

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM YORK COUNTY
Court of Common Pleas

S. Jackson Kimball

Appellate Case No. 2010-150386

SunTrust Mortgage, Inc.,Respondent,

v.

Mark Ostendorff,.....Petitioner.

REPLY TO RETURN TO WRIT OF CERTIORARI

RECEIVED

MAR 18 2013

S.C. Supreme Court

Mark Ostendorff
137 King St
Central, SC 29630
(864)640-3340
Petitioner, Pro Se

Brian S. Tatum
Tatum Law Firm
PO Box 11250
Charlotte, NC 28220
(704) 307-4350
Attorney for Respondent

Ostendorff 's Reply to Return To Petition is as follows:

1-The issue was raised. It was raised as a surprise issue by SinTrust's attorney. It is thus preserved for Appellate review.

Ostendorff never agreed with any evidence presented regarding a due date. Ostendorff was in complete surprise of a surprise statement by SunTrust's attorney over 3 years after SunTrust stopped Ostendorff's construction draws with no explanation , as that explanation is required by SunTrust in the loan documents.

No where in the loan contract documents does it state a due date. Paragraph 14 of Susan Walker's affidavit- Ostendorff never agreed that the exhibit was correct. A review of the transcript would show that Ostendorff was not prepared to answer a surprise issue. Susan Walker never stated that the due date was the reason SunTrust stopped the draws.

2- There was no evidence whatsoever that showed SunTrust had the right to stop the construction draws. A reason to stop the draws would have to be a reason at that time, not something their attorney dreamed up years after stopping the construction draws. SunTrust by its own loan contract documents requires that SunTrust notify Ostendorff within 30 days of any reasons to stop the draws.

3- Ostendorff will show the court that Mike Watts told Ostendorff that " there really is no due date" on the monthly interest payments.

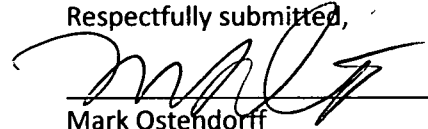
SunTrust has refused after numerous requests by Ostendorff for Mike Watts ' address .SunTrust has also

refused to provide contact addresses of other former employees that will dispute SunTrust's attorney's claim of a due date.

In conclusion, Ostendorff asks the Court to hear his Writ Of Certiorari .

March 14, 2013

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark Ostendorff', written over a horizontal line.

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Petitioner, Pro Se

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In The Supreme Court

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Court of Common Pleas

S. Jackson Kimball, Special Circuit Judge

Appellate Case No. 2010-150386

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

v.

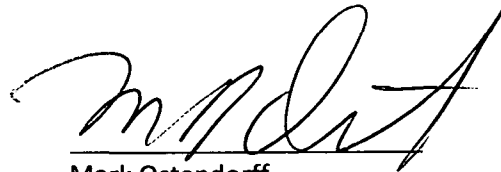
Mark Ostendorff,Petitioner.

CERTIFICATE OF SERVICE

I, Mark Ostendorff, certify that I placed in the United Postal Service with proper postage , a copy of Opposition to Motion to Dismiss and also Reply to Return to Petition for Writ of Certiorari addressed to the Respondent's attorney at:

Brian S. Tatum
Tatum Law Firm
POBox 11250
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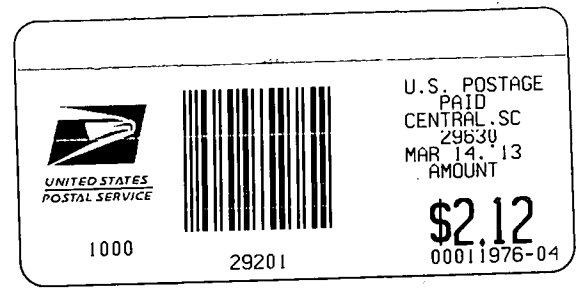
March 14, 2013



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HONORABLE JENNIFER ARBON KITCHENS
 Clerk, SC Court of Appeals
 PO Office Box 11629
 COLUMBIA, SC 29201

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