

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELY COUNTY
Court of Common Pleas

Dale Van Slambrook, Master In Equity

Case No. 2015-CP-08-00965
Appellate Case No. 2016-002234

PrimeLending, A
PlainsCapital Company,
Respondent

Respondent,

v.

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.
Walker is the Appellant

Appellant.

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SC Court of Appeals

SUPPLEMENTAL RECORD ON APPEAL

Erica G. Lybrand
ROGERS TOWNSEND & THOMAS, PC
1221 Main Street / 14th Floor
Post Office Box 100200 (29202)
Columbia, South Carolina 29201
803.799.7100

Attorneys for Respondent
PrimeLending, A PlainsCapital Company

I Am: Ronnell Demar Walker
Authorized Representative
Natural Person, In Propria Persona:
Ex Relatione RONNELL DEMAR WALKER
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U.C.C. 1-207/ 1-308; U.C.C. 1-103
Tunis Territory
C/o 412 Eastover Circle
Summerville, SC [29483]
Non-Domestic

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

PrimeLending, A PlainsCapital Company,

Plaintiff,

v.

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

Defendants.

(506951.00925 EL1)

IN THE COURT OF COMMON PLEAS

DOCKET NO.: 2015-CP-08-00965

ORDER AS TO MOTION TO DISMISS

HARRY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

16 OCT 12 PM 2:23

FILED
[Handwritten signature]

This matter came before me for a hearing on August 24, 2016, on Defendant Ronnell Demar Walker n/k/a/ Ronell Demar Bey's Motion captioned as "Affidavit of Fact," filed on July 6, 2016, which this Court treated as a Motion to Dismiss Plaintiff's complaint and a renewed Motion to Compel Discovery. Present for the hearing were counsel for the Plaintiff, Erica G. Lybrand, and Defendant Ronnell Demar Walker n/k/a/ Ronell Demar Bey ("Defendant"), appearing *pro se*. For the reasons set forth below, Defendant's Motion to Dismiss is denied, and Defendant's Motion to Compel is Denied in Part and Granted in Part.

During the course of the hearing, Defendant argued that Plaintiff's complaint should be dismissed because it has failed to respond to his discovery requests to his satisfaction. I hereby deny Defendant's Motion to Dismiss on these grounds and find that Plaintiff has properly pled the necessary and required allegations to prosecute its foreclosure action.

In finding that the *pro se* motion filed could also be interpreted as a Motion to Compel, the undersigned addressed each of Defendant's requests individually during the hearing. This court's rulings as to the individual requests are itemized below:

[Handwritten signature]

1. **Request Number 1, relating to the original promissory note:** I find that the Defendant has been previously provided with a true and correct copy of the promissory note and has been provided an opportunity to inspect the original. Therefore, there is no additional production or response required as to this Request.

2. **Request Number 2, relating to bookkeeping journals:** I find that Defendant was previously provided a copy of the payment history on the loan via hand delivery from counsel for the Plaintiff. However, to the extent Defendant did not receive that document, I hereby order Plaintiff to provide the full and complete payment history on the loan to Defendant via certified mail within five (5) days of the hearing, with a copy to the Court. Any other documents relating to journal entries are irrelevant to the proceedings and are, therefore, not discoverable.

3. **Request Number 6, relating to the original deposit slip:** I find that the request is vague and ambiguous. Additionally, I find the document requested is irrelevant to the foreclosure action and not discoverable.

4. **Request Number 8, relating to the account number and source of money:** I find that Defendant has been previously provided with the loan account number and the settlement statement showing the exchange of funds between the seller of the Subject Property and the original lender. Further, I find that the source of the funds relating to the loan is not relevant to the foreclosure action.

5. **Request Number 9, relating to documents providing gift to the lender:** I find that there are no documents responsive to this request and therefore Plaintiff has properly responded.

6. **Request Number 4, relating to insurance policies:** I find that Defendant has been previously provided with copies of documents in Plaintiff's file which may be responsive to this request. Further, I find that the additional documents sought by Defendant are not relevant to this matter. They are therefore not discoverable.


7. **Request Number 11, relating to the name of a CPA or Auditor:** I find that the named and information relating to Plaintiff's CPA and/or Auditor is not relevant to this matter. However, to the extent this request is one for the name of the Plaintiff's witnesses for trial, I hereby order Plaintiff to produce the name of its trial witness(es) within 15 days of the date of this hearing.

IT IS THEREFORE ORDERED THAT:

1. Defendant's Motion to Dismiss is denied as Plaintiff has alleged facts sufficient in its Complaint to move forward with the foreclosure action;
2. Plaintiff is ordered to produce a full and complete payment history to Defendant via certified mail within 5 days of the date of the hearing;
3. Plaintiff is ordered to provide the name of its trial witness(es) to Defendant within 15 days of the date of the hearing; and
4. All other requests of Defendant pursuant to his Motion to Compel are deemed as irrelevant to action and therefore not discoverable.

AND IT IS SO ORDERED.

This 11th day of OCTOBER, 2016.


The Honorable Dale E. VanSlambrook
Master in Equity for Berkeley County

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELY COUNTY
Court of Common Pleas

Dale Van Slambrook, Master In Equity

Case No. 2015-CP-08-00965
Appellate Case No. 2016-002234

PrimeLending, A
PlainsCapital Company

Respondent,

v.

Ronnell Demar Walker a/k/a
Ronnell D. Walker; and South
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Association, Defendants, Of
whom Ronnell Demar Walker
a/k/a Ronnell D. Walker is the
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Appellant.

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PROOF OF SERVICE

I certify that I have served the **SUPPLEMENTAL RECORD ON APPEAL** by depositing a copy of it in the United States Mail, postage prepaid, on March 22, 2018, addressed to The Honorable Jenny Abbott Kitchings, Clerk of Court, South Carolina Court of Appeals at 1220 Senate Street Columbia, South Carolina 29201.

I certify that I have served the **SUPPLEMENTAL RECORD ON APPEAL** by depositing a copy of it in the United States Mail, postage prepaid, on March 22, 2018, addressed to Eric G. Lybrand, Rogers Townsend Attorney at Law at 1221 Main Street 14th Floor Columbia, SC 29201.

I certify that I have served the **SUPPLEMENTAL RECORD ON APPEAL** by depositing a copy of it in the United States Mail, postage prepaid, on March 22, 2018, addressed to Nikole Haltiwanger, Rogers Townsend Attorney at Law at 220 Executive Center Drive Columbia, SC 29201.

I Am: Ronnell Demar Bay
Authorized Representative
Natural Person, In Propria Persona: Sui Juris
Ex Relatione RONNELL DEMAR WALKER
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U.C.C. 1-207/ 1-308; U.C.C. 1-103
Tunis Territory
C/o 412 Eastover Circle
Summerville, SC [29483]
Non-Domestic, Non-Resident

March 22, 2018

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MAY 25 2018

SC Court of Appeals

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

RE: PrimeLending, A PlainsCapital Company, V. 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. Walker is the Appellant, Case No.
2015-CP-08-00965, Appellate Case No. 2016-002234

Dear Ms. Kitchings:

Please find enclosed 15 copies of the Supplemental Record on Appeal per the
Order dated May 3, 2018, and Proof of Service.

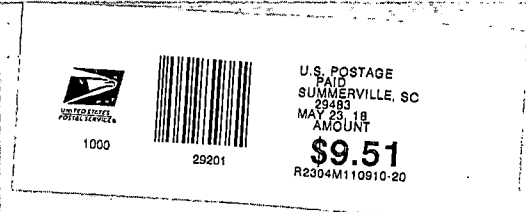
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Enclosures

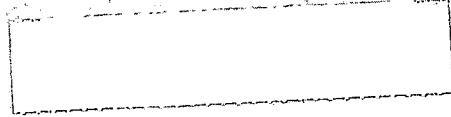
cc:
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Summerville South Carolina



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Jenny A Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 SENATE STREET
Columbia S.C. 29201

