

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT OF APPEALS
Appellate Case no: 2012-213516

RECEIVED

JAN 25 2013

APPEAL FROM the RICHLAND COUNTY
Court of Common Pleas

S.C. Supreme Court

Joseph M. Strickland(alleged Substitute)¹
Lower Case no: 2011-CP-40-08913

**PRO SE APPELLANT FREEMAN & KENNEDY
COVER SHEET**
(Color of White SCACR 240[c]& 267[e])

*(RESPONSE/or REPLY to RESPONDENT alleged COUNSELOR's APPEARANCE
and "RETURN TO ORDER TO VACATE ORDER" ^{Freeman}
"Erred Title by above said Respondent alleged Counsel, as Appellant ^{McCrie} filed
title read "...Motion/or Petition to SET ASIDE 'CLERK' ORDER' 1/2/2013...")*

Original and 6 copies -- to said Supreme Court...

¹ As recent provided copy of the Richland County Circuit Court's DOCKET/aka/Case History SHEET, DOES NOT SHOW, the name Joseph M. Strickland as being either a Replacement/or Substitute JUDGE nor a "Special Circuit Court Judge", as ONLY the said COURT'S TRANSCRIPT(s) will show and support as to What the said Judge's title is, and When and If the said Judge actually held any HEARINGS in this said case matter, although! its alleged in ALL Defendant/Respondents said GRANTED MOTIONS that there was/were alleged OPEN COURT HEARINGS HELD in the said State Circuit Court of Common Pleas with the said named Judge Strickland; although! the said filed presented recorded documents NEVER SHOWS ANY APPEARANCE of the said Attorney "Erik T. Norton", as being within this said case matter, as well as Attorney Erik T. Norton NEVER states that he Replaced the said prior Respondent(s)' written filed named Attorney "Jody Alan Bedenbaugh, Esquire".

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT OF APPEALS
Appellate Case no: 2012-213516

Pages 1 of 4
Attachments-3

APPEAL FROM the RICHLAND COUNTY
Court of Common Pleas

Joseph M. Strickland (alleged Substitute)¹
Lower Case no: 2011-CP-40-08913

RECEIVED

JAN 25 2013

S.C. Supreme Court

Terra K. Freeman and Ruth Kennedy,

Plaintiff/Appellants,

vs.

Bank of America, c/o Missy Graham, Office of Assistant
Manager and Jane Barfell, Personal Banker,

Defendant(s)/Respondent(s) /

**MEMORANDUM with CITATION of AUTHORITIES
IN SUPPORT of the REPLY MOTION**

Defendant/Respondent says it filed in this said Supreme Court of Appeals its pleadings/titled "NOTICE OF APPEARANCE" and "RETURN TO MOTION TO VACATE ORDER" pursuant allegedly with SCACR 240 and SCACR 207, when facts are, neither of Respondent(s)' filed motion(s) complies with SCACR 240(c); nor 267(b), although already produced records show Appellants always filed and complied with SCACR 207(a)(1,2,3,5), showing Pro se Appellants written presentation addressed ONLY to the "CLERK" pursuant with 267(f), as to written ORDER dated "January 2, 2013"; As well as said Respondent(s) NEVER provided ANY Rulings that could possibly support its yet! IMPROPER FILED NOTICE of APPEARANCE,² of "Attorney Erik T. Norton", which makes Defendant/Respondent(s)' complete filed motions moot and invalid.

¹ As recent PRODUCED copy of the Richland County Circuit Court's DOCKET/aka/Case History SHEET, DOES NOT SHOW, the name Joseph M. Strickland as being either a Replacement/or Substitute JUDGE, nor a "Special Circuit Judge" in the said Circuit Court, as alleged in the IMPROPER/illegal/ and UNTIMELY APPEARANCE of the said Attorney "Erik T. Norton" - Whose Appearance dated 1-14-2013, is without MERIT, when Only Attorney "Jody Alan Bedenbaugh..." APPEARED ON RECORD as Esquire for the Law Firm of Nelson, Mullin, Riley, & Scarborough filed in this case matter, and there ABSOLUTELY NO! WRITTEN statements that E.T. Norton Replaced/nor is ADDED as a Attorney with Bedenbaugh.

² RULE 9. APPEARANCE OF COUNSEL; STATES - 1. ...The ATTORNEY WHOSE NAME, address, and telephone number APPEARS ON the cover of a document PRESENTED FOR FILING IS CONSIDERED COUNSEL OF RECORD, and a separate notice of appearance need not be filed. If the name of more than one attorney is shown on the cover of the document, THE ATTORNEY WHO IS COUNSEL OF RECORD SHALL BE CLEARLY IDENTIFIED.* See also Rule 5.1(c)(2); 5.7(a)(2)&(b);

2. ...A SEPARATE NOTICE of APPEARANCE SHALL ...BE ENTERED WHENEVER AN ATTORNEY IS SUBSTITUTED AS COUNSEL.*

RESPONDENT(S)' IMPROPER/or illegal FILED NOTICE OF APPEARANCE

1. Defendant/Respondent's filed Notice of Appearance, dated "January 14, 2013" wrote, "...Please take notice Erik T. Norton, of the law office of Nelson Mullin Riley & Scarborough LLC, hereby enters HIS, NOTICE of Appearance in this matter."...

...which Respondent(s)' said statement(s) does not comply with the above Footnote (Citation/Authority) involving the Supreme Court rules and procedures, when the said lower trial court, the Law Firm of Nelson Mullin Riley, Scarborough APPEARANCE filed in the said lower trial court, **as well as THIS attached said SUPREME COURT's own! ALREADY! documented FIRST! filed! RECORDS/aka/LETTER dated "December 6, 2012" addressed to Appellant Ms. Terra Freeman; and! both! Appellants Freeman & Kennedy's Original filed Notice to Appeal written legal contacts...**

....FILED in this said APPEALS COURT, shows, Nelson, Mullin, Riley, Scarborough's appearing COUNSEL of Record in this said matter, has always been **ONLY (1) one, attorney named "Jody Alan Bedenbaugh, Esquire"**; and NEVER! REPLACED with the name of "Erik T. Norton". Which shows said Appearance is against the above said Supreme Court Rules, and Authorities. *(See above footnote 2)

2. Defendant/Respondent(s) placed ONLY as its attorney in this said matter, was named "Jody Alan Bedenbaugh..." who has NEVER FILED that he was NO LONGER the said Lawyer for said Respondent(s), nor! has the individual "Erik T. Norton" ever! **wrote** the he was Replacing, nor being added, nor Substituting for Respondent(s)' ONLY filed name attorney of recorded records – should show "Jody Alan Bedenbaugh" in the said alleged Court TRANSCRIPT(s), which the proper said appearance in this said matter MUST be UPHELD with this said above Supreme Court Rules and Procedures...see footnote 2.

3. Defendant/Respondent's lower trial court records. nor! this said Supreme Court Records NEVER showed, and yet! DOES NOT SHOW, ANY LEGAL/PROPER filed APPEARANCE, of Erik T. Norton in order to have placed and filed any type pleading(s) in this said case matter, as a acting/or active attorney,

NOR as a Substitute Attorney, nor is the name of Erik t. Norton has ever been named as an alleged Partners on the Law Firm's ³ said Letter heading provided in this said case matter with these said Appellants);

4. Therefore ANY and ALL filed pleading filed by Attorney Erik T. Norton in this said matter, as to his filed NOTICE of APPEARANCE and his filed alleged "Return to Motion to Vacate Order" dated January 14, 2013, has ABSOLUTELY NO! MERIT Claim(s) and cannot be considered in this said case matter. ⁴

RESPONDENT(S)' "RETURN TO MOTION TO VACATE ORDER"

5. Defendant/Respondent(s) filed erred document titled "Return to Motion to VACATE ORDER" dated 1/14/2013 ⁵ claims that ONLY ONE (1) of the PRO SE/Non-Attorney "...Appellant's Motion is mostly unintelligible..." and or is unclear, but! yet! Respondent(s)' alleged Unrecognized Attorney "Erik T. Norton" did! "RETURN..." a unauthorized/aka/or untimely REPLY to both! Appellants Freeman and Kennedy's claims written to the said Clerk, in January 2013 that Defendant/Respondent(s)' LETTER from the Attorney "Erik T. Norton" was not a PROPER APPEARANCE in order to appear as counselor in this said case matter, which resulted in Attorney "Erik T. Norton" indeed placed this said Reply. Otherwise, shows Respondent(s)' continued to filed the intentional untruth/aka/Fraud claims and unsupported allegations. Which would be pursuant with said Rule 60(b).

WHEREFORE, this said Memorandum in support is being filed by these said PRO SE Appellants, who MUST DENY the said unauthorized counselor's filed "Return to Motion to

document PRESENTED FOR FILING IS CONSIDERED COUNSEL OF RECORD, and a separate notice of appearance need not be filed. If the name of more than one attorney is shown on the cover of the document, THE ATTORNEY WHO IS COUNSEL OF RECORD SHALL BE CLEARLY IDENTIFIED." See 5.10(c)(2); 5.7(c)(2)(B)

As Plaintiff/Appellants Freeman and Kennedy filed presentment to this said Supreme CLERK is not TITLED as Respondent claims as an allege "MOTION TO VACATE ORDER" ...when said Appellants' said FILED pleading is shown as a written " Motion/or PETITION to SET ASIDE 'CLERK' "ORDER" 1/2/2013" can be governed by Rule 50(c), as well as rule 60(a)&(d).

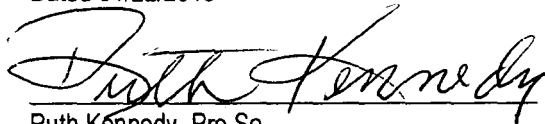
Respondent(s)' said ERRED "Return to Motion to VACATE ORDER" dated 1/14/2013 was not Delivered to Plaintiff/Appellants until DAYS after that said date. Therefore Appellant's filings are timely and properly filed.

VACATE ORDER" – not only because the said Lawyer "Erik T. Norton" is not a Authorized party in this said case matter, but MUST BE DENIED ALSO due to neither! of these said PRO SE

⁶Plaintiff/Appellants' Freeman nor Kennedy NEVER filed such a said TITLED MOTION.

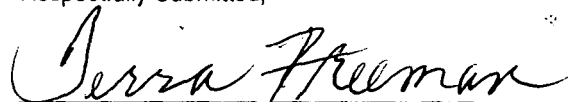
Otherwise this said Memorandum is being filed to the best of their ability at this time period, but will correct any findings by this said Supreme Court says needs to be corrected.

Dated 01/22/2013



Ruth Kennedy, Pro Se
263 Blyth Creek Dr.
Blythewood, SC 29016

Respectfully Submitted,



Terra Freeman, Pro Se
112 Vineyards Crossing Ct
Columbia, SC 29229
tandh_2007@yahoo.com

CERTIFICATE OF SERVICE/and or Sworn Affidavit

I declare that all the proper parties has be served this said above **MEMORANDUM with CITATION of AUTHORITIES IN SUPPORT of the REPLY MOTION** delivered by mail, hand-delivered and or faxed, and further declare that all that is stated is TRUE and Believable, and the said stated attachments are already within this said Appeals court's possession delivered by these said Plaintiff/Appellant(s), delivered to all said proper parties.

cc: Mr. Jody A. Bedenbaugh, Attorney BOA, 1320 Main Street, 17 Floor, Columbia. SC. 29201
803-799-2000 - And Attorney Erik T Norton

Original delivered to: Supreme Court Address: P.O. Box 11330, Columbia, S.C. - (803) 734-1080

⁶ Haines v. Kerner, 404 U.S. 519 (1972) – says CASES ON PRO SE RIGHTS that "...Allegations such as those asserted by PETITIONER, HOWEVER Inartfully PLEADED, are SUFFICIENT"... "Which WE HOLD to LESSER STANDARD than FORMAL PLEADINGS DRAFTED BY LAWYERS."

ATTACHMENTS - 3

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Joseph M. Strickland, Special Circuit Court Judge

Case No. 2012-213516

Terra K. Freeman, Appellant,

v.

Bank of America c/o Missy Graham, Office of Assistant
Manager, and Jane Barfell, Personal Banker, Respondent.

NOTICE OF APPEARANCE

You will please take notice that Erik T. Norton, of the law offices of
Nelson Mullins Riley & Scarborough, L.L.P., hereby enters his Notice of Appearance
in this matter.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: Erik T. Norton

Erik T. Norton
SC Bar No. 73860
E-Mail: erik.norton@nelsonmullins.com
Jody A. Bedenbaugh
SC Bar No. 71176
E-Mail: jody.bedenbaugh@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

Attorneys for Bank of America

Columbia, South Carolina
January 14, 2013

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Joseph M. Strickland, Special Circuit Court Judge

Case No. 2012-213516

Terra K. Freeman, Appellant,

v.

Bank of America c/o Missy Graham, Office of Assistant
Manager, and Jane Barfell, Personal Banker, Respondent.

RETURN TO MOTION TO VACATE ORDER

Pursuant to Rule 240, SCACR, Respondent Bank of America ("BOA") hereby states its opposition to Appellant's Motion to Vacate Order. In the Order dismissing this appeal dated January 2, 2013, this Court rightly noted that Appellant has failed to follow the procedures outlined in Rule 207, SCACR. Appellant's Motion is mostly unintelligible, and no sufficient grounds for vacating the Order can be ascertained from reading it. Therefore, the appeal should be dismissed and the Motion to Vacate denied.

Signature Page Attached

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: Erik T. Norton

Erik T. Norton
SC Bar No. 73860
E-Mail: erik.norton@nelsonmullins.com
Jody A. Bedenbaugh
SC Bar No. 71176
E-Mail: jody.bedenbaugh@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

Attorneys for Bank of America

Columbia, South Carolina

January 14, 2013