

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM SUMTER COUNTY CIRCUIT COURT  
Richard L. Booth, Master-In-Equity

Appellate Case No.: 2018-000197

Ameer Akeem Amin,

Appellant,

v.

DLJ Mortgage Capital, Inc.,

Respondent.

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Respondent's Return to Appellant's Motion to Reinstate

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Caroline Glenn, Esq.  
Brock & Scott, PLLC  
3800 Fernandina Road, Suite 110  
Columbia, South Carolina 29210  
(803) 454-3540  
Attorney for Respondent

**RECEIVED**

**NOV 30 2018**

**SC Court of Appeals**

**NOW COMES** Respondent DLJ Mortgage, Inc. "Respondent") by and through its undersigned attorneys, responding to Appellant's Motion to Reinstate filed September 4, 2018.

### **BRIEF PROCEDURAL HISTORY**

The instant action is an appeal from the Order for Writ of Assistance and Order Denying Defendant's motion to set aside sale and vacate summary judgment in the underlying action brought by Respondent against Appellant for foreclosure of property located in Sumter County. Respondent was granted summary judgment on November 20, 2014 and property sold to Respondent at the foreclosure sale held January 5, 2015. Based upon Appellant's continued occupation of the property a writ of assistance to have Appellant removed from the property was sought. Appellant filed a motion to vacate judgment and sale which was denied by the Master in Equity on May 12, 2015. Following the denial of the motion for relief, Appellant filed an appeal in this case on June 17, 2015 (Appellate Case No: 2015-001341). This Court affirmed the Master in Equity's ruling on July 26, 2017 and the matter was remitted back to the lower court on August 11, 2017. Respondent then sought a second Rule to Show Cause on October 18, 2017. Appellant filed a second Motion to set aside sale and vacate summary judgment on November 20, 2017. A hearing on Respondent's petition for rule to show cause and Appellant's motion to set aside sale and vacate summary judgment was held on December 19, 2017. An Order

denying Appellant's motion to set aside sale and vacate summary judgment along with an Order for writ of assistance was filed January 18, 2018. This appeal followed.

The appeal progressed through the initial briefing stage and was dismissed on August 21, 2018 for failure of Appellant to file and serve the record on appeal. Appellant then filed a Motion to Reinstate on September 4, 2018. By Order dated November 2, 2018 this Court directed Appellant to file and serve the record on appeal and file a proof of service within ten days. Appellant filed a Record on Appeal on November 8, 2018; however, this document does not meet the requirements of Rule 209, SCACR. Specifically, Appellant's record on appeal only includes 5 out of the 31 items designated for inclusion by the Respondent in its designation of matter. Based on the foregoing, and Appellant's continued failure to abide by the SCACR, Respondent respectfully requests that Appellant's Motion to Reinstate be denied and the appeal remain dismissed.

Brock and Scott, PLLC  
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Columbia, South Carolina 29210  
Telephone: (803) 454-3540



Caroline Glenn  
Attorney for the Respondent

Dated: November 29, 2018  
Columbia, South Carolina

**Caroline Glenn, SCB# 77157**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM SUMTER COUNTY  
Court of Common Pleas

Richard L. Booth, Master-In-Equity

Appellate Case No. 2018-000197

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SC Court of Appeals

Ameer Akeem Amin.....Appellant,

v.


DLJ Mortgage Capital, Inc..... Respondent.

**PROOF OF SERVICE**

The undersigned certifies that the Respondent's Return to Appellant's Motion to Reinstatement was served on the below listed parties by depositing a copy thereof in the United States

Mail, first class, postage prepaid, addressed to:

Ameer A. Amin  
470 Shedrick Lane  
Sumter, SC 29154  
*Appellant*

  
Caroline Glenn (SC Bar# 77157)

Dated: November 29, 2018



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November 29, 2018

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
The South Carolina Court of Appeals Clerk of Court  
1220 Senate Street  
Columbia, SC 29201

RE: Ameer Akeem Amin v. DLJ Mortgage Capital, Inc.  
Appellate Case 2018-000197  
B&S File No.: 14-00966

Dear Ms. Kitchings:

Enclosed please find an original and seven copies of the Respondent's Return to Appellant's Motion to Reinstate along with the Proof of Service. Please have a filed copy returned to me in the enclosed envelope.

Thank you for your kind assistance in this matter.

Respectfully,

Caroline Glenn,  
Attorney for the Respondent

Enclosure  
CC: Ameer A. Amin