

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
Joseph F. Strickland, Master in Equity Judge

Case No. 2018-00251

SOUTH STATE BANK

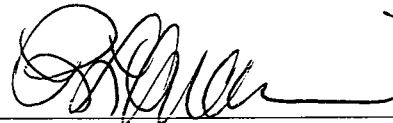
Respondent,

v.

Sand Dollar 31, LLC; Rhonda  
Meisner, of whom Rhonda  
Meisner is the

Appellant.

REPLY TO PETITION FOR REVIEW OF ORDER OF  
LOWER COURT LIFTING AUTOMATIC STAY



Rhonda Meisner  
Post Office Box 689  
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(803) 206-3402  
Appellant

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SC Court of Appeals

The appellant, Rhonda Meisner, respectfully submits this reply to the petition for review of Order of lower court lifting of automatic stay. As an initial matter, the respondents did not comply with SCACR 241 (d) (3) because the lower court's petition did not include a signed verification by the client or an affidavit to determine the propriety of the lifting of the automatic stay.

### **APPELLANT'S STATEMENT OF FACTS**

The appellant has a different view of the facts than the facts offered by the appellees in its RETURN TO PETITION FOR REVIEW OF ORDER OF LOWER COURT LIFTING AUTOMATIC STAY.

The Master in Equity ordered the appraisal process to begin during the hearing held on Wednesday April 25, 2012 (T. p. 24:1-24).

Pursuant to the appraisal statute the appellant timely filed a Petition for Order of Appraisal on July 31, 2012. Pursuant to the appraisal statute, the BANK had 10 days to identify their appraiser after the defendant identified their appraiser.

The Master in Equity then Ordered the BANK to identify their appraiser in the hearing on Monday August 13, 2012 and extended the deadline by giving the appellees a week to get the appraiser. (T. p. 2:23-25 ;3:1-23). The BANK agreed to get the appraiser within one week. (T. p. 3:18-23). The appraisal was completed on September

17, 2018. However, the BANK filed a motion to vacate the sale on September 5, 2012 that argued a fair value of the properties was the amount of the mortgage. The Appellant accepted the BANK's valuation of both properties as the amount of mortgage.

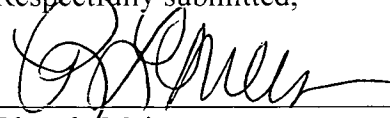
### **ARGUMENT**

In 2012, the defendant accepted the BANK's valuation that a fair value of the properties is the amount of the mortgage. In essence, the BANK argued to defeat its own demand for a deficiency and all parties accepted the BANK's estimation of valuation.

The rules provide that when an Order lifting the automatic stay allows defendants to file documents after the notice of appeal has been filed, an appeal of that Order may be submitted to the Court of Appeal so that an appellate judge can review the propriety of the Order. Here, the respondents did not file its completed appraisal in 2012 and instead offered the amount of the mortgage as a fair estimate of the value of the properties which all defendants also adopted.

The appellant respectfully requests this Honorable Court of Appeals to determine whether the respondents complied with the statutes and process to lift the automatic stay and whether addition of the 2012 appraisal and the subsequent letter is ministerial in nature or substantive in nature and both should therefore, be excluded.

Respectfully submitted,



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Appellant

August 13, 2018

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Certificate of Service: The appellant certifies she has served a copy of her REPLY TO LIFTING AUTOMATIC STAY on all parties by placing a copy of the reply and this certificate of service to : Sean Foerster Rogers, Townsend and Thomas, PC 1221 Main Street 14<sup>th</sup> floor Columbia, SC 29201; Glenn Bowens po Box 424 Winnsboro, SC 29180



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8/13/2018