

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

William B. Jackson, Jr., Master-In-Equity

Case No. 2018-001303

RECEIVED

NOV 28 2018

SC Court of Appeals

Wells Fargo Bank, N.A.,

Respondent,

v.

Dorothy Sistrunk,

Appellant.

**DESIGNATED MATTERS TO BE INCLUDED
IN THE RECORD ON APPEAL**

November 26, 2018

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Comes now the Appellant/Defendant, Dorothy Sistrunk, to designate matters that will be included in Record on Appeal, i.e., Wells Fargo Bank, N. A., Respondent v. Dorothy Sistrunk, Appellant - Case 2018-001303. The Appellant proposes the following case history records be included in the Record on Appeal:

I. COURT ORDERS THAT ARE RELEVANT TO THE APPEAL

- (1) Order of Reference, August 1, 2008 – Exhibit 90.
- (2) Order of Stay, June 24, 2009 – Exhibit 97
- (3) Order Granting Plaintiff's Motion to Compel Discovery, Issuing Stay, and Granting Motion for Continuance, March 7, 2012 – Exhibit 255.
- (4) Consent Scheduling Order, December 6, 2013 – Exhibit 349.
- (5) Order Granting Partial Summary Judgment, March 27, 2014 – Exhibit 329.
- (6) Order Denying Motion to Alter or Amend Partial Summary Judgment, April 7, 2014 – Exhibit 354.
- (7) Order of Reference to Master, May 5, 2014 – Exhibit 109.
- (8) Order Denying Motion for a New Trial and Motion to Vacate Plaintiff's Partial Summary Judgment Order, July 11, 2014 – Exhibit 355.
- (9) Order Granting Plaintiff's Motion for Summary Judgment & Entering Judgment for Foreclosure Sale, February 14, 2018.
- (10) **Order Denying Emergency Motion To End The Foreclosure Sale, July 5, 2018.**

II. COMPLAINT, ANSWER, AMENDMENTS, RELEVANT PETITIONS, DECISIONS & REMITTURS

- (1) Summons & Complaint, June 27, 2008 – Exhibit 105.
- (2) Answer to Complaint, July 18, 2008 – Exhibit 297.
- (3) First Amendment to Answer to Complaint with Counterclaims, July 31, 2008 – Exhibit 298.
- (4) Notice of Plaintiff's Failure to Comply with the May 22, 2009 Supreme Court of South Carolina Order for Foreclosure Cases, May 19, 2011.
- (5) Notice of Appeal to Appellate Court, July 30, 2014.
- (6) Unpublished Opinion 2016-UP-472 – Appeal Ruled Untimely, Lower Court Affirmed, October 1, 2016, Filed; November 9, 2017.
- (7) Petition for Rehearing En Banc Rejected, January 20, 2017.
- (8) Remittur, March 10, 2017

III. TRANSCRIPTS & DEMANDS FOR JURY TRIAL

- (1) Transcript – The January 24, 2018 Hearing.
- (2) Demand for Jury Trial, August 15, 2008 – Exhibit 341

IV. RELEVANT NOTICE OF MOTIONS, MOTIONS, SUPPORTING MEMORANDA & OBJECTIONS OR OPPOSITION TO MOTIONS

- (1) Rule 41(b) Motion to Dismiss With Prejudice, August 13, 2011.
- (2) Legal Memorandum in Support of Notice of Motion and Motion to Dismiss with Prejudice that was filed on August 15, 2011.
- (3) Motion for Summary Judgment, June 27, 2013 – Exhibit 332.
- (4) Opposition to Plaintiff's Wells Fargo Bank, N.A.'s Motion for Summary Judgment and Demand for Jury Trial – Judicial Notice Requested Pursuant to Rule 201, SCRE, July 17, 2013.
- (5) Notice of Motion & Motion to Alter or Amend the Partial Summary Judgment & Rescind the Order of Reference Pursuant to Rule 59(e), SCRCP, March 25, 2014 – Exhibit 108.
- (6) Legal Memorandum Supporting Notice of Motion and Motion to Alter or Amend the Partial Summary Judgment Order & Rescind the Order of Reference, March 25, 2014.
- (7) Legal Memorandum of Law and Authorities to Support My Notice of Motion and Motion to Vacate the Plaintiff's Partial Summary Judgment Order Pursuant to Rule 60(b), SCRCP for Extrinsic Fraud upon the Court by Officers of the Court in Conjunction with 28 U.S.C. § 455 & 42 U.S.C. § 1983 – that was filed on May 28, 2014.
- (8) Motion to Vacate Partial Summary Judgment, May 28, 2014 – Exhibit 111.
- (9) Statement of Uncontested Facts and Material Facts in Support of Motion and Legal Memorandum of Law and Authorities to Vacate the Plaintiff's Partial Summary Judgment Order Pursuant to Rule 60(b), SCRCP for Extrinsic Fraud upon the Court by Officers of the Court in Conjunction with 28 U.S.C. § 455 & 42 U.S.C. § 1983. This is a Verified Pleading and My Official Complaint, May 28, 2014.
- (10) Motion for A New Trial, June 9, 2014 – Exhibit 103.
- (11) Legal Memorandum of Law and Authorities to Support My Notice of Motion and Motion for a New Trial with a Jury Pursuant to Rule 38(a)-(d), 39, 59(a)(2) & 60(b)(1), SCRCP for Extrinsic Fraud upon the Court by Officers of the Court in Conjunction with 28 U.S.C. § 455 & 42 U.S.C. § 1983, June 9, 2014.
- (12) Motion to Restore Case, October 20, 2017.

- (13) Objection to Restoring the Case, October 30, 2017
- (14) Motion for Summary Judgment, November 22, 2017
- (15) Objection to Motion for Summary Judgment, November 30, 2017
- (16) Dorothy Sistrunk's Notice of Motion to File A Writ of Mandamus Or Certiorari With Memorandum, February 9, 2018.

V. AFFIDAVITS & RESPONSES TO AFFIDAVITS

- (1) Affidavit of Wells Fargo Bank, N.A., by Elizabeth S. Hodgson, May 18, 2009 – Exhibit 235.
- (2) Response to Plaintiff's Affidavit, May 26, 2009 – Exhibit 266.
- (3) Affidavit in Support of Wells Fargo's Motion for Summary Judgment by Amanda Weatherly, June 4, 2013 = Exhibit 343.
- (4) Dorothy Sistrunk's Rebuttal and Counter Affidavit of Facts & Truth That Refutes & Opposes the Affidavit of Amanda Weatherly Wells Fargo's Vice President for Loan Documentation for Wells Fargo Bank, N.A., in Support of Wells Fargo's Motion for Summary Judgment, July 17, 2013 - Exhibit 253.
- (5) Affidavit of George M. Sistrunk – Background History – the Signed Broker's Agreement, August 15, 2011 – Exhibit 245
- (6) George Sistrunk's Affidavit Regarding Judge Diane Shafer Goodstein's Refusal to Let Me Give Testimony & Evidence, May 28, 2014 – Exhibit 379.
- (7) Dorothy Sistrunk's Affidavit of Facts, Material Facts & Truth to Refute Allegations by Wells Fargo's Personnel & Attorney/s, May 25, 2012 – Exhibit 92.
- (8) Dorothy Sistrunk's Affidavit of Facts & Truth Regarding Attorney Debra C. Galloway & Stephanie Hammond at the Closing on December 21, 2007, May 28, 2014 – Exhibit 378.
- (9) Dorothy Sistrunk's Affidavit of Facts & Truth Regarding Judge Diane Shafer Goodstein's Violation of South Carolina's and the United States Due Process Clauses, May 28, 2014 – Exhibit 377.
- (10) Affidavit Refuting Certificate of Compliance & Objection to Vivian Lighthall's Affidavit, November 30, 2017.

VI. RELEVANT VERIFIED AND NOTARIZED PLEADINGS & RESPONSES

- (1) Notice of Plaintiff's Failure to Qualify for Participation in Foreclosure Intervention Pursuant to S. C. Supreme Court Administrative Order No. 2011-05-02-01 Re: June 9, 2011 Letter, July 11, 2011.
- (2) Response to Second Notice of Mortgagor's Right to Foreclosure Intervention Pursuant to S. C. Supreme Court Administrative Order No. 2011-05-02-01 and to Demand an Investigation into "Fraud upon the Court" Before Any Foreclosure Intervention can Begin - that was filed on July 15, 2011.
- (3) Objections to the Plaintiff's Motion for Sanctions and Demand for an Oral Only Deposition Subject to Rule 38(b) a Priority Matter, May 25, 2012.
- (4) Objects to Plaintiff's Wells Fargo Bank, N.A.'s Second Motion and Order for Continuance and Demands Trial Roster Placement on November 18, 2013 - Judicial Notice Requested Pursuant to Rule 201, SCRE, November 8, 2013.
- (5) Response to Notice of Case Scheduling; Re: Roster ID: 71 and Notice of Consent to Scheduling Order with Conditions Pursuant to Rule 16, SCRCF, November 25, 2013.
- (6) Objects to the Plaintiff's Motion for Order of Reference. There is no Valid Mortgage on 423 Bayne Street Due to False Certification, March 31, 2014.
- (7) Reasons for Consenting to Order Granting a Continuance, the Fladell Settlement & Violations of the 7th Amendment to the United States Constitution, July 14, 2014.
- (8) Reasons for Opting Out of the Fladell Settlement and Filed with the United States District Court for the Southern District of Florida; Re: Case No. 0:13-cv-60721-(FAM), July 28, 2014.
- (9) Reasons for Consenting to Order Granting a Continuance, the Fladell Settlement & Violations of the 7th Amendment to the United States Constitution - that was filed on July 14, 2014.

VII. EXHIBITS

- (1) Exhibits 1, 4, 8-14, 26, 30-34, 36, 37, 40, 41, 45, 46A, 47, 48, 49
- (2) Exhibits 66, 68 & 69, 72, 81, 91, 96, 98
- (3) Exhibits 103, 107, 109, 110, 111, 113—the Property – 423 Bayne Street
- (4) Exhibits 123, 140, 141, 152, 165, 166, 168-170, 173, 179, 180
- (5) Exhibits 192, 193, 196, 198, 199, 235, 236, 245, 253, 255, 266,
- (6) Exhibit 297, 298, 326, 329, 331, 332, 334, 341, 342, 343,

- (7) Exhibits 346, 347, 348, 349, 354, 355, 377, 378, 379,
- (8) RTFF – Exhibit 000-C, RTFF – Exhibit 122, MFF – Exhibit 122

VIII. WELLS FARGO’S EXHIBITS

Exhibits WF00001-WF00134

IX. OTHER RECORDS, DOCUMENTS, EXHIBITS, WRITINGS AND/OR PLEADINGS FILED IN COURT OR ANY LETTER/S SENT AND/OR MAILED THAT ARE RELEVANT TO THIS ACTION AND APPEAL FROM JUNE OF 2008 TO PRESENT

- (1) Any subpoenas or request for subpoenas if allowed by the Appellate Court.
- (2) Any notes written by a Judge in the Court’s files relative to Case 2008-CP-38-1024.
- (3) Any other matter contained within the Court’s files relative to Case 2008-CP-38-1024.

X. ABBREVIATIONS IN THE BRIEF & RECORD ON APPEAL

- (1) AffidavitAff./Aff.s
- (2) AppellantApp./App.s
- (3) ExhibitEx./Ex.s
- (4) PageP./pp./pg./pgs
- (5) Record On AppealROA
- (6) RecordR./R.s
- (7) RespondentResp./Resps.
- (8) SentenceSent./Sent.s
- (9) TranscriptT./TT.
- (10) Wells FargoWF

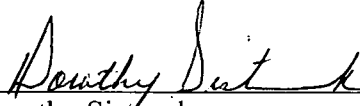
XI. COMMENTS

Other than the Rules of Civil and Appellate Procedure, I am proceeding in this matter without any guidance or instructions from any one in the legal profession whatsoever. The Designation of Matters format that is seen in this presentation to the Appellate Court is based on information placed online by litigants in other states.

XII. CERTIFICATION

Pursuant to Rule 209(c), SCACR, I certify that the designations on pages 2-7, contain no matter that is irrelevant to the appeal.

November 26, 2018

/s/ 
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SC Court of Appeals

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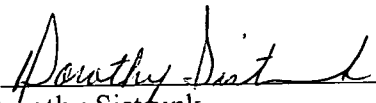
v.

Dorothy Sistrunk, Appellant.

CERTIFICATION OF DESIGNATED MATTER

I certify that my "*Designated Matter*" that is to be included in the "*Record on Appeal*" that is dated, November 26, 2018, contains no matter that is irrelevant to the appeal.

Today's Date:
November 28, 2018

Is 
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v.

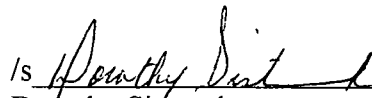
Dorothy Sistrunk,

Appellant.

PROOF OF SERVICE

I certify that I served a copy my *"Initial Brief & Designation Of Matters To Be Included In The Record On Appeal"* that is dated November 26, 2018, on Wells Fargo Bank, N.A., by depositing a copy of it in the United States Postal Service (USPS), prepaid, on November 28, 2018, addressed to Wells Fargo's attorney/s and/or agent/s of record that are listed below.

Today's Date:
November 28, 2018



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Initial Brief, Proof of Service, Certification of Designated Matter

November 28, 2018

The Honorable Jenny Abbot Kitchings Clerk of Court
& Deputy Clerk of Court V. Claire Allen
South Carolina Court of Appeals
POB 11629
Columbia, SC 29211

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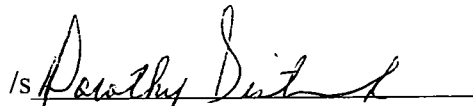
SC Court of Appeals

Re: Wells Fargo Bank, N.A. v. Dorothy Sistrunk
Civil Action Case #2008-CP-38-1024
Appellate Case #2018-001303

Ms. Kitchings and/or Ms. V. Claire Allen

On November 26, 2018, the Appellate Court received the original copy of my "Initial Brief" that was stamped by the Clerk of the Appellate Court. Unfortunately, I did not have my "Designated Matters" with me. Today, November 28, 2018, pursuant to Rules 208, 209 and 210, SCACR, I am delivering my "Designated Matters" to be included in the Record on Appeal, Proof of Service and Certification that no irrelevant matter has been included. Copies of the "Initial Brief", along with the Proof of Service, my Certification and this letter to the Clerk of Court will be sent to the parties listed below.

Thank you.


Dorothy Sistrunk

CC:

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