

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas

**RECEIVED**

Benjamin H. Culbertson, Circuit Court Judge

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OCT 09 2019

SC Court of Appeals

Case No. 2009-CP-26-05915

Appellate Case No. 2019-001119

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Plantation Federal Bank .....*Respondent,*

v.

Chester A. Crockett .....*Appellant.*

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**APPELLANT'S REPLY TO RESPONDENT'S  
RETURN TO THE PETITION FOR REHEARING**

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**ARGUMENT**

Appellant Chester A. Crockett respectfully requests the Court reverse the referral of this matter to the Special Referee and the attendant dismissal of Appellant's counterclaims which shed light on the unlawful banking practices from which Respondent now seeks to profit.<sup>1</sup> South State Bank, the entity which actually brought the present Supplemental Proceedings, has yet to produce any valid or express assignment of the judgment (from Plantation Federal Bank) it seeks to enforce; yet, criticizes Appellant for its "nearly decade long delay" in this matter. It is an

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<sup>1</sup> For clarification, Chester A. Crockett is the Appellant in this matter, not the Respondent, as was stated in Respondent Bank's Return.

undisputed fact that supplemental proceedings were not begun, by Respondent, until August 20, 2018, some Eight and One-half (8 ½) years after entry of the judgment it seeks to enforce.

It was impossible for Appellant to learn the extent of Plantation Federal Bank's wrongdoing until, at the very earliest, Plantation Federal Bank was served with the Cease and Desist Order, dated June 30, 2010, several months after the underlying action had ended.<sup>2</sup> Moreover, the federal government itself would not publish its Audit conclusions until more than Six (6) years following the entry of judgment.<sup>3</sup> Appellant did not cause delay, Respondent and its alleged predecessors in interest did. Only they were in control of the date on which the Supplemental Proceedings would begin. Now Respondent pleads the Court hasten consideration of Appellant's Petition. Appellant has filed counterclaims and sought discovery. Any hastening of Appellant's claims, to accommodate Respondent's belated Supplemental Proceedings will again deprive Appellant of a mode of trial to which he is entitled, as briefed in Appellant's Petition.

Thus, Appellant's Petition should be granted, and the appeal of the June 10, 2019 Order be fully briefed by the parties for proper consideration before this Court.<sup>4</sup>

Respectfully submitted,



Robert S. Shelton, Esq. SCB # 68543  
BELLAMY, RUTENBERG, COPELAND,  
EPPS, GRAVELY & BOWERS, P.A.  
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Myrtle Beach, SC 29577

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<sup>2</sup> June 30, 2010 ORDER TO CEASE AND DESIST, Order No.: SE-10-032, United States of America Office of Thrift Supervision.

<sup>3</sup> August 15, 2016 Department of the Treasury, Office of Inspector General, Audit Report No.: OIG-16-052.

<sup>4</sup> Specifically, Appellant seeks review of: the granting of Respondent's Motion to Refer to Master or Special Referee; the granting of Respondent's Motion for Protection from Discovery; and, the granting of Respondent's Motion to Substitute Parties, as stated in the Notice of Appeal dated July 8, 2019.

(843) 448-2400  
*Attorneys for Appellant*

Myrtle Beach, South Carolina  
Dated: October 8, 2019

Other Counsel of Record:

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Plantation Federal Bank.....Respondent,

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**PROOF OF SERVICE**

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I certify that I have served the Appellant's Reply to Respondent's Return to the Petition for Rehearing on Respondent Plantation Federal Bank by depositing a copy of it in the United States mail, postage prepaid, on October 8, 2019, addressed to its attorneys of record, J. Rene Josey, Esquire and Jeffrey L. Payne, Esquire, Turner Padgett, P.O. Box 5478, Florence, South Carolina, 29502.

October 8, 2019



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Paralegal to Robert S. Shelton, Esq., SCB # 68543  
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October 8, 2019

VIA FEDERAL EXPRESS

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

Re: Plantation Federal Bank v. Chester A. Crockett  
Appellate Case No.: 2019-001119

Dear Ms. Kitchings:

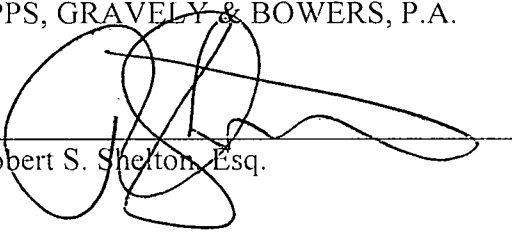
Please find enclosed for filing the original and seven (7) copies of Appellant's Reply to Respondent's Return to the Petition for Rehearing and Proof of Service in this case. Please return a clocked copy of the Reply and Proof of Service to our office in the self-addressed and stamped envelope enclosed for your convenience. Should you have any questions or require any additional information, please do not hesitate to contact our office.

Of course, please do not hesitate to contact me should you require anything further.

With kindest regards, I remain

Yours truly,

BELLAMY, RUTENBERG, COPELAND,  
EPPS, GRAVELY & BOWERS, P.A.

  
Robert S. Shelton, Esq.

RSS:nmr  
Enclosures as stated

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Page 2

cc: Jeffrey L. Payne, Esq.  
J. Rene Josey, Esq.  
Client

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Second business day.\*\* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected. FedEx Envelope rate not available. Minimum charge: One-pound rate.
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Second business day.\*\* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- FedEx 3Day Freight  
Third business day.\* Saturday Delivery NOT available.

\* Call for Confirmation

\*\* To most locations

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- HOLD Weekday at FedEx Location  
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- HOLD Saturday at FedEx Location  
Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations.

Does this shipment contain dangerous goods?

- No
- Yes  
One box must be checked. As per attached Shipper's Declaration.
- Yes  
Shipper's Declaration not required.
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Dry Ice, 9, UN 1845 \_\_\_\_\_ kg
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- Recipient
- Third Party
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- Cash/Check

Enter FedEx Acct. No. or Credit Card No. below. Obtain Recip. Acct. No.

Total Packages	Total Weight	Total Declared Value†	Total Charges
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†Our liability is limited to \$100 unless you declare a higher value. See back for details.			Credit Card Auth.

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- Indirect Signature  
If no one is available at recipient's address, anyone at a neighboring address may sign for delivery. Fee applies.

**520**

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