

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

Wells Fargo Bank, N.A.,

Respondent,

v.

Dorothy Sistrunk,

Appellant.

**APPELLANT'S REPLY TO RESPONDENT'S
RESPONSE IN OPPOSITION TO MOTION TO REMAND**

March 14, 2019

Dorothy Sistrunk – *Pro Se*
423 Bayne Street
Orangeburg, South Carolina 29115
(803) 268-0716

Erica G. Lybrand
Attorney For The Plaintiff
ROGERS TOWNSEND & THOMAS, PC
POB 100200
1221 Main Street 14th Floor
Columbia, SC 29202
(803) 771-7900

S. Sterling Laney, III - Esquire
Attorney For The Plaintiff
WOMBLE BOND DICKINSON (US) LLP
550 South Main Street, Suite 400
Greenville, SC 29601
(864) 255-5400

Stan And Adrienne Conine
Agents For The Plaintiff
PREMIERE ASSET SERVICES
Conine Group, Inc.
146 Leisure Lane, Suite A
Columbia, SC 29210
(803) 217-1061

M. Todd Carroll - Esquire
Attorney For The Plaintiff
WOMBLE BOND DICKINSON (US) LLP
1221 Main Street, Suite 1600
Columbia, SC 29201
(803) 454-6504

RECEIVED
MAR 18 2019
SC Court of Appeals

TABLE OF CONTENTS & CITED AUTHORITIES

The references to the record can be found in the Appellant’s “Documents, Exhibits & Affidavits Supporting Motion to Remand”. The cited authorities are a reminder to the Appellate Court and attorneys of the laws that have been violated in this case that have been overlooked or ignored for over 10 years.

<u>Authorities</u>	<u>Page(s)</u>
<u>South Carolina Code of Laws & Constitution</u>	
SECTION 16-13-10(A)(1)-(4)	5
SECTION 26-1-160 (26-1-95 in 2007)	4, 5
SECTION 26-3-40(1)	5
SECTION 26-3-60(1)-(3)	5
SECTION 30-5-30(A)(2)-(C)	5
SECTION 30-5-40(1)(a)-(b)	5
SECTION 34-3-110	5
SECTION 34-36-10 -90	4
SECTION 36-3-305(a)(1)(ii-iii)	5
SECTION 37-3-101-605	4
SECTION 37-5-108	5
SECTION 37-23-40(1)-(2)	5
SECTION 39-5-20(a)-(b)	5
SECTION 40-58-20(40)	5
SECTION 40-58-30(A)-(B)	5
SECTION 40-58-50(E)(1)	5
SECTION 40-58-70(1)-(3)	5
S. C. CONST. - ART. I - § 14	5
S. C. CONST. - ART. I - § 15	5
<u>United States Constitution, Codes And/Or Regulations</u>	
12 C.F.R. § 1731.2	5
15 U.S.C. § 1681n(a)	5
18 U.S.C. § 1001(a)(1)-(3)	5
18 U.S.C. § 1344	5
18 U.S.C. § 1346	5
28 U.S.C. § 1746	5
24 C.F.R. Part 35 – Subpart A	5
U.S. Const. Amend. VII	5
U.S. Const. Amend. VIII	5

I. RETURN TO RESPONSE IN OPPOSITION TO “MOTION TO REMAND”

A. Return to ¶ 1

1. There is a psychological condition called projection in which a person, and in this case, Wells Fargo Bank, N.A.’s attorney(s) projects onto someone his/her wrong doing or faults. Psychological projection is a defense mechanism in which the human ego defends itself against unpleasant impulses or qualities by denying their existence in themselves while attributing them to others. Wells Fargo’s attorney(s) are attempting to use projection to convince the Appellate Court that the Appellant is delaying justice when the evidence clearly shows it has been Wells Fargo’s attorneys that have been abusing the Appellant, the Respondent (Wells Fargo Bank) and the judicial process since 2008.

2. Civil Action Case #2008-CP-38-1024 never qualified for a delay under Chief Justice Toal’s Administrative Order #2009-05-22-01. Attorney Elizabeth S. Hodgson’s Scam Affidavit (Ex. 235, p. 282) was accepted, even though the Appellant told the Court the affidavit was misleading (Ex. 266, pp. 283-287) The case was delayed further by the Court ignoring the Massive Filing Fraud of attorneys Elizabeth Scott Moise and James H. Burns during the TRO/Stay, the concealment of material facts and the outright lie of Wells Fargo’s personnel most notably Janet Frotscher (WF00120-121, pp. 186-187 and WF00125-126, pp. 191-192) and Ben Windust (Ex. 198, pp. 22-23) The Appellant never met the Appraiser – Jim H. Austin, III, Golden Gate Mortgage was not licensed broker in 2007 and there are no additional liens on 423 Bayne Street.

3. Then there is the outright lie of attorney Brian A. Calub, even though in legalese it can be described as a misrepresentation of a material fact. Nonetheless, the Court believed the lie or misrepresentation that the seller gave the Appellant an appraisal. Nothing is farther from the truth (Ex. 331, p. 33, ¶ 2, Sent, #2) In addition Ex. 2, p. 2 and

WF00120, p. 186, verify the appellant did not have an appraisal in 2007 and went to the closing to lower the price of 423 Bayne Street. (Ex. 245, p. 298, ¶ 36)

4. Thomas Jacobs simply lied about lowering the price during the closing. The evidence to verify his deception and lie can be found in WF00107-112, pp.173-178. The most egregious offense and delay in this case occurred when Judge Goodstein signed the Partial Summary Judgment Order that was drafted by attorney Elizabeth Scott Moise that is replete with misrepresented material facts and outright lies. (Ex. 329, pp. 26-32)

5. The truth about Thomas Jacob's Home Improvement and Mortgage Fraud, (WF00001-134, pp. 67-200) and his Illegally Brokered Loan (contact South Carolina's Department of Consumer Affairs (SCDCA) to verify Golden Gate Mortgage was not a licensed broker in 2007 pursuant to §§ 40-58-10-110 SC Code of Laws (WF00001-27, pp. 67-93; Ex. 245, p. 295, ¶ 23; p. 297, ¶ 34; WF00120, p. 186, ¶¶ 4 -5 and WF00125, p. 191, ¶ 3 or last ¶), that was falsely certified by attorney Debra C. Galloway and Stephanie Hammond (WF00058, p. 124, WF00060, p. 126 and WF00097, p. 163) has been before the Court since 2008,. The actions of Galloway and Hammond are a violation of § 26-1-160 that was § 26-1-95 SC Code of Laws in 2007 and is triable under § 26-1-95 because it was the law at the time the False Certification occurred

6. As stated in numerous pleadings, the Appellant will not speculate that this is how the scam worked and why it work so well to deceive trained lawyers that are supposed to be Officers of the Court and a sitting Judge. Neither Golden Gate Mortgage nor Golden Gate Mortgage, Inc., was a loan broker in 2007 pursuant to §§ 34-36-10 -90 SC Code of Laws or a lender pursuant to §§ 37-3-101-605 SC Code of Laws. (WF00010-13, pp. 76-79 and WF00023-26, pp. 89-92)

7. The licensed broker that is registered with the SCDCA is Golden Gate Mortgage, Inc./David Terrell. The Court also overlooked and ignored the fact that in 2007 and according to the SCDCA, Thomas Jacobs was not a licensed Loan Originator working for Golden Gate Mortgage, Inc pursuant to § 40-58-50(E)(1) SC Code of Laws.

8. Delays in ending this case in 2008 or no later than 2009, occurred because the Court also ignored Wells Fargo's and the so called Broker – David Terrell's violation of § 37-23-40(1)-(2) SC Code of Laws. (WF00031 & 32, pp. 97 and 100). The Court also ignored Wells Fargo's and the so called Broker – David Terrell's use of an unauthorized credit report that is a violation of 15 U.S.C. § 1681n(a). (WF00063-74, pp. 129 – 140)

9. This case could have ended if the Court had acted on attorney Debra C. Galloway's violation of 24 C.F.R. Part 35 – Subpart A. (Ex.s 68-69, pp. 18-19). It should have ended on the Appraisal Fraud (WF00014-27, pp. 80-93) and forgery by name substitution of Jim H. Austin, III (WF00001-13, pp. 67-79) The case should have ended when David Terrell's forgery was discovered on RESPA documents Every document dated 11/26/2007 with the Appellant's signature is a forgery. The Appellant did not sign any documents for David Terrell / Golden Gate Mortgage, Inc. Nor is there anything in the Court's records to even suggest he brokered a loan for the Appellant.

10. The case should have ended when it was discovered that Wells Fargo's personnel forged the Appellant's initials on the Contract of Sale. (Ex.s 140-141, pp. 20-21 and WF00028-29, pp. 94-95) Add to these verifiable facts the violation of all the following laws: 12 C.F.R. § 1731.2, 18 U.S.C. §§ 1001(a)(1)-(3), 1344, 1346 and South Carolina's Code of Laws §§ 16-13-10(A)(1)-(4), 26-3-40(1), 26-3-60(1)-(3), 30-5-30 (A)(2)-(C), 30-5-40(1)(a)-(b), 34-3-110, 36-3-305(a)(1)(ii-iii), 37-5-108, 40-58-20(40), 40-58-30(A)-(B), 40-58-70(1)-(3), U.S. Const. Amend. VII & VIII and S. C. Const. - Art. I – §§ 14 & 15.

11. The notion that the Appellant is abusing the legal process because she utilizes legal remedies is an absurdity, lacks merit and has been thoroughly discredited. These attorneys should also be called to task and sanctioned for violating the Compliance Agreement (WF00117, p. 183), concealing material facts from Wells Fargo and the Court, for the monetary damages they have caused Wells Fargo and the Appellant and for attempting to inflict "Cruel and Unusual Punishment" upon an innocent victim of a nefarious criminal act by forcing the Appellant to pay \$159,220.00 for a \$15,000.00 house in a notoriously corrupt legal process.

12. These attorneys have also attempted to assassinate the character of the Appellant by claiming she is trying to live somewhere for nothing when the Court's own record show, the Appellant has done everything within reason to settle with Wells Fargo and do what is right something a depraved legal mind probably would not understand.

B. Return to ¶¶ 2-4.

13. Paragraphs 2-3 are the same tired mutterings, whining, complaining and the separation from reality and actuality the Appellant has encountered from day one in this case. Instead of demanding justice for their client, these attorneys are unwittingly and perhaps knowingly letting the perpetrators of the fraud escape justice or being held accountable for the criminal act of defrauding a bank out of \$75,000.00 by championing forgery, deceit, deception, misrepresentation of material facts and outright lies in order to win a case. And..the Appellant must admit, with the help of Judges in the Lower Court.

14. However in ¶ 2 on p. 1, is an astonishing admission, "This request is consistent with Mrs. Sistrunk's general theme that her mortgage loan is somehow unenforceable – a position that has already been rejected by Judge Goodstein in a partial summary order." **This is the reason for the appeal to correct errors of law.**

15 In ¶ 4 on page 2, another admission. “reference matter outside of the record, including “the Internet” or any websites..” *Rule 240(c)(3)* , *SCACR* clearly states the following in pertinent parts; “[W]here the Record on Appeal or Appendix has not been filed, or where the facts relied upon in support of the motion are not contained in the Record on Appeal or Appendix, the parties shall file affidavits and other documents in support of their positions.”

16. The Internet evidence that clearly shows the two trees in front of 423 Bayne Street, the year the house was built, the actual square footage and the damages at the property is new and did not exist in 2007, 2014 or 2018. However, it is here now in 2019; as well as, the price of \$15,000.00. Therefore, under *Rule 60(b)(2)*, *SCRCP*, the newly discovered evidence on the Internet that verifies Appraisal Fraud and Mortgage Fraud by clear and convincing evidence which by due diligence could not have been discovered in time to move for a new trial under *Rule 59(b)* has to be considered and must be considered on Remand.

II. SIMILAR TO A COLD CASE BEING SOLVED

17. This case is similar to a cold case being solved after 11 years of fumbling and bumbling in South Carolina’s legal system. South Carolina’s legal system failed Wells Fargo and failed the Appellant. However, with the evidence and the truth on the Internet, the failure can end and justice served. Unlike a cold case, in which the evidence must be gathered to convict, the Lower Court has ignored the evidence and the facts that have always existed to cancel the mortgage and dismiss this case with prejudice.

18. The Appellate Court now knows Judge Goodstein committed egregious errors of law. The Appellate Court now knows the Appellant has been telling the truth from the beginning and the attorneys have been misrepresenting the facts. The Appellate Court now knows its dealing with serious and unprecedented errors of law.

III. SUMMATION

19. The Appellant has presented enough evidence for a Remand to end the foreclosure sale, cancel the mortgage and pay restitution to the Appellant. In addition, by leave of the Appellant Court with the evidence of Mortgage Fraud and especially, the Appraisal Fraud of Jim H. Austin, III, now on the Internet, the Appellant has a legal right to file a Rule 59(b), SCRCF Motion for a New Trial.

IV. CONCLUSION

20. The Appellant reminds the Court again, that Janet Frotscher at Wells Fargo Home Mortgage admitted in her letter dated February 21, 2008 that the value of 423 Bayne Street is based on the Appraisal (WF00120, p. 186, ¶¶ 4-5). If the Appraisal is fraudulent the value is fraudulent. In ¶ 5, like Wells Fargo's attorneys, she referred to Golden Gate Mortgage as the broker. Golden Gate Mortgage was not a licensed broker in 2007. (SCDCA)

Loving & Evans v. Blick, 33 Cal. 2d 603 (Cal: S. Ct 1949) "[A]s appellant maintains, it has been repeatedly declared in this state that "a contract made contrary to the terms of a law designed for the protection of the public and prescribing a penalty for the violation thereof is illegal and void, and no action may be brought to enforce such contract" (*Gatti v. Highland Park Builders, Inc.*, 27 Cal.2d 687, 689 [166 P.2d 265]; see, also, *Haas v. Greenwald*, 196 Cal. 236, 247 [237 P. 38, 59 A.L.R. 1493]; *Wise v. Radis*, 74 Cal.App. 765, 774-776 [242 P. 90]; *Holm v. Bramwell*, 20 Cal.App.2d 332, 335-337 [67 P.2d 114]; *Phillips v. McIntosh*, 51 Cal.App.2d 340, 343 [124 P.2d 835]); and that "whenever the illegality appears, whether the evidence comes from one side or the other, the disclosure is fatal to the case."

March 14, 2019

Respectfully submitted,

/s/ Dorothy Sistrunk
Dorothy Sistrunk
423 Bayne Street
Orangeburg, South Carolina 29115
(803) 268-0716

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

Wells Fargo Bank, N.A.,

Respondent,

v.

Dorothy Sistrunk,

Appellant.

RECEIVED
MAR 18 2019
SC Court of Appeals

PROOF OF SERVICE

I certify that I served a copy my "*Reply to Respondent's Response in Opposition to Motion to Remand*" that is dated March 14, 2019, on Wells Fargo Bank, N.A., by depositing a copy of it in the United States Postal Service (USPS), prepaid, on March 15, 2019 addressed to Wells Fargo's attorney/s and/or agent/s of record that are listed below. The "*Respondent's Response*" was received at 423 Bayne Street in Orangeburg South Carolina on March 11, 2019.

Today's Date: March 14, 2019

/s/ Dorothy Sistrunk
Dorothy Sistrunk - Pro Se
423 Bayne Street
Orangeburg, South Carolina 29115
(803) 268-0716

Erica G. Lybrand
Attorney For The Plaintiff
ROGERS TOWNSEND & THOMAS, PC
POB 100200
1221 Main Street 14th Floor
Columbia, SC 29202
(803) 771-7900

Stan And Adrienne Conine
Agents For The Plaintiff
PREMIERE ASSET SERVICES
Conine Group, Inc.
146 Leisure Lane, Suite A
Columbia, SC 29210
(803) 217-1061

S. Sterling Laney, III - Esquire
Attorney For The Plaintiff
WOMBLE BOND DICKINSON (US) LLP
550 South Main Street, Suite 400
Greenville, SC 29601
(864) 255-5400

M. Todd Carroll - Esquire
Attorney For The Plaintiff
WOMBLE BOND DICKINSON (US) LLP
1221 Main Street, Suite 1600
Columbia, SC 29201
(803) 454-6504



Dorothy Sistrunk

423 Bayne Street • Orangeburg, SC 29115 • Ph: 803-268-0716 • Fx: 803-534-6727

Reply To Respondent's Response To Motion To Remand

March 14, 2019

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

RECEIVED
MAR 18 2019
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

I am enclosing my "*Reply to Respondent's Response in Opposition to Motion to Remand*" with Proof of Service. In accordance with *Rule 240(e), SCACR*, I am enclosing an original and six (6) copies of my "Reply"; paper clipped and not stapled, and I have also served a copy of same on all parties listed below.

Thank You.

Dorothy Sistrunk

Dorothy Sistrunk

CC:

Erica G. Lybrand
Attorney For The Plaintiff
ROGERS TOWNSEND & THOMAS, PC
POB 100200
1221 Main Street 14th Floor
Columbia, SC 29202
(803) 771-7900

S. Sterling Laney, III - Esquire
Attorney For The Plaintiff
WOMBLE BOND DICKINSON (US) LLP
550 South Main Street, Suite 400
Greenville, SC 29601
(864) 255-5400

Stan And Adrienne Conine
Agents For The Plaintiff
PREMIERE ASSET SERVICES
Conine Group, Inc.
146 Leisure Lane, Suite A
Columbia, SC 29210
(803) 217-1061

M. Todd Carroll - Esquire
Attorney For The Plaintiff
WOMBLE BOND DICKINSON (US) LLP
1221 Main Street, Suite 1600
Columbia, SC 29201
(803) 454-6504



1000



29201

U.S. POSTAGE PAID
FCM LG ENV
ORANGEBURG, SC
29115
MAR 15, 19
AMOUNT
\$2.80
R2304M116629-26



Dorothy Harley Sistrunk • 423 Bayne Street • Orangeburg, SC 29115

RECEIVED
MAR 18 2019
SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
POB 11629
1220 Senate Street
Columbia, SC 29201

Important Documents Enclosed!