

Letter to the Court

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Diane S. Goodstein, Circuit Court Judge

Case No. 2016-CP-18-01678

Wilmington Savings Fund
Society FSB as Trustee of
Stanwich M,

Respondent,

v.

Nelson L. Bruce, et al.

Appellant.

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AUG 05 2019
SC Court of Appeals

Letter to the Court

On **July 24, 2019** the court sent out a deficiency letter advising the Appellant that if he wants to request relief from this court of any kind, he needs to serve and file a motion pursuant to rule 240 of SCACR. Although the Appellant has filed a motion with this court for the automatic stay in lower court to stay the proceeding on **July 29, 2019** and the court is requesting a filing fee for this motion, Appellant is unclear why this court is requesting that a motion for relief be filed. Appellant must respectfully object to this advisement by the court because there is a general rule that applies once a "**Notice of Appeal**" has been filed in both courts. This notice acts to automatically stay the proceedings (*See...C-SCULPTURES, LLC, NO. 3 v. Brown, 709 S.E.2d*

705 (S.C. Ct. App. 2011) in lower court as provided pursuant to rule **241(a)** general rule, which states that **As a general rule, the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision. This automatic stay continues in effect for the duration of the appeal unless lifted by order of the lower court, the administrative tribunal, appellate court, or judge or justice of the appellate court. The lower court or administrative tribunal retains jurisdiction over matters not affected by the appeal including the authority to enforce any matters not stayed by the appeal.** Therefore, this matter should have been automatically stayed in the lower court which include the hearings scheduled for **July 30, 2019** at 10:30 a.m. because these hearings are substantially affected by the appeal because if the appellants motion and relief requested by the motion to which he has appealed been granted, all matters would have been stayed and or dismissed and there would be no need for the referenced July 30, 2019 hearings to have been scheduled. Also because the **Honorable Judge Diane S. Goodstein** denied the Appellants motion and claims because the motion has been denied, the hearings will proceed which further evidences that if the motion was granted, there would have not been no hearings scheduled to proceed with evidenced by Judge Diane's letter dated **July 15, 2019**. Also pursuant to rule **240(a) Applicability of SCACR**, it states that **Where Rules 241 through 246 provide different or additional requirements or procedures, those requirements or procedures shall apply.** Because rule **241(a)** does provide different and or additional requirements as specified above by rule **241(a)** there should have been no need for the Appellant to have been advised by the court to file a motion for a stay of the proceedings to grant relief from this court to which both this court and lower court should have recognized as being automatic when a "Notice of

Appeal” has been filed as specified above and is automatic as a general rule of the court.

Appellant requests that if this information provided before this court proves to be accurate that this court proceed according to these general rules as specified above and move forward with notifying all parties of the automatic stay and applying this automatic stay to the lower courts pending actions which include the scheduled hearings referenced above. Appellant asks this court to review this letter and advise before Appellant moves forward with any further actions and requirements advised by the court which includes filing fees in regards to the motion to stay that was advised by this court to file.

RESPECTFULLY PRESENTED,

“Without Prejudice”

Nelson L. Bruce 8-1-2019

Void/non- assumpsit

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Nelson L. Bruce, Propria Persona, Sui Juris

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c/o PMB 1605 Central Avenue, Ste.6 #167

Summerville South Carolina 29483

Ph. 843-437-7901

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It is hereby certified, that on the date noted below, the undersigned mailed to:

ALBERTELI LAW
Attention: William S. Koehler
1201 Main Street, Suite 1450
Columbia, South Carolina 29201

South Carolina Housing Trust Fund
SC Housing Corp
Attention: Tracey C. Easton
300-C Outlet Pointe Boulevard
Columbia, South Carolina 29210

Dorchester County Courthouse
Attention: Cheryl Graham – Clerk of Court
5200 E. Jim Bilton Boulevard
Saint George, South Carolina 29477

herein after, "Recipient," the documents pertaining to Court of Appeals Case # 2019-001208 as follows:

1. **Corrected and Amended Notice of Appeal** (2 pages); and
2. **Letter to the Court of Appeals** (3 pages); and
3. **Certificate of Service** (1 page).

by Priority Mail, by placing same in a postpaid envelope properly addressed to Recipient at the said address and depositing same at an official depository under the exclusive face and custody of the UNITED STATES POST OFFICE via U.S. Postal Service within the State of South Carolina.

Total of 6 pages.

RESPECTFULLY PRESENTED,

"Without Prejudice"

Nelson L. Bruce 8-1-2019 Void/non- assumpsit

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SC Court of Appeals

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