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November 6, 2012

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
The South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RE: CitiMortgage, Inc. v. Daniel L. Junk, et al.
Civil Action No. 2009-CP-07-05088
Order on Appeal: February 22, 2012 ("Order Granting Motion to Dismiss
Third-Party Complaint")
Court of Appeals Tracking No. 2012-210910

and

CitiMortgage, Inc. v. Daniel Junk a/k/a Daniel L. Junk, Christina H. Junk and
Oldfield Community Association
Civil Action No. 2009-CP-07-5088
Order on Appeal: April 23, 2012 ("Order Granting CitiMortgage's Motion to
Dismiss Counterclaims")
Court of Appeals Tracking No. 2012-212115

and

CitiMortgage, Inc. v. Daniel Junk a/k/a Daniel L. Junk, Christina H. Junk and
Oldfield Community Association
Civil Action No. 2009-CP-07-05088
Order on Appeal: May 3, 2012 ("Form 4 Order Denying Appellants Motion
for Default Judgment")
Court of Appeals Tracking No. 2012-212148

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Ms. Kitchings,

In a letter dated September 21, 2012, Appellant Dan Junk informed the Court that Appellants are in possession of the transcript in appeal 2012-210910. The letter states that the transcript¹ in appeals 2012-212115 and 2012-212148 has been requested. *See* Letter dated September 21, 2012, attached hereto as Exhibit A. It was unnecessary for Appellants to order the transcript in those matters as Appellants have been in possession of the transcript since April 20, 2012.

On that date, counsel for Respondent CitiMortgage transmitted, via e-mail, a copy of the February 23, 2012 hearing transcript to the trial court and Appellants. *See* Email from Brain Crotty, Esq. dated April 20, 2012 and enclosing a copy of the transcript, attached hereto as Exhibit B. This transcript is the relevant transcript in appeals 2012-212115 and 2012-212148. **Therefore, Appellants have been in possession of the transcript since April 20, 2012.**

As a result, Appellants are in possession of the transcript in each of the pending appeals. Respondent CitiMortgage requests that this Court set a briefing schedule for Appellants' Initial Briefs and Designations of Matter in each appeal. The schedule should be set as follows:

1) **Appeal 2012-210910:** Appellants acknowledged receipt of transcript in the letter dated September 21, 2012. Therefore, per Rule 208(a)(1), SCACR, the Initial Appellants' Brief and Designation of Matter were due to this Court on October 21, 2012. Appellants failed to timely file their Initial Brief and Designation of Matter. Respondent CitiMortgage requests that this Court issue an order requiring Appellants to file their Initial Brief and Designation of Matter no later than **November 16, 2012** (or ten days from issuance of the order) or have appeal 2012-210910 dismissed.

2) **Appeal 2012-212115:** Appellants filed the Notice of Appeal in appeal 2012-212115 on May 2, 2012. As noted, Appellants were provided with the transcript relevant to each action on April 20, 2012, which was prior to filing the Notice of Appeal. Therefore, per Rule 208(a)(1), SCACR, Appellants' Initial Brief and Designation of Matter were due to this Court on June 1, 2012. Appellants failed to timely file their Initial Appellants' Brief and Designation of Matter. Respondent CitiMortgage requests that this Court issue an order requiring Appellants to file their Initial Brief and Designation of Matter no later than **November 16, 2012** (or ten days from issuance of the order) or have appeal 2012-212115 dismissed.

3) **Appeal 2012-212148:** Appellants filed the Notice of Appeal in appeal 2012-212148 on May 21, 2012. As noted, Appellants were provided with the transcript relevant to each action on April 20, 2012, which was prior to filing the Notice of Appeal. Therefore, per Rule 208(a)(1), SCACR, Appellants' Initial Brief and Designation of Matter were due to this Court on June 20, 2012. Appellants failed to timely file their Initial Appellants' Brief and Designation of Matter. Respondent CitiMortgage requests that this Court issue an order

¹ As the letter notes, the transcript related to the appeals numbered **2012-212115** and **2012-212148** resulted from the same hearing. The date of that hearing was February 23, 2012.

November 6, 2012

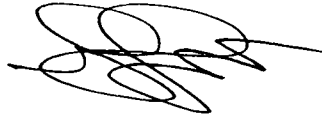
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requiring Appellants to file their Initial Brief and Designation of Matter no later than **November 16, 2012** (or ten days from issuance of the order) or have appeal 2012-212148 dismissed.

In sum, Appellants are in possession of all relevant transcripts in each pending appeal. Thus, this Court should set a briefing deadline as set forth above. It should be noted that this Court has yet to rule on consolidation of the three appeals. Both Appellants and Respondent CitiMortgage have consented to consolidation. This Court should consolidate these matters and issue the briefing schedule set forth in this letter.

Please let me know if you need additional information or have any questions. I thank the Court for consideration of this request.

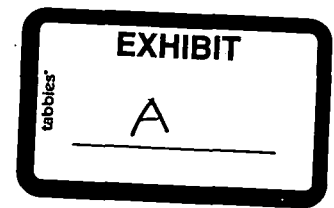
Very truly yours,



Michael J. Anzelmo

MJA:jbl

cc: A. Parker Barnes, Jr.
James Y. Becker
Andrew E. Colvin
John T. Lay
Sean Michael Bolchoz
Demetri "Jim" K. Koutrakos
Elizabeth Van Boren Gray
Susan Taylor Wall
Daniel L. Junk
Maria E. Kiehling



DANIEL L. JUNK, J.D.

Pro Se Appellant

September 21, 2012

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: CitiMortgage v. Junk and Junk v. CitiMortgage, et, al.
Appellate Case Nos. 2012-210910; 212115; 212148

Dear Ms. Kitchings,

I write in response to the September 11, 2012 correspondence for your office. The transcript has been requested on the 2012-212115 and 212148 as the orders appealed from resulted from the same hearing. Counsel already has the transcript for 2012-210910 appeal.

Additionally I request a clarification on the September 11, 2012 correspondence from your office. The September 11, 2012 letter states that the 2012-210910 appeal is no longer held in abeyance. One of the reasons for that appeal being held in abeyance was the fact that Appellants are still awaiting a decision as to the appealability of 2012-212148 which the Court requested the parties to submit briefs on that issue. Briefs were submitted in June and the Court has not issued a decision on that appeal. Additionally, as a part of the requested briefing, the Court asked us to address consolidation of the appeals named herein. No decision has been issued on that matter as of yet as far as I know, either.

Has the Court decided to hear each of the three appeals herein separately? Is the 2012-210910 appeal now active but the other appeals still held in abeyance pending a decision from the briefing? Any clarification you can provide on these questions is greatly appreciated. Thank you in advance.

Sincerely,

Daniel L. Junk,
Pro se Appellant

cc: A. Parker Barnes, Jr., Esq.
Brian P. Crotty, Esq.

Brian Crotty

From: Brian Crotty
Sent: Friday, April 20, 2012 10:45 AM
To: McLeod, Heather
Cc: Dan Junk; apbarnes@Parkerbarneslaw.com; acolvin@nexsenpruet.com; Diane Argabright; Rush Smith
Subject: FW: RE: RE: RE: CitiMortgage v. Junk, C/A No 2009-CP-07-05088 - CitiMortgage's Supplemental Memo in Support of Motion to Dismiss and Proposed Order
Attachments: larger transcript of motion hearing on 02.23.2012 - 4811-7953-3583 v 1.pdf

Dear Heather,

To assist you I am sending the transcript from the February 23, 2012 hearing. Judge Dukes addressed this issue at page 11 ("I think by dismissing the third-party action in its entirety, it moots any default against this party") (see also pp. 4-12).

Judge Dukes may want to enter a Form 4 Order, but if he would like a proposed order, please let us know.

Brian Crotty | 803-255-9422 | brian.crotty@nelsonmullins.com

Nelson Mullins Riley & Scarborough, LLP
 1320 Main Street, 17th Floor
 Columbia, SC 29201

From: Dukes, Marvin [<mailto:mdukes@bcgov.net>]
Sent: Friday, April 20, 2012 9:05 AM
To: Daniel Junk
Cc: Brian Crotty; McLeod, Heather; apbarnes@Parkerbarneslaw.com; acolvin@nexsenpruet.com; Diane Argabright; Rush Smith
Subject: RE: RE: RE: RE: CitiMortgage v. Junk, C/A No 2009-CP-07-05088 - CitiMortgage's Supplemental Memo in Support of Motion to Dismiss and Proposed Order

Dear Mr. Junk,
 My apologies. As you know my practice is to confirm receipt which I obviously did not do in this case. I am in receipt of your brief of April 16th.
 Heather, please review this e-mail string and print the proposals and memos relevant to the same.
 Best to all,

Marvin H. Dukes, III
 Master-in-Equity for Beaufort County
 Beaufort County Courthouse
 102 Ribaut Road, Room 212
 Post Office Drawer 1228
Beaufort, SC 29901
 Office: 843.255.5710
 Fax: 843.255.9505

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From: Daniel Junk [mailto:djunkman@mac.com]

Sent: Friday, April 20, 2012 7:49 AM

To: Daniel Junk

Cc: Dukes, Marvin; Brian Crotty; McLeod, Heather; apbarnes@Parkerbarneslaw.com; acolvin@nexsenpruet.com; Diane Argabright; Rush Smith

Subject: Re: RE: RE: RE: CitiMortgage v. Junk, C/A No 2009-CP-07-05088 - CitiMortgage's Supplemental Memo in Support of Motion to Dismiss and Proposed Order

Judge Dukes,

I would appreciate a confirmation that you received my brief on Monday April 16th, 2012. You confirmed receipt of Mr. Crotty's brief via email as indicated in the string below and I would appreciate the same courtesy. Thank you.

Additionally, you dismissed the our motion for default judgment against American Home Mortgage Holdings, Inc. on the record at the February 23, 2012 hearing. At that hearing, you directed me to send you a copy of the Delaware Bankruptcy Court's final Plan of Liquidation and the Findings of Fact and Conclusion of Law issued by the bankruptcy Court associated with that action. I sent those orders to you by email on April 10, 2012 and requested you issue an Order consistent with your ruling on the record in that email.

Kindly acknowledge that you received the 4/10/12 email with the bankruptcy court orders attached and I would appreciate an estimated date as to when we can expect the Order to be issued. Thank you in advance.

Dan
Dan Junk
843-290-8469
djunkman@mac.com

On Apr 16, 2012, at 06:13 PM, "Daniel Junk" <djunkman@mac.com> wrote:

Judge Dukes,

Per your email below, attached is the Junks' brief in opposition to CitiMortgage's motion to dismiss the counterclaims that was mailed today for filing with the Court. Additionally I attach as a courtesy copy, the Junks Motion in the Court of Appeals to dismiss the foreclosure action for lack of subject matter jurisdiction or in the alternative to stay the foreclosure action pending the appeal of the quiet title action that was sent to the Court of Appeals via overnight delivery today for filing tomorrow.

Dan Junk
843-290-8469
djunkman@mac.com

On Apr 11, 2012, at 01:28 PM, "Dukes, Marvin" <mdukes@bcgov.net> wrote:

To all,

Thank you for your various messages. I am receipt of the Plaintiff's memo. If there are any others to consider, please send them to me as soon as possible.

I am out for the rest of this week, but will check my e-mail periodically.

Best to all,

Marvin H. Dukes, III

Master-in-Equity for Beaufort County

Beaufort County Courthouse

102 Ribaut Road, Room 212

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From: Brian Crotty [<mailto:brian.crotty@nelsonmullins.com>]

Sent: Wednesday, April 11, 2012 12:56 PM

To: Dukes, Marvin

Cc: Dan Junk; McLeod, Heather; apbarnes@Parkerbarneslaw.com; acolvin@hexsenpruet.com; Diane Argabright; Rush Smith

Subject: RE: RE: RE: CitiMortgage v. Junk, C/A No 2009-CP-07-05088 - CitiMortgage's Supplemental Memo in Support of Motion to Dismiss and Proposed Order