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 PlainsCapital Company ..... Plaintiff/ Respondent,

v.

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

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

FINAL BRIEF OF RESPONDENT

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[1] A Statement of Issues on Appeal does not appear in the Amended version of Appellant's Initial Brief that was served upon counsel for the Respondent. As such, this is a Restatement of the Issues on Appeal put forth in Appellants first Initial Brief, filed on January 12, 2017.

STATEMENT OF THE CASE[2]

This appeal results from the Master-in-Equity's Judgment of Foreclosure and Sale, which was filed on October 18, 2016[3]. The underlying foreclosure action was filed on April 17, 2015, by Respondent PrimeLending, A PlainsCapital Company (hereinafter referred to as "PrimeLending"). (*See generally* R. pp. 123 - 126). Appellant Ronnell Demar Walker a/k/a Ronnell D. Walker a/k/a Ronell Demar Bey[4] (hereinafter referred to as "Bey" or "Mr. Bey") was personally served with the Lis Pendens, Summons, Complaint, and Notice of Foreclosure Intervention on April 18, 2015. (R. p. 127). An Affidavit of Default and Non-Military Service was filed concurrently with the Order of Reference to the Honorable Dale Van Slambrook on September 14, 2015. (R. p. 122; R. p. 130). Notably, Mr. Bey was held in default pursuant to the Affidavit of Default. (R. p. 130). Thereafter, on November 23, 2015, Mr. Bey filed an Answer to the Complaint by and through an attorney, Stephanie M. Brinkley. (R. pp. 131 - 134).

On or about January 29, 2016, Mr. Bey served a document entitled "Writ in the Nature of Request Discovery and Disclosure" on counsel for the Plaintiff which purported to seek documents and information pertaining to the subject loan. (R. pp. 2 - 5). Shortly thereafter, on March 15, 2016, Stephanie M. Brinkley filed a Motion to be Relieved as Counsel for Mr. Bey,

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[2] Respondent objects to the Statement of the Case presented by the Appellant as in violation of Rule 208(C), SCACR, because it contains contested matters and arguments.

[3] Respondent, in his Notice of Appeal, does not name this Order and refers to one entered on October 13, 2016, though there was no order entered on October 13, 2016. A copy of the Order was also not attached to the version of the Notice of Appeal provided to Respondent's counsel.

[4] During the course of the proceedings Appellant advised the court and counsel for the Respondent that he called himself by the name Ronnell Demar Bey. Mr. Bey was questioned about his name change during the Foreclosure Hearing, but did not remember when he changed his name and offered no additional explanation. (R. p. 100, lines 9-21). Because Mr. Bey signed the loan documents at issue in these proceedings as Mr. Walker, both of the names are used throughout the documents.

(R. pp. 135 - 137), which was granted on April 20, 2016.[5] Mr. Bey subsequently proceeded *pro se*. (*See generally* R. pp. 62 - 110).

On or about May 16, 2016, Mr. Bey filed a Motion to Compel Discovery, (R. pp. 14 -16), and a hearing was held on June 13, 2016, (R. p. 17). The Master-in-Equity then issued an Order Granting Defendant's Motion to Compel on June 16, 2016. *Id.* Counsel for PrimeLending responded to Mr. Bey's discovery responses on or about June 14, 2016. (R. pp. 18 - 32).

On July 6, 2016, Mr. Bey filed a document entitled "Affidavit of Fact," (R. pp. 49 - 53), which was treated as a motion to dismiss and a second motion to compel, (Supp. R. p. 1). A hearing was held on August 24, 2016, and an Order as to Motion to Dismiss was entered on October 12, 2016. (Supp. R. pp. 1-3).

A final non-jury trial was held on October 13, 2016. (R. p. 113). Following the non-jury trial, Judgment of Foreclosure and Sale was entered in the matter on October 18, 2016. (R. pp. 111 - 119).

Mr. Bey filed his initial Notice of Appeal as to the Judgment of Foreclosure and Sale on October 26, 2016. A second/amended Notice of Appeal was filed on December 12, 2016.

STATEMENT OF FACTS

This appeal results from a lawful foreclosure action in which the Master-in-Equity was more than accommodating of a *pro se* litigant. Mr. Bey, who identifies himself as a citizen of the Moorish National Republic Federal Government, (*see* R. p. 2), initially retained counsel and then, when that attorney was relieved as counsel, proceeded *pro se* for the remainder of the case, including through the non-jury trial, (*see generally*, R. pp. 62-110).

[5] Though this is entered in the circuit court's public index, counsel for the Respondent was never provided a copy of the order.

The underlying case sought to foreclose upon a Mortgage given by Ronnell Demar Walker to Mortgage Electronic Registration Systems, Inc., as nominee for PrimeLending, A PlainsCapital Company, its successors and assigns, on June 27, 2014. (R. pp. 141-151). The Mortgage secured a Note given by Ronnell Demar Walker to PrimeLending on the same date. (R. pp. 138-140). The Mortgage was recorded on July 3, 2014, in Book 10838 at Page 47. (R. p. 141). Subsequently, an assignment from Mortgage Electronic Registration Systems, Inc. to PrimeLending, A PlainsCapital Company was recorded on April 8, 2015, in Book 11310 at Page 74. (R. pp. 154-155). PrimeLending was the original lender and remains the lender/ investor on this loan, to date. (R. pp. 123; 138; 142). Cenlar FSB serviced the loan for PrimeLending during the period that the loan was in foreclosure. (R. p. 74, lines 21-25).

Mr. Bey stopped making regular monthly mortgage payments in November 2014, just a few short months after the loan was originated. (R. p. 124 ¶11). As a result, PrimeLending issued a Notice of Acceleration to Mr. Bey, notifying him of the default on the loan and providing him an opportunity to cure the default. (R. pp. 152-153). The default was not cured, and, on April 17, 2015, PrimeLending accelerated the debt pursuant to the terms of the Mortgage and initiated an action to foreclose the Mortgage. (R. p. 124 ¶11). Mr. Bey was served with the Complaint on April 18, 2015, (R. p. 127), and was held in default for failing to file an answer or other responsive pleading on September 14, 2015. (R. p. 130). Later, in November of 2015, Mr. Bey filed an answer through attorney Stephanie M. Brinkley, which contained only a general denial and affirmative defenses associated with the Attorney Certification filed on July 30, 2015. (R. pp. 131-134). Stephanie M. Brinkley was relieved as counsel for Mr. Bey by order of the court on April 20, 2016.

Beginning with a document entitled "Writ in the Nature of Request Discovery and Disclosure," that was served on counsel for PrimeLending on or about December 16, 2015 and again on or about January 29, 2016, Mr. Bey began a campaign with regard to discovery requests made for documents he alleged to be relevant to the loan and the issue of the foreclosure. (R. pp. 2-5). An example of documents requested beyond the Note and Mortgage were: "Bookkeeping Journals," a "Deposit Slip," proof that "Borrower's 'Promissory Note' was a 'Gift' to the 'Lender,'" and the names and addresses of the "Lender's CPA and 'Auditor' or any other Holder or Record-Keeper for the entire period covering the Execution of the Mortgage or Loan." *Id.*

Counsel for PrimeLending initially responded to the "Writ in the Nature of Request Discovery and Disclosure" with a short letter advising Mr. Bey it believed the requests to be irrelevant to the matter, but providing a copy of the Note and recorded Mortgage. (R. p. 156). The letter also provided Mr. Bey the opportunity to inspect the original Note at the offices of counsel for PrimeLending. *Id.*

In response, Mr. Bey filed a Motion to Compel. (R. pp. 15-16). A hearing on the Motion to Compel took place on June 13, 2016. (R. p. 17). At that time, the Master-in-Equity ordered counsel for PrimeLending to formally respond to Mr. Bey's discovery responses and itemize its objections to the requests. *Id.* Responses were served upon Mr. Bey on or about June 16, 2016. (R. pp. 18-32). Apparently unsatisfied with the responses, Mr. Bey then filed a document entitled "Affidavit of Fact Plaintiff's Stated General Objections" on July 6, 2016. (R. pp. 49-53). This document was treated by the Master-in-Equity as both a motion to dismiss and a motion to compel. (Supp. R. p. 1). A hearing on these motions was held on August 24, 2016. *Id.* At the hearing, the Master-in-Equity went through each of Mr. Bey's discovery requests and ruled upon each, explaining his reasoning along the way. (*See generally* R. pp. 157-200). An Order as to

Motion to Dismiss was filed on October 12, 2016, further outlining the Master-in-Equity's ruling as to Mr. Bey's arguments and discovery motion. (Supp. R. pp. 1-3). Pursuant to this Order, counsel for PrimeLending was required to provide a complete payment history within five days of the hearing and provide the name of its trial witness(es) within 15 days of the scheduled hearing. *Id.* The Motion to Dismiss was denied and the other requests of Mr. Bey were found to be irrelevant and not discoverable. *Id.*

Counsel for PrimeLending provided the payment history to Mr. Bey by certified mail, return receipt requested, on August 25, 2016. (R. pp. 201-206). Additionally, on the same date, counsel for PrimeLending provided the name of its trial witness to Mr. Bey by letter. (R. p. 207).

The non-jury trial was held on October 13, 2016. (R. p. 113). During the trial, counsel for PrimeLending presented evidence through testimony from a corporate representative. (*See generally* R. pp. 62-110). Specifically, PrimeLending's corporate representative testified regarding the Note, Mortgage, the existence of the debt, the default of the debt, and the amount owed. *Id.* Through this testimony, counsel for PrimeLending introduced the Note, Mortgage, payment history, notice of acceleration, and accounting of the loan, over objection from Mr. Bey. *Id.* The Master-in-Equity found the documents to be property authenticated business records and the witness to be qualified. *Id.*

Mr. Bey was given the opportunity to cross-examine PrimeLending's witness. (R. p. 95, lines 15-16). Mr. Bey asked the witness several questions about whether he was present at the loan closing and whether the witness had any knowledge of "injury" to PrimeLending before he objected entirely to the witness's testimony on the basis of hearsay. (R. p. 98, lines 4-8). This objection was overruled. (R. p. 98, lines 19-22). Mr. Bey asked no other questions of the witness. (*See generally* R. pp. 62-110). His testimony provided no other facts regarding a defense to the

foreclosure, and, instead, made conclusory and nonsensical arguments regarding the lack of a loan and the alleged failure of PrimeLending to respond to discovery. (R. p. 94, line 5 – p. 100, line 5). He made reference to a violation of his constitutional rights only once in a generalized manner, without any additional support for the argument. (R. 94, lines 22-25). Following the trial, the Judgment of Foreclosure and Sale was entered on October 18, 2016. (R. pp. 111-119).

This appeal followed.

SCOPE OF REVIEW

"A mortgage foreclosure is an action in equity." *Hayne Fed. Credit Union v. Bailey,* 327 S.C. 242, 248, 489 S.E.2d 472, 475 (1997). In an appeal from an action in equity, tried by a judge alone, the Court may find facts in accordance with its own view of the preponderance of the evidence. *Lowcountry Open Land Trust v. Charleston S. Univ.,* 376 S.C. 399, 407, 656 S.E.2d 775, 779 (Ct. App. 2008). "However, this broad scope of review does not require an appellate court to disregard the findings below or ignore the fact that the trial judge is in the better position to assess the credibility of the witnesses." *Pinckney v. Warren,* 344 S.C. 382, 387, 544 S.E.2d 620, 623 (2001). "Moreover, the appellant is not relieved of his burden of convincing the appellate court the trial judge committed error in his findings." *Id.* at 387-88, 544 S.E.2d at 623.

ARGUMENT

I. APPELLANT DID NOT PROPERLY PRESEVRE ALL ISSUES RAISED IN THE APPEAL.

Appellant has raised issues on appeal that were never raised to or ruled upon by the Master-in-Equity. As such, Appellant's arguments are not properly before this Court and should not be considered.

"Preserving issues for appellate review is a fundamental component of appellate practice." *Kennedy v. S.C. Ret. Sys.*, 349 S.C. 531, 532-33, 564 S.E.2d 322, 323 (2001). "[T]o preserve an issue for appellate review, a matter may not be raised for the first time on appeal, but must have been both raised to and ruled upon by the trial court." *Hill v. S.C. Dep't of Health & Envtl. Control*, 389 S.C. 1, 21, 698 S.E.2d 612, 623 (2010) (citing *Wilder Corp. v. Wilke*, 330 S.C. 71, 497 S.E.2d 731 (1998)). "The issue must be sufficiently clear to bring into focus the precise nature of the alleged error so that it can be reasonably understood by the judge." *Malloy v. Thompson*, 409 S.C. 557, 561, 762 S.E.2d 690, 692 (2014) (citations omitted)). "The losing party must first try to convince the lower court it is has ruled wrongly and then, if that effort fails, convince the appellate court that the lower court erred." *I'On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000). "A bald assertion, without supporting argument, does not preserve an issue for appeal." *In re McCracken*, 346 S.C. 87, 92, 551 S.E.2d 235, 238 (2001) (citing *Wilke*, 330 S.C. 71, 497 S.E.2d 731 (1998)). "If [a] review of the record establishes that an issue is not preserved, then [this Court] should not reach it." *Atl. Coast Builders & Contractors, LLC v. Lewis*, 398 S.C. 323, 329, 730 S.E.2d 282, 285 (2012).

Here, Appellant raises multiple issues which are either raised for the first time in his initial brief to this Court or were never ruled upon by the Master in Equity. Specifically, those issues raised without having previously been ruled upon are:

(A) Issue #2: Did the trial court violate my Constitutional rights to Due Process and Equal Protection of the law?

(B) Issue #3: Did the trial court violate my civil rights by acting under color of authority?

and

(C) Issue #4: Did the trial court deny me the right to face my accuser?

Not only did Appellant fail to put forth an intelligible argument on these bases before the trial court, (*See generally* R. pp. 62-110), these issues were never ruled upon by the lower court, as required to preserve them for appellate review, (R. pp. 111-119). Specifically, while Appellant interrupted the Master-in-Equity at the hearing to vaguely state that something was "unconstitutional," his statement occurred during an exchange about a right to a jury trial, which the Master-in-Equity explained he had waived as a result of his failure to timely demand a jury trial. (R. p. 71, line 14 – p. 95, line 8). There was no other mention at the trial of other alleged Constitutional violations, nor did he raise any argument about his civil rights. (*See generally* R. pp. 62-110). Further, although Appellant raised an argument associated with the witness produced by PrimeLending, he did not specifically raise an argument about his "right to face his accuser." *Id.* A review of his many documents filed in this case indicate that he did seek to argue many of the same points raised in his brief, (*see generally* R. pp. 7-9; 14-16; 2-5), but he did not argue these points at trial and the resulting order did not address them, (R. pp. 111-119). Even if a party raises an issue in argument, if the issue is not ruled upon by the court and the party fails to move to alter or amend the order to include a ruling on those issues, the issues are not preserved for appellate review. *Summersell v. S.C. Dep't of Pub. Safety*, 337 S.C. 19, 522 S.E.2d 144 (1999).

Appellant has failed to properly preserve these issues, either by raising the issues for the first time in this appeal or by failing to make a motion to alter or amend the Order granting Judgement of Foreclosure and Sale to request a ruling on the issues contained in his motions pursuant to Rule 59(e), SCRCP. Therefore, Appellant's Issues #2, #3, and #4 are not preserved and should not be considered.

II. APPELLANT HAS ABANDONED HIS ISSUES RAISED ON APPEAL BY MAKING ONLY CONCLUSORY ARGUMENTS WITHOUT ANY LEGITIMATE SUPPORTING AUTHORITY.

Appellant has raised issues in this appeal by making only conclusory arguments without providing any statutory or common law in support of his allegations. As a result, Appellant has abandoned these arguments and they should not be considered by this Court.

In essence, abandonment is akin to issue preservation. As established, *supra*, Part I, "[a] bald assertion, without supporting argument, does not preserve an issue for appeal." *In re McCracken*, 346 S.C. 87, 92, 551 S.E.2d 235, 238 (2001) (internal citation omitted). "An issue is deemed abandoned if the argument in the brief is not supported by authority or is only conclusory." *Potter v. Spartanburg Sch. Dist. 7*, 395 S.C. 17, 24, 716 S.E.2d 123, 127 (Ct. App. 2011); *see also Jones v. Builders Inv. Grp., LLC*, 415 S.C. 321, 331, 781 S.E.2d 737, 742 (Ct. App. 2015) (holding "[b]ecause [appellant] cited no authority in this section and his argument was largely conclusory...this issue is abandoned on appeal."). Mere allegations are not enough, Appellant must provide supporting authority for his arguments, or he has abandoned such arguments. *See First Sav. Bank v. McLean*, 314 S.C. 361, 363, 444 S.E.2d 513, 514 (1994).

Additionally, the South Carolina Appellate Court Rules provide that "[t]he brief shall be divided into as many parts as there are issues to be argued. At the head of each part, the particular issue to be addressed shall be set forth in distinctive type, followed by discussion and citations of authority." Rule 208(b)(1)(D), SCACR. "Numerous cases have held that where an issue is not argued within the body of the brief but is only a short conclusory statement, it is abandoned on appeal." *Ellie, Inc. v. Miccichi*, 358 S.C. 78, 99, 594 S.E.2d 485, 496 (Ct. App. 2004) (*citing Glasscock, Inc. v. U.S. Fid. & Guar. Co.*, 348 S.C. 76, 81, 557 S.E.2d 689, 691 (Ct. App. 2001); *R & G Constr., Inc. v. Lowcountry Reg'l Transp. Auth.*, 343 S.C. 424, 437, 540

S.E.2d 113, 120 (Ct. App. 2000); *Welch v. Epstein*, 342 S.C. 279, 288 n. 1, 536 S.E.2d 408, 412 n. 1 (Ct. App. 2000)).

Here, Appellant listed four issues for the Court's consideration in his first Initial Brief submitted in January 2017. However, his Amended Initial Brief does not contain a Statement of Issues on Appeal, so the issues addressed herein are those outlined in the first version of his brief. Appellant's four issues are so broad that it is difficult to determine just what it is that Appellant is arguing was specifically violated. The form of his brief also creates confusion, as his "ARGUMENTS" section contains only three sentences with absolutely no supporting authority, presented as conclusory arguments only, whereas the "FACTS" section appears to contain argument.

To the extent that the Court reviews only the "ARGUMENTS" portion of the Appellant's Brief to determine whether Appellant has abandoned his arguments, it is clear that, at least in that section, Appellant has cited absolutely no authority whatsoever and those "ARGUMENTS" should be deemed abandoned.

However, to the extent that the Court considers the arguments made in the "FACTS" section of the brief, those arguments are still abandoned as the case law or statutes that are cited do not support the Appellant's contentions. The citations that Appellant drops sporadically throughout his brief are improperly cited, do not support relevant propositions, and at times are even misspelled. Additionally, Appellant has not broken his brief into sections addressing his itemized issues on appeal, nor does he provide any argument for his position. Finally, Appellant does not actually make any arguments to support his claim for relief from this Court. He does not detail any reasons that he would be entitled to the relief sought, nor does he even tend to flesh out the background or facts of the case which hypothetically support his claims.

The critical aspect of issue abandonment for this Court to consider is that although a litigant may seemingly cite to a statute or case law, the substance of the citation must support the position put forward by the litigant. *See Miccichi*, 358 S.C. 78, *citing Glasscock,* 348 S.C. 76; *R & G Constr*, 343 S.C. 424; *Welch*, 342 S.C. 279. Frivolous citations to irrelevant case law, statutes or legislation alone cannot substantiate a litigant's position; when a litigant cannot adequately support an issue that he or she raises with supporting legal authority, that issue must be considered abandoned. *Id.* Furthermore, the litigant possesses the burden to argue his or her position using the case law and statutory authority referenced, if any. *Id.* It is not the duty of the [C]ourt to presume or deduce the intention behind a litigant's choice in a legal citation, or to speculate as to how the legal authority was meant to be used when a litigant carelessly inserts a legal citation into a brief without any supporting explanation. *Id.* Here, Appellant has abandoned his issues by failing to provide any relevant authority for his arguments; therefore, all four issues presented in Appellant's brief should not be considered by this Court.

III. THE MASTER-IN-EQUITY DID NOT VIOLATE APPELLANT'S CONSTITUTIONAL OR STATUTORY RIGHTS IN GRANTING FORECLOSURE TO PRIMELENDING.

Appellant was afforded every constitutional and statutory protection that he is entitled to. As such, any constitutional or statutory claims raised on appeal are improper and should not be considered by this court.

A. Appellant's constitutional claims are improperly raised and inapplicable to these proceedings.

Even if this court decides to look beyond the procedural deficiencies[6] with Appellant's newly-raised issues on appeal, the constitutional claims[7] presented are substantively ineffective as well.

Based on the Appellant's brief, it is unclear what, if any, Fifth Amendment argument is being applied. Typically, the Fifth Amendment is applied in the criminal context which would not be relevant to this civil proceeding. Because Appellant's argument is unclear in asserting a Fifth Amendment claim, it cannot effectively be responded to and would be improper for this court to consider. However, to the extent that Appellant is attempting to argue that there was a Fifth Amendment due process violation, his assertion is baseless. Appellant was given proper notice of all proceedings, and all of the legal proceedings to date have been fair, reasonable, and impartial. Appellant has not put forward any additional explanation or example that might reasonably be considered supporting evidence for his potential due process claim under the Fifth Amendment.

Additionally, Appellant cites the Sixth Amendment of the United States Constitution as a basis for the denial of his right to confront his accuser. However, this claim is improper because the Sixth Amendment "Rights of the Accused" applies "in all criminal prosecutions." U.S. Const. amend. XI. Because this is a civil proceeding and not a criminal prosecution, Appellant's claim is unsubstantiated and/or improperly raised.

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[6] Importantly, "the statement of issues must be concise and direct" and "broad general statements may be disregarded by the appellate court." Rule 208(b)(1)(B), SCACR; *see State v. Dunbar*, 356 S.C. 138, 142; 587 S.E.2d 691, 694 (2003).

[7] Appellant briefly mentions the deprivation of his rights under the Ninth Amendment of the United States Constitution, along with a number of various sections Under Article 1 of the South Carolina Constitution. Appellant does not offer any additional argument or address the background or facts which might support these claims in his initial brief. As such, there is not adequate information provided to elicit a response and any claims under those constitutional violations are improperly before the court.

Further, Appellant had ample opportunity to cross examine a corporate representative at the trial. (*See generally* R. pp. 62-110). In fact, the court specifically took time to explain the procedure, purpose and rules of cross examination to Appellant, in an extra demonstration of procedural conscientiousness and judicial neutrality. (R. p. 74, lines 5-12). To the extent Appellant attempts to object to the appropriateness of the witness, his argument is unsubstantiated. The law allows for corporate representatives to testify on a company's behalf. Respondent presented the testimony of a qualified witness[8] who presented a record of regularly conducted activity, an exception to hearsay under the South Carolina Rules of Evidence[9]; the witness was a corporate representative of Cenlar, the loan servicer, and provided testimony regarding the note, mortgage, and financial payments history, (*See generally* R. pp. 62-110), which are all reasonably categorized as financial records that are kept in the normal course of business for a loan servicer. Rule 803(6), SCRE. Additionally, Respondent sent a certified letter in the mail that put Appellant on notice of the Respondent's intention to call the witness to testify, along with an address of the witness, and the nature of his expected testimony. (R. p. 207). In all interactions with Appellant during the trial, the Master-in-Equity displayed impartiality and reasonableness by allowing Appellant an opportunity to review the documents presented, make objections to the extent he felt it necessary, and testify and present argument on his own behalf. (*See generally* R. pp. 62-110).

Both of the constitutional protections that Appellant alleges have been denied are typically only applicable in the criminal context. More importantly, it is clear from the record that there have been absolutely no constitutional violations throughout these proceedings. Appellant has been afforded all of his constitutional protections. Appellant has been given

[8] The *South Carolina Rules of Civil Procedure* indicate that a corporate representative testifying on behalf of an organization would be considered by this Court to be a qualified witness. Rule 30(b)(6), SCRCP.
[9] *South Carolina Rules of Evidence*, Rule 803(6)

timely, proper notice of all proceedings, he has had the right to appear, and has been given adequate time to prepare an answer and raise affirmative defenses. As such, without further supporting argument or explanation, these claims are improper on their face in the instant appeal.

Finally, Appellant is seeking pecuniary and equitable relief in an improper forum. Appellant has not utilized the proper channels to seek relief for his unsubstantiated claims; he has not properly filed any individual lawsuits against those he is accusing of doing him harm[10], and he has filed no additional civil proceedings for the claims he is asserting for the first time. It is a well- established legal doctrine that litigants are not permitted to use an appeal of one claim as a catch-all opportunity to raise any alleged outstanding or peripheral legal issues that they would like to address. *See Dunes West Golf Club, LLC v. Town of Mount Pleasant*, 401 S.C. 280, 302, 737 S.E.2d, 601, 612 (2013); *see also Caldwell v. Wiquist*, 402 S.C. 565, 576-77, 741 S.E.2d 583, 589-91 (2013). Here, Appellant is attempting to do precisely that by asking this Court to grant relief for issues that should not be considered in the first place.

B. Appellant's statutory claim is improperly raised and inapplicable to this proceeding.

Appellant claims that his civil rights were violated under the trial court's color of authority. This claim is improper and/or inapplicable because 18 U.S.C. § 241 and 18 U.S.C. §242 "contain[] no provisions authorizing the awarding of damages" as appellant has claimed here; rather, "their purpose is to procure criminal remedies or impositions of penalties only" and the sections "may not be used as bases for civil actions for damages." *Sinchak v. Parente*, 262 F. Supp. 79, 82 (*citing Fullerton v. Monongahela Connecting Ry. Co.*, 242 F. Supp. 622 (W.D.Pa.1965); *Pugliano v. Staziak*, 231 F. Supp. 347 (W.D.Pa.1964), affirmed 345 F.2d 797,

[10] On December 7, 2016, prior to the filing of the Notice of Appeal, Appellant filed a civil action in the United States District Court for the District of South Carolina, Case Number 2:16-cv-03837-DCN, against the Master in Equity Dale Van Slambrook and Respondent's counsel Erica G. Lybrand. Summonses were not issued and on March 6, 2017, the case was summarily dismissed without issuance and service of process.

(C.A.3, 1965). Clearly, because this is not a criminal case upon which a criminal remedy is sought, Appellant's color of authority claim is inapplicable. There was no statutory protection to which Appellant was entitled and denied under the color of law; this court should affirm the judgment of the circuit court.

IV. THE MASTER-IN-EQUITY PROPERLY GRANTED FORECLOSURE TO PRIMELENDING.

The Master-In-Equity properly granted foreclosure on behalf of PrimeLending.

For a foreclosure to be proper, particular circumstances must be present: 1) there exists substantiated proof of an existing debt 2) the borrower goes into default and is given proper, timely notice of default, and 3) the default is not cured and therefore foreclosure proceedings may commence. *See* Rule 71(a)-(b), SCRCP. Not only are these terms expressly included in Appellant's mortgage, Appellant personally acknowledged the pertinent terms in executing the Mortgage, which he admitted at trial. (R. p. 102, lines 19-23). Here, the required circumstances under which a foreclosure is proper have been met and sufficiently proven in the trial court.

Respondents timely and properly served and provided Appellant with notice of default and foreclosure proceedings. (R. pp. 152-153). Secondly, Respondents complied with governing procedural rules throughout the foreclosure proceedings. *See generally* Rule 71, SCRCP. Critical to note in this case is the fact that while Appellant filed an answer, (R. pp. 131-134), the answer was filed late, when the appellant was already in default, (R. p. 130). Most importantly, the evidence in the record clearly establishes that the Master-in-Equity properly granted PrimeLending's foreclosure action.

At the hearing, Appellant recalled attending his closing on the foreclosed loan, before pausing and changing his recollection to attending "what was alleged as a closing." (R. p. 101,

lines 17-18). In a similar fashion, he recalls signing a document before methodically changing his phrasing to include "[he was] allegedly…given a loan." (*Id* at p. 104, lines 21-23). Moreover, Appellant later refers to "in my actual [mortgage]" before pausing and instead finishing with "— in the alleged mortgage." (*Id* at p. 104, lines 8-9). It is clear from Appellant's own admissions that he executed the loan documents and obtained the loan.

Even beyond Appellant's own words, Respondent provided sufficient evidence and proof to support the foreclosure judgment and sale. Respondent produced a financial representative with the appropriate authority to represent the loan servicer, who effectively testified about the nature of Appellant's loan. (*See generally* R. pp. 62-110). Respondent also entered into evidence Appellant's mortgage and electronic payment history, among other evidentiary items. *Id.*

Appellant provided no evidence in the record that contradicts or contests the established evidence that supports that the foreclosure judgement was proper. Appellant was in default, and the default was not cured, therefore the lower court correctly ordered a Judgement of Foreclosure and Sale in favor of PrimeLending. This court should affirm the decision of the Master-in-Equity.

CONCLUSION

There is a significant procedural basis upon which this Court should affirm the decision of the lower court; Appellant did not properly preserve issues raised on appeal and has abandoned issues raised on appeal. Accordingly, the issues raised on appeal are not properly before the court and should not be considered.

However, if the court chooses to consider the issues on appeal, Appellant's arguments must fail on the merits. Here, there were simply no constitutional or statutory violations and the

foreclosure was proper. Based on the foregoing, this court should affirm the Master-in-Equity's Judgment of Foreclosure and Sale.

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June 20, 2018

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC 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 PlainsCapital Company ..... Plaintiff/ Respondent,

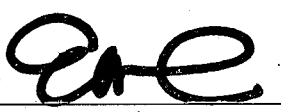
v.

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

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

CERTIFICATE OF COUNSEL

The undersigned attorney hereby certifies that the Final Brief of the Respondent complies with Rule 211(b), SCACR.



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PROOF OF SERVICE

I HEREBY CERTIFY that I have served the **FINAL BRIEF OF RESPONDENT** on Appellant Ronnell Demar Walker by depositing a copy of it in the United States Mail, postage prepaid, on June 20, 2018, at 412 Eastover Circle, Summerville, SC 29483.

Alinia Smith

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