

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

**RECEIVED**

\*\*\*\*\*

MAR 05 2013

APPEAL FROM YORK COUNTY  
Court of Common Pleas

**S.C. SUPREME COURT**

S. Jackson Kimball, Master in Equity

\*\*\*\*\*

Case No. 2007-CP-46-4305

\*\*\*\*\*

SunTrust Mortgage, Inc, ..... Respondent,

v.

Mark Ostendorff, ..... Petitioner.

\*\*\*\*\*

**RECEIVED**

MOTION TO DISMISS

MAR 05 2013

\*\*\*\*\*

**SC Court of Appeals**

Brian S. Tatum, Esquire  
Tatum Law Firm, PLLC  
P.O. Box 11250  
Charlotte, North Carolina 28220  
Phone: (704) 307-4197  
Fax: (704) 754-4140  
BSTatum@tatumlegal.com  
Attorney for Respondent

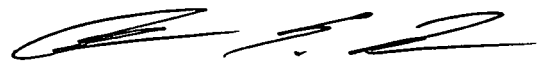
COMES NOW SunTrust Mortgage, Inc. ("Respondent"), by and through its counsel, and hereby files its Motion for Permission to File Late Return to Petition and shows this honorable court in support thereof as follows:

On or about January 17, 2013, Mark Ostendorff filed his Petition for Writ of Certiorari (the "Petition"). In addition to failing to comply with Rule 267, SCACR, the Petition appears to only dispute the lower court's findings of fact. It is a basic principal that a court reviewing a case on a writ of certiorari must "confine its review to the correction of errors of law only, and will not review the findings of fact of an inferior Court or body except when such findings are wholly unsupported by the evidence." Pettiford v. South Carolina State Bd. of Educ., 218 S.C. 322, 62 S.E.2d 780 (1950). Therefore, this Court should dismiss Mr. Ostendorff's Petition for Writ of Ceriorari.

March 4, 2013.

Respectfully Submitted,

TATUM LAW FIRM, PLLC



---

Brian Steed Tatum  
*Attorney for Respondent*  
S.C. State Bar No. 73975  
P.O. Box 11250  
Charlotte, NC 28220  
Telephone: (704) 307-4197  
Facsimile: (704) 754-4140  
[BSTatum@tatumlegal.com](mailto:BSTatum@tatumlegal.com)


**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that a copy of the foregoing MOTION was served upon the parties listed below by placing a copy of the same with the United States Postal Service, first-class postage prepaid, addressed as follows:

Mark Ostendorff  
137 King Street  
Central, SC 29630  
*Petitioner, pro se*

March 4, 2013.

TATUM LAW FIRM, PLLC



---

Brian Steed Tatum  
*Attorney for Respondent*  
S.C. State Bar No. 73975  
P.O. Box 11250  
Charlotte, NC 28220  
Telephone: (704) 307-4197  
Facsimile: (704) 754-4140  
[BSTatum@tatumlegal.com](mailto:BSTatum@tatumlegal.com)