request Attorney William Pyatt Be Relieved As Appellants' Counsel, Return Of Funds And The Attached Documentation Of Facts To Include Transcripts Of Fraud By Attorney Weston Nelson, Attorney Charles Webb, Attorney Linda Barr And South Carolina Community Bank Be Introduced Into Evidence Under Judicial Notice Within This Appeal**, dated April 5, 2018, by causing the same to be deposited in a United States Postal Service mailbox, postage prepaid, addressed to counsel of record as indicated below:

William L. Pyatt
Pyatt Law Firm LLC
Post Office Box 12041
Columbia, SC 29211
Attorney for Appellants

Gary Washington
2917 River Drive
Columbia, SC 29201

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SC Court of Appeals

Cl 7 Webb

Carmen V. Ganjehsani
Charles J. Webb
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**ATTORNEYS FOR RESPONDENT
SOUTH CAROLINA COMMUNITY
BANK**

Dated: April 5, 2018.

Reply to: **Carmen V. Ganjehsani**
Direct Dial: 803-253-8692
cganjehsani@richardsonplowden.com

April 5, 2018

The Honorable Jenny Abbott Kitchings
Clerk of Court, S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

Re: *South Carolina Community Bank v. Carolina Procurement*
Appellate Case No. 2016-001468
RPR File No.: 4286-99

Dear Ms. Kitchings:

I am enclosing for filing the original and six copies of the Return to Appellant Gary Washington's Request Attorney William Pyatt be Relieved et al. in the above referenced matter, along with our Certificate of Service.

By copy of this letter, I am serving a copy of this Return on Mr. Pyatt and Gary Washington.

Sincerely,



Carmen V. Ganjehsani

CVG

Encs.

cc: William Levern Pyatt
Gary Washington
FYI: Charles J. Webb