

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

JUN 01 2018

Dale E. Van Slambrook, Master-in-Equity

SC Court of Appeals

Appellate Case No. 2016-002234

Primelending, A Plains Capital CompanyRespondent,

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. WalkerAppellant.

RESPONDENT’S RETURN TO APPELLANT’S MOTION TO DISMISS

Respondent Primelending, A Plains Capital Company (“Respondent”) hereby responds to the Motion to Dismiss and Affidavit of Fact Notice of Default filed by Appellant Ronnell Demar Bey (“Appellant”) on May 25, 2018.

Based upon the text of the Motion to Dismiss, it appears that Appellant is seeking the dismissal of “all claims, petitions, suits, filings [sic] with any third party corporations regarding [his] credit history,” as opposed to specifically requesting dismissal of his appeal.

Appellant bases his motion on a series of requests or notices in which he demands that his signature be removed from the Note and requests documents related to the debt. Each of the documents referenced in Appellant’s motion were served upon counsel for Respondent during the pendency of the appeal.

Appellant is seeking affirmative relief from this Court which is not available in this forum. The Court has jurisdiction as prescribed by the General Assembly. S.C. Const. art. V, §9. The General Assembly has provided that the Court of Appeals' jurisdiction is "appellate only" and does not provide the Court the authority to order the affirmative relief sought by Appellant. S.C. Code Ann. § 14-8-200(a). As such, this Motion should be denied.

While Respondent does not believe this to be the case, to the extent that Appellant wishes to dismiss his appeal of the Master in Equity's Order, Respondent would consent to the dismissal.

Respectfully submitted,



Erica G. Lybrand (SC Bar # 79052)
ROGERS TOWNSEND & THOMAS, PC
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ATTORNEYS FOR RESPONDENT
Rogers Townsend & Thomas, PC and its staff are debt collectors.

June 1, 2018

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PROOF OF SERVICE

I HEREBY CERTIFY that I have served the **RESPONDENT'S RETURN TO APPELLANT'S MOTION TO DISMISS** on Appellant Ronnell Demar Walker by depositing copies of it in the United States Mail, postage prepaid, on June 1, 2018, at 412 Eastover Circle, Summerville, SC 29483.



Erica G. Lybrand (SC Bar # 79052)

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June 1, 2018

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SC Court of Appeals

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
The South Carolina Court of Appeals Clerk of Court
1015 Sumter Street
Columbia, SC 29201

RE: *PrimeLending, A PlainsCapital Company v. Ronnell Demar Walker a/k/a
Ronnell D. Walker; South Pointe Homeowners Association*
C/A # 2015-CP-08-00965
RTT File # 506951.00925

Dear Ms. Kitchings:

Please find enclosed an Original and 7 copies of the Respondent's Return to Appellant's Motion to Dismiss and Proof of Service in for the above referenced matter. Please file the original and return a clocked copy to our courier.

With kind regards, I remain

Cordially yours,

A handwritten signature in cursive script that reads "Alinia Smith".

Alinia Smith
Paralegal for Erica G. Lybrand

Enclosures

cc:
Ronnell Demar Bey
412 Eastover Circle
Summerville, SC 29483