

APPELLANT'S EMERGENCY REQUEST FOR A WRIT IN A CIVIL CASE

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

BEAUFORT COUNTY
COURT OF COMMON PLEAS

R. THAYER RIVERS JR. / SPECIAL REFEREE

RECEIVED
SEP 25 2018
SC Court of Appeals

CASE No. 2016-CP-07-02261
[No. 2016-LP-07-00637]

Gateway Mortgage Group LLC
Respondent

Vs.

L.E. Pauli Coffey
Appellant

Comes now the Appellant, L.E. Pauli Coffey, pro se and states the following;

On Sept 21, 2018, R. Appellant received written Orders and Judgment of Thayer Rivers Jr, issued in the above listed matter(s) for the Sale of Appellant's home on October 1, 2018 thereby eliminating all but eleven (11) days of the thirty (30) day window Appellant is allowed to file an Appeal with four (4) of those eleven (11) days being weekend days.

Mr. Rivers Jr. justifies his judgment through a Reformation of Mortgage that does not include the sole borrower because the sole borrower is long since deceased. A mortgage reformation must include all parties to the loan. If not, Wells Fargo would have legions of employees executing mortgage reformations every hour, on the hour, as Wells Fargo saw fit AND to please its' stock holders and board-members, without the knowledge or consent of their borrowers. Mr. Rivers cannot simply declare that a mortgage is changed for the sake of Respondent's complaint.

On August 3rd, 2018, R. Thayer Rivers Jr. made the independent, definitive statement in writing, on file with the lower court as evidence, that he is co-counsel with John B. Kelchner, attorney of record, for Gateway Mortgage Group LLC, [Respondent], who was appointed Special Referee by Clerk of the 14th Judicial Circuit, Jerri Anne Roseneau, on or about August 17, 2017, upon the written request of Gateway Mortgage Group LLC [Respondent]. Appellant was not privy to Respondent's request until after Mr. Rivers accepted his appointment and his pay for that appointment. Upon becoming aware of this unacceptable arrangement, Appellant feverishly contested the appointment and requested a jury trial in her attempt to get a fair trial, to no avail, Appellant was simply ignored by the Court.

Special Referee R. Thayer Rivers Jr. ultimately refused to render his decision, a decision with no basis in law, for three hundred and eighty nine (389) days resulting in potentially \$13,615 worth of commission income for Mr. Rivers while Appellant filed 33 demands for Due Process. During the period of this wrongful action, Appellant has been denied even the simplest of employment in a military town because of the appearance of poor credit, as evidenced to the court, and has therefore had no income for two (2) years and no health insurance for two (2) years. Appellant prepared her 33rd demand for Due Process with blood pouring out of her ear, nose and mouth from a medical condition not timely treated because Appellant has no money and no health insurance, as evidenced to the lower court. Appellant does not qualify for Medicaid because she owns her home in South Carolina. Appellant has had her home listed for sale for more than a year in order to leave South Carolina, but sale has been blocked by Respondent's illegal Lis Pendens action.

Respondent illegally filed a Lis Pendens action against Appellant in the Court of Common Pleas, with a "same day" reference to the M.I. E. Court as evidenced by the court's record, on or about Oct 25, 2016, when Appellant has never had a loan in her life, outside of being fortunate enough to make payments on her daughter's braces, and is therefore not subject to any Court for any Equity matter.

Respondent filed its' illegal Lis Pendens action in hopes of changing its' prior agreement with Appellant's deceased husband nearly a year after his death and three years after Respondent approved that no home should secure any loan or mortgage, as evidenced by Beaufort County records. Appellant's husband, Chris A. Smock, died January 7th, 2016, approximately eighty one (81) hours after being released from Charleston VA/MUSC for stent placement after suffering a widow maker heart attack on Christmas day 2015 from a previously undiagnosed, service connected medical condition.

As stipulated to by both parties in the lower court and as clearly evidenced by Appellant's filings in the same court, Appellant was not party to any mortgage and had absolutely no working knowledge of mortgages at the time Respondent illegally filed its' action against Appellant. Appellant only knew that no home secured the mortgage in her late husband's name which was evidenced by Beaufort County records, approved by Respondent in May 2014, and confirmed by Appellant's probate attorney, Jim Grimsley, and the Beaufort County probate court, in February of 2016. Respondent had the exact same documents provided to Mr. Chris A. Smock which showed the home of Chris A. Smock and Appellant did not secure a mortgage.

Respondent, in person and through counsel, and through having its' own counsel appointed as adjudicator, is prevented by the Doctrine of Estoppel from changing the very paperwork prepared by its' approved closing attorney and employees, and that it approved of, in May of 2014. If there was a problem with anything, Respondent had plenty of time to contact Mr. Chris A. Smock and address and/or correct any issues before his unexpected death. Respondent did not do this. Respondent did send birthday cards and Christmas cards to Chris A. Smock.

In his judgment and order, Mr. Rivers Jr. misrepresents fact over and over again to the point that he contradicts himself and the court's records throughout his document beginning on page two (2), in the procedural history, first stating that, "the loan is not longer subject to the Supreme Court of South Carolina's Administrative Order 2011-05-02-01 because the mortgagor(s) have been served with the required notice of rights and

more than 30 days have elapsed since service upon the mortgagor(s) and, the mortgagor(s) have failed, refused or voluntarily elected not to participate in any foreclosure prevention process". The only mortgagor, Chris A. Smock, could not have been served with any documents by Respondent unless Respondent has a way of serving documents to the afterlife. Appellant never received any foreclosure documents except notice of suit, because Respondent knows Appellant is not a mortgagor and, therefore, the documents would have no purpose in her possession.

Mr. Rivers goes on to discuss his ever changing description of the role played by Judge Marvin Dukes in the above listed matters and states equally, that Judge Dukes did nothing and that Judge Dukes granted partial Summary Judgment and then back again to Judge Dukes did nothing. On August 1, 2017, Judge Dukes vacated all Orders and recused himself and the M.I.E. Court from the above listed matters for conflict because he knew the Cause filed was not an Equity matter. It was at this point when Respondent moved, without the consent or knowledge of Appellant, to have its' own counsel appointed as Special Referee in the above listed cases for the purpose of prevailing illegally where no Cause really existed.

Mr. Rivers, in his Orders and Judgment, did refuse to list Appellant's many legal attempts to address the Court to refuse the adjudication by Mr. Rivers as Special Referee. Mr. Rivers did refuse to list Appellant's request(s) for a jury trial. Mr. Rivers did refuse to acknowledge that Appellant correctly cited case law, state law, federal law and two Constitutions all which shows Respondent had no cause for its' action against Appellant and that Appellant did not owe a debt or her home to respondent. Mr. Rivers did refuse to acknowledge that his client, Respondent, had no basis for filing any Lis Pendens Action against Ms. Coffey. Mr. Rivers did refuse to recuse himself for conflict from the above listed matters.

Mr. Rivers does state that his client, Respondent, admitted that the mortgage paperwork was prepared incorrectly, by Respondent's employees and its' approved closing attorney in May 2014, and was therefore an incomplete mortgage instrument.

Mr. Rivers further states that his client, Respondent, states the paperwork was filed incorrectly by its' approved attorney. Again, Respondent had the legal obligation in May, 2014, to confirm, at closing, that the paperwork was correct. Respondent was perfectly happy with the paperwork at closing. Mr. Rivers does ignore that, since the paperwork was so wrong, his client, Respondent, can, at any time, pursue its' Mortgage Banker Bond under the dishonest employee/ closing attorney/agent clause or pursue the closing attorney's bond for failure to perform in order to recoup any loss it perceives. Both Respondent and its' approved closing attorney were paid in full to perform jobs only they can perform as a matter of law, and, now, it would appear, based on the complaint of Respondent, that no one did the job they were paid for. Respondent, now, wishes to force liability for the malevolent apathy of the paid professionals on Appellant, the one person who had absolutely no part in any of it, and take her rightful home from her. Respondent brought to court an illegal Lis Pendens action, with unclean hands. *Liberty v. Mumford*, 322 S.E. 2d 17 (1984) (generally), *Wachovia v. Coffey*, 698 S.E. 2d 244 (S.C. Ct. App. 2010) (generally), *Jackson v. Bi-Lo Stores, Inc.*, 437 SE 2d 168 (S.C. Ct. App 1993) (generally)

Mr. Rivers goes on to make reference to some assignment dated Sept 30, 2016, in Mortgage Book 3519 at page 3048 in which MERS or Respondent, because Appellant isn't sure who is what as Respondent and MERS trade ownership of Notes back and forth based on what best suits them in any particular line on any particular page of a document filed with a Court, making Respondent the present lien holder. On Sept 30, 2016, Appellant was the sole and exclusive owner of her home and she owes no debt to either MERS or Respondent and she had no knowledge of this "assignment". As such, neither MERS no Respondent can randomly file any document to include, but not limited to, a lien assignment reference Appellant's home without her consent or knowledge. Appellant has never seen this document and has no further knowledge of it other than Mr. Rivers' single reference to it in his judgment. No record of it has ever been provided to Appellant. Based on Mr. River's description of events, Appellant can legally file for a lien against Mr. River's home for any reason up to, and including, her own amusement in Beaufort County, South Carolina, without his consent or knowledge.

Further, the Constitution of the State of South Carolina, Article 22, clearly states that no defendant can be forced to answer to the same “person” as prosecutor and adjudicator. Respondent placing its’ own counsel as adjudicator forces Appellant to face Respondent on both sides of the bench and violates the Constitution of the State of South Carolina, among other violations.

Article 3 of the Constitution of the State of South Carolina clearly states that everybody has equal protection under the laws of the state of South Carolina. Those protections have been denied to Appellant.

Article 23 of the Constitution of the state of South Carolina makes the provisions of the Constitution of the State of South Carolina mandatory and not subjectively applicable.

SC Code; Title 32-3-10(1)

No action shall be brought whereby:

(1) To charge any executor or administrator upon any special promise to answer damages out of his own estate.


(2) To charge the defendant upon special promise to answer for the debt default or miscarriage of another person.

Additionally, the 5th and the 14th Amendments to the US Constitution guarantee Due Process and equal protection under the law. Thirty three (33) Demands for Due Process is unforgivable especially when it resulted in Appellant suffering physical harm on top of the mental harm cause by Respondent’s illegal action.

Mortgage problems occur in Beaufort County, South Carolina because reckless lenders believe laws do not apply to them in Beaufort County, South Carolina.

Wherefore, Appellant prays the Court will immediately vacate the Order and Judgment of R. Thayer Rivers Jr., Special Referee, as well as vacate the illegal Lis Pendens action of Respondent and/or MERS and vacate the assignment dated Sept 30, 2016, in Mortgage Book 3519 at page 3048 by MERS and/or Respondent, Gateway Mortgage Group LLC, through Emergency Writ because all defy the law.

Sept 24, 2018



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Other Attorney of Record:

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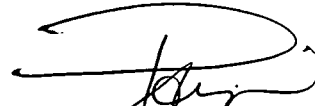
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All parties were served on Sept 22, 2018 and Sept 24, 2018. Please see attached record of Service.

Sept 24, 2018



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