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June 15, 2018

HAND DELIVERED

RECEIVED

JUN 15 2018

SC Court of Appeals

The South Carolina Court of Appeals
ATTN: Ms. V. Claire Allen, Deputy Clerk of Court
1220 Senate Street
P.O.Box 11629
Columbia, SC 29201

RE: *Satara Lopez v. Citi Mortgage*
Appellate Case No.: 2018-00106

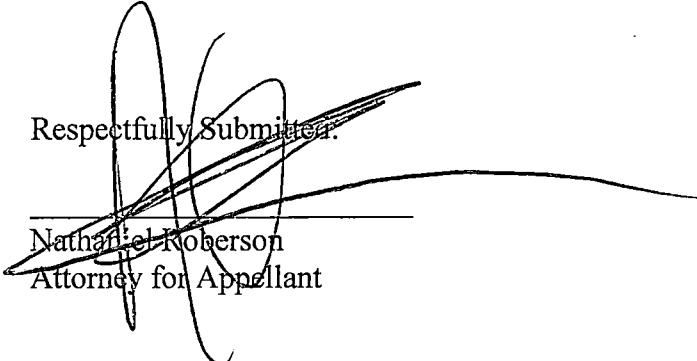
Dear Ms. Allen:

Please find enclosed some of the judgments and orders to be in compliance with Rule 267 of South Carolina Appellate Court Rules, which are as follows:

1. Master In Equity Order and Judgment of Foreclosure and Sale
2. Order Denying Motion Pursuant to Rule 60
3. Order of Reference
4. Master's Report on Sale and Disbursement and Order of Confirmation
5. Order Restoring Case

Please be advised that this is not a complete list of all matters for appellate review as many ruling made by the court were not by written order and in some hearings a Court Reporter was not present.

Respectfully Submitted,



Nathaniel Roberson
Attorney for Appellant

cc:

Drew Walker
Rogers Lewis Attorneys at Law
1901 Main Street, Suite 1200
Columbia, South Carolina 29201 (w/enclosures)

Thad H. Westbrook
Nelson Mullins Riley & Scarborough, LLP
1320 Main St., 17th Floor
Columbia, South Carolina 29201 (w/enclosures)

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CitiMortgage, Inc.,

Plaintiff,

vs.

John F. Mitchem, III; Satara Lopez;
Francisco A. Lopez; Palmer Memorial
Chapel; Warren W. Woods; Kelly
Nicole Wilson; TBF Financial, LLC;
Midland Funding, LLC; Portfolio
Recovery Associates, LLC; Portfolio
Recovery Associates, LLC Assignee of
MBNA America Bank, N.A.; and
Westlake Services, Inc.,

Defendants.

Civil Action No. 2015-CP-40-03832

**ORDER DENYING MOTION
PURSUANT TO RULE 60**

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JUN 15 2018

SC Court of Appeals

JEANETTE W. McBRIDE
C.C.P. & G.S.

2017 DEC 19 PM 2:51

RICHLAND COUNTY
FILED

BEFORE THE COURT is a "Motion Pursuant to Rule 60" filed by Defendants Satara Lopez and Francisco A. Lopez ("Defendants") on November 6, 2017 (the "Motion"). The Motion asks the Court to relieve Defendants from the July 25, 2017 Order granting the Plaintiff CitiMortgage, Inc.'s ("Plaintiff") Motion for Partial Summary Judgment. The Motion was argued on November 7, 2017, with Joseph Henry, Esquire and Nathaniel Roberson, Esquire appearing for Defendants and Thad H. Westbrook, Esquire, Sarah B. Nielsen, Esquire, and Drew Walker, Esquire appearing for Plaintiff. Having considered Rule 60, SCRCP and the arguments of the Parties at the November 7, 2017 hearing, the undersigned respectfully **DENIES** the Motion in its entirety.

IT IS SO ORDERED this 7th day of December 2017.

The Honorable Joseph M. Strickland Master-in-Equity

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
)

CitiMortgage, Inc.)
Plaintiff,)
)

v.)
)

John F. Mitchem, III; Satara)
C. Lopez; Francisco A. Lopez;)
Palmer Memorial Chapel;)
Warren W. Wood; Kelly)
Nichole Wilson; TBF Financial,)
LLC; Midland Funding, Portfolio)
Recovery Associates, LLC;)
Portfolio Recovery, LLC Assignee)
of MBNA America Bank, N. A.;)
and Westlake Services, Inc.,)
)

Defendants.)
_____)
)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO.: 2015-CP-40-03832

**MOTION PURSUANT TO RULE 59/ 60
SOUTH CAROLINA RULES OF CIVIL PROCEDURE**

2018 FEB 21 PM 1:32
JEANNETTE W. HEBBRIDE
S.C. J.C.P. & P.
RICHLAND COUNTY
FILED

TO: CitiMortgage, Plaintiff in the above action, Drew Walker, Thad Westbrook, and Sarah B. Nielson, Esquire attorneys for Plaintiff:

YOU WILL PLEASE TAKE NOTICE, that the Defendant, by and through undersigned counsel, will move before the Honorable Joseph M. Strickland, Master in Equity for Richland County, at 10:00 a. m. in the forenoon or as soon thereafter as counsel may be heard, for an Order relieving Defendant from the previous Order of the Master in Equity granting Plaintiff and Order of Foreclosure and Sale in the above action. The motion will be based upon, but not limited to the following:

1. That the Court lacked subject matter jurisdiction to enter an Order of Foreclosure and Sale at the hearing held on November 7, 2017 as the matter in question had been stricken from the Court's roster in September and had not been restored at the time of the hearing, thereby rendering the Order of Foreclosure and Sale null and void.
2. That Plaintiff was not entitled to pursue a foreclosure action in regard to the property that is the subject of this action as, by its own volition, Plaintiff admitted it did not acquire the interest of Satara Lopez prior to making the loan to Defendant John F. Mitchem, III who alleged that he acquired the interest of Francisco Lopez in the subject property for the amount of eight thousand (\$8000.00) dollars. However, Francisco

Lopez and Satara Lopez have signed affidavits on file in this case wherein they allege they never signed a deed or any written instrument transferring an interest in the subject property to John F. Mitchem, III. Further the Plaintiff deposed the attorney for Defendant Mitchem who admitted that he did not have, neither could he produce, a deed or any written instrument signed by Francisco and Satara Lopez transferring an interest in the property to Defendant John F. Mitchem, III.

3. That Defendant John F. Mitchem admitted during his deposition that he did not have a deed or other written instrument signed by Francisco and Satara Lopez transferring an interest in the subject property to him.
4. That without conceding to the Plaintiff's claim through John F. Mitchem, III, viewing the facts as alleged in the light most favorable to the Plaintiff in regard to its alleged interest in the subject property it would, at best, have only acquired a one half interest in the subject property and the mortgage imposed to encumber the entire property, including the interest of Defendant Satara Lopez, would constitute an unauthorized encumbrance and a slander of Defendant Satara Lopez's title in the same.
5. That failure of Plaintiff to produce a copy of the alleged deed from Defendants Satara Lopez and Francisco Lopez conveying any interest in the subject property to Defendant John F. Mitchem, III or proof of the existence of a public record evidencing the same thereby authorizing him to procure a mortgage for any portion of the same constitutes fraud upon the Court and renders all Orders procured thereby null and void.
6. That the mortgage relied upon by Plaintiff to pursue its foreclosure action was procured through unfair lending practices and did not follow proper lending and underwriting protocol and was, therefore, not entitled to be honored as a mortgage procured in the ordinary course of Plaintiff's business.

That the motion will further be supported by the arguments of counsel, legal memorandum, case law and such other and further proof as the Court may allow.

Roberson Lawfirm

By

Nathaniel Roberson (No: 64139)
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Joseph Henry, P.C.

BY

Joseph Henry (NO: 7898)
1708-B Richland Street
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Telephone: (803) 929-3484

Columbia, South Carolina

February 21st, 2018

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

CITI MORTGAGE, INC.

Plaintiff,

vs.

JOHN F. MITCHEM, III et. al.,

Defendant.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NO.: 2015-CP-40-03832

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney:
Thad Westbrook, Bar No. _____
Address:
1320 Main Street, 17th Floor, Columbia, S.C.
29201
Phone: (803) 799-2000 Fax (803) 256-7500
E-mail: thad.westbrook@nelson mullins
.com Other: _____

Defendant's Attorney:
Joseph Henry, Bar No. 7898
Address:
1708-B Richland Street, Columbia, S.C. 29201
Phone: (803) 929-3484 Fax (803) 929-3485
E-mail: josephhenry929@bellsouth.net Other: _____

- ☒ **MOTION HEARING REQUESTED** (attach written motion and complete **SECTIONS I and II**)
☐ **FORM MOTION, NO HEARING REQUESTED** (complete **SECTIONS II and III**)
☐ **PROPOSED ORDER/CONSENT ORDER** (complete **SECTIONS II and III**)

SECTION I: Hearing Information

Nature of Motion: Reconsider

Estimated Time Needed: 30 Minutes

Court Reporter Needed: ☒ YES / ☐ NO

SECTION II: Motion/Order Type

- ☒ Written motion attached
☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for ☐ Plaintiff / ☐ Defendant Date submitted

SECTION III: Motion Fee

- ☐ PAID - AMOUNT: \$ _____
☐ EXEMPT: (check reason)
☐ Rule to Show Cause in Child or Spousal Support
☐ Domestic Abuse or Abuse and Neglect
☐ Indigent Status ☐ State Agency v. Indigent Party
☐ Sexually Violent Predator Act ☐ Post-Conviction Relief
☐ Motion for Stay in Bankruptcy
☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)
☐ Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter: _____
☐ Other: _____

JUDGE'S SECTION

- ☐ Motion Fee to be paid upon filing of the attached order.
☐ Other: _____

JUDGE CODE _____

Date: _____

CLERK'S VERIFICATION

Collected by: SM Date Filed: 2.21.18

- ☐ MOTION FEE COLLECTED: \$ _____
☐ CONTESTED - AMOUNT DUE: \$ _____