

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

William O. Spencer Jr., Lawyer
(Unlawful Special Referee)

RECEIVED
NOV 19 2018
SC Court of Appeals

Case No.2018-000355

JPMorgan Chase Bank,
National Association

Respondent,

v.

Fritz Allen Timmons

Appellant.

REPLY TO MOTION TO STRIKE AND DISREGARD RESPONDENTS (INITIAL)
BRIEF AND DESIGNATION OF MATTER, REMOVE COUNSEL

In Reply to the Respondents Response,

(A) The Appellant has clearly shown that Nelson Mullins was not the representatives of Chase for the Lower Trial Court due to withdrawal and substituted by Tasha B. Thompson of Scott & Corley, PA, Ipso Facto, Tasha B. Thompson is deemed Attorney of Record in accordance to Rule 264, SCACR (M. p. 7 - 9).

(B) That the Attorney Sarah B. Nielsen withdrew and was internally substituted by Benjamin Rush III Smith and Nicholas A. Charles all of which are within the Nelson Mullins law firm. This substitution Order was not for the substituting of Scott & Corley, PA by Nelson Mullins (P. 5) as Tasha B. Thompson, Benjamin Rush III Smith and Nicholas A. Charles are considered ass current attorneys while Sarah B. Nielsen is considered as Former attorney

(C) The law firm of Scott & Corley, PA (Tasha B. Thompson) was not Substituted by the law firm of Nelson Mullins (Benjamin Rush III Smith and Nicholas A. Charles), Ipso Facto, not deemed the Attorney of Record and not Proper before this Court.

(D) The Opposing Counsel of Nelson Mullins and/or Scott & Corley, PA has;

(1) failed to show where it has represented the Respondent at the Trial Hearing that is on Appeal (Rule 264, SCACR).

(2) failed to show in the Transcripts of the lower trial court where their matter of designation was presented to the Lower Trial to be preserved including any transcripts of Pre Trial matters.

(3) failed to show that their matter of designation was preserved by a filed a 59e motion

(4) Failed to raise the matter or arguments including any pretrial matter during the trial, Ipso Facto, the matter was waived by Respondent

(5) Failed to show where in the Record was the Transcripts of any Pre trial matters was and/or when filed or presented to the lower trial court (Rule 207, SCACR)

(6) Failed to show how Transcripts that has not been transcribed can be part of any type of record (Rule 207, SCACR)

(7) Failed to show how Rule 207, SCACR applies to any Pre Trial matter

(E) The Appellant has shown that Tasha B. Thompson Represented the Respondent in the lower Trial Court on Appeal (M. p. 7 - 9)

(F) The Appellant has shown that their matter of designation was not presented to the lower Trial Court nor did the lower Trial Court had access to the matter, Ipso Facto, any pretrial matter was waived by Respondent.

(G) The Respondent claims that the Appellant did not object to the appearance of

Nelson Mullins although the appearance did not specify that it was actually a substituting for Scott & Corley without withdrawal directly violating Rule 264, SCACR

(H) The Respondent claims that the Appellant is required to order all transcripts including pre trial motions and/or other transcripts that is not on Appeal and not raised nor presented to the lower Trial Court. Rule 207, SCACR only requires the transcripts of the lower Trial Court that is on Appeal.

(I) The Respondent claims that the Appellant is required to provide ALL MATTER that the Respondent wants regardless as to being presented or not to the lower trial court including matter that is not preserved and/or waived by the Respondent .Rule 210, SCACR clarifies that only matter presented to the lower Trial Court may be subject of the designation of matter, Ipso Facto, any previous matter to the lower Trial Court may only be submitted by supplemental Record (Rule 212, SCACR)

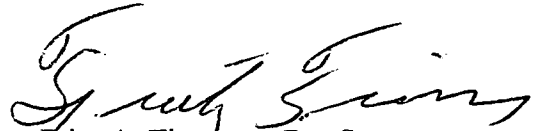
There for, Nelson Mullins is trying to establish that the entire process, record and none record (transcripts that has not been transcribed nor filed and is not on record) matter of the Circuit Court is considered as the “Lower Court”. The “Lower Court” as referred to in Rule 210, SCACR refers to the Trial or Tribunal of the lower court and the matter in front of and of which the “Judge(s)” makes their Rulings. If matter or arguments is not in front of a judge then the judge has nothing to make a Ruling upon (M. p. 9 L 22 - 24), Ipso Facto, there is no matter preserved for Review by this Court. Regardless as to how Relevant any Matter may be to the Respondent, the Respondent Failed to preserve and has Waived the matter for Review. “An issue may not be raised for the first time on appeal. In order to preserve an issue for appeal, it must be raised to and ruled upon by the **trial court.**” In re Michael H., 360 S.C. 540, 546, 602 S.E.2d 729, 732 (2004). “It is

well settled that, but for a very few exceptional circumstances, an appellate court cannot address an issue unless it was raised to and ruled upon by the **trial court**.” Lucas v. Rawl Family Ltd. P’ship, 359 S.C. 505, 510-11, 598 S.E.2d 712, 715 (2004).

The Following South Carolina Appeals Court Judges are Prohibited and Barred from this case under SC Rule 501 SCACR Canon 3 and U. S. Code 28 U.S. Code §455 for in part or in full but not limited to violations of Color of Law, violations of Rights to Due Process, Accessories after the Fact, violations of Fourth Amendment, Maintenance and Barratry.(1) Paul E. Short, (2) John D Geathers, (3) Stephanie P. McDonald, (4) Thomas E. Huff, and (5) H. Bruce Williams

Nov 16, 2018

Respectfully.



Fritz A. Timmons, Pro Se
P. O. Box 367
Hartsville, SC 29551

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas
William O. Spencer, Jr., Special Referee

Case No. 2015-CP-13-00768
Appellate Case No. 2018-000355

RECEIVED
AUG 22 2018
SC Court of Appeals

JP Morgan Chase Bank, National Association,

Respondent,

v..

Fritz A. Timmons,.....

Appellant.

Motion to Withdraw as Counsel and Notice of Appearance

Respondent the JPMorgan Chase Bank, National Association ("Respondent") moves this Court for an order allowing Sarah B. Nielsen to withdraw as counsel of record for Respondent in this matter. The basis for this motion is that Sarah B. Nielsen will resign from Nelson Mullins effective August 31, 2018 to accept a job with the Department of Justice.

Respondent will not be prejudiced by this withdraw of counsel because it will continue to be represented in this matter by B. Rush Smith, III and Nicholas A. Charles both of Nelson Mullins Riley & Scarborough LLP. Nicholas A. Charles hereby enters his appearance for Respondent in this appeal.

Respondent requests that Sarah B. Nielsen be relieved as counsel and removed from the court roster in this matter.

SIGNATURE PAGE ATTACHED

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In The Court of Appeals

APPEAL FROM CHESTERFEILD COUNTY
Court of Common Pleas

William O. Spencer Jr., Lawyer
(Unlawful Special Referee)

Case No.2018-000355

JPMorgan Chase Bank,
National Association

Respondent,

v.

Fritz A. Timmons


Appellant.

PROOF OF SERVICE

I certify that I have served a Copy of the REPLY TO MOTION TO STRIKE AND DISREGARD RESPONDENTS (INITIAL) BRIEF AND DESIGNATION OF MATTER, REMOVE COUNSEL on attorneys of record Tasha B. Thompson @ Scott & Corley, PA, 2712 Middleburg Drive Suite 200, Columbia SC 29204, Nelson Mullins c/o Benjamin Rush III Smith and Nicholas A. Charles , PO Box 11070, Columbia SC 29211, by depositing a copy of it in the United States Mail, postage prepaid, on Nov 1, 2018.

Nov 16, 2018

Respectfully



Fritz A. Timmons, Pro Se
P. O. Box 367
Hartsville, SC 29551

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NOV 19 2018

SC Court of Appeals

Nov 16, 2018

The Honorable Jenny Abbott Kitchings
Clerk of Court
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

RE: JPMorgan Chase Bank, National Association. Respondent v. Fritz A. Timmons
Appellant Case No 2018-000355

Dear Jenny Abbott Kitchings

Enclosed for filing are the following:

1. An original and 6 copies of REPLY TO MOTION TO STRIKE AND DISREGARD RESPONDENTS (INITIAL) BRIEF AND DESIGNATION OF MATTER, REMOVE COUNSELDESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL.
2. Proof of service

Sincerely,



Fritz A. Timmons
P. O. Box 367
Hartsville, SC 29551