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Mar 15 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Perry H. Gravely, Circuit Court Judge
Robin B. Stilwell, Circuit Court Judge

Case No. 2019-001565

Wells Fargo Bank, N. A. Plaintiff – Respondent

v.

Michelle Hodges, Individually and as Personal Representative
of the Estate of Ruth Ladson Witherspoon; Stanley Witherspoon;
SC Housing Corp.; and Twin Creeks Homeowners Association,
Inc. Defendants,

Of Whom Michelle Hodges, in her Individual capacity,
is the Appellant.

PROPOSED AMENDED INITIAL BRIEF

Michelle Hodges, Pro Se Appellant
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Simpsonville, SC 29681
864-714-5263
Certified mail to: PO Box 95
Mauldin, SC 29662



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Inc. Defendants,

Of Whom Michelle Hodges, in her Individual capacity,
is the Appellant.

**PROPOSED AMENDED
DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

1. Order of 7/24/2019, 8/7/2019 and 4/29/2019
2. Proposed Seventh Amended Answer
3. Sixth Amended Answer
4. Plaintiff's
5. Affidavit of Opposition to MSJ
6. Copy of Note
7. Copy of Legal Residence Application
8. Copy of Deed of Distribution
9. Copy probate claim record



10. Copy of Death Certificate of Ruth Ladson Witherspoon
11. Copy of Mortgage
12. Copy of Recorded Special Warranty Deed
13. Motion for leave to amend sixth amended answer
14. Motion for Summary Judgment
15. Memorandum in Opposition to MSJ
16. Respondent's reply in support of MSJ
17. Copy of Complaint

I hereby certify that this is a complete list of documents that will be in the record and nothing has been included that is not needed



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STATEMENT OF THE ISSUES

Did the lower court abuse its discretion by denying the motion to amend without a claim of prejudice from the opposing party.

Did the Circuit court violate my due process rights by denying the motion to amend without evidence of prior notice of a claim of prejudice or by making a sua sponte ruling denying the motion to amend?

Did the Circuit court abuse its discretion by not yielding to the statutory interpretation and case law of the South Carolina Supreme Court's prior ruling in Gurnham Op. No.?

Did the Circuit court abuse its discretion in granting Summary Judgment to Wells Fargo on .

Did the Circuit court abuse its discretion in granting Summary Judgment to Wells Fargo based on a conclusory statement that the Non Claim statute did not apply.



STATEMENT OF THE CASE

Wells Fargo instituted a fraudulent action for foreclosure on 12/22/2017, under the false pretense that they were owed money by me. In March of 2018, after checking the county records several times for documents that may have been recorded by Wells Fargo, I found that I have a "Special Warranty" Deed and only recently fully understood that the property passed directly to my brother and I, as a non probate asset. When doing research for my opposition to Wells Fargo's motion for summary judgment, I further learned that Wells Fargo was required to file a creditor's claim in probate court within 1 year of my Mother's passing in order to be able to obtain the right to sue me. I am not liable on the Note or Mortgage and Wells Fargo is unable to produce any evidence to the contrary. However, Wells Fargo actively misrepresented to me that I had payments to them that I had to make..

A handwritten signature in blue ink, consisting of a stylized number '8' enclosed within a circular loop, with a short horizontal line extending to the right.

AMENDMENT OF PLEADINGS
STANDARD OF REVIEW

The South Carolina Appellate courts have held that "A motion to amend pleadings is within the sound discretion of the trial judge" *Health Promotion Specialists, LLC v. S.C. Bd. of Dentistry*, 403 S.C. 623, 632, 743 S.E.2d 808, 812 (2013) (citing *Foggie v. CSX Transp., Inc.*, 315 S.C. 17, 22, 431 S.E.2d 587, 590 (1993). ".....and his actions will not be disturbed on appeal absent an abuse of discretion. (See *Porter Bros., Inc. v. Specialty Welding Co.*, 286 S.C. 39, 331 S.E. (2d) 783 (Ct. App. 1985)

South Carolina Rules of Civil Procedure, Rule of law 15(a) states leave shall be freely given when justice so requires and does not prejudice any other party. And the South Carolina Supreme Court has stated that Rule 15(a) strongly favors amendments and the court is encouraged to freely grant leave to amend. See "*Parker v. Spartanburg Sanitary sewer Dist.*, 362 S.E. 276, 286, 607 S.E.2d 7111, 717 (Ct. App. 2005).



Article V, § 5 of the South Carolina Constitution provides in relevant part that the Appellate court's jurisdiction in cases of equity requires that it review the findings of fact as well as the law. It is well settled that the court of appeals may reverse a finding of fact by the circuit court (in a case of equity) when the appellant satisfied the court that the preponderance of the evidence is against the finding of the circuit court. See Finley, 55 S. C. 202, 33 S. E. at 360-61.

Therefore the standard of review is de novo based upon the preponderance of the evidence and there must be a showing of an abuse of discretion.

STATEMENT OF FACTS
DENIAL OF LEAVE TO AMEND SIXTH AMENDED ANSWER

I filed a motion for leave to amend my Sixth Amended Answer. R____ Motion for leave to amend, Sixth Amended Answer(proposed Seventh Amended Answer). The Respondent filed a response. However the response is void of any claim of prejudice. R____ Reply to Sixth Amended Answer. The ruling of the Circuit Court is as stated "This matter comes before the Court pursuant to Plaintiff's Motion to Alter or Amend her Complaint for a seventh time. The Motion is respectfully denied." R_____ Order dated 4/29/19.

ARGUMENT

In order to ascertain whether or not the South Carolina Rules of Civil Procedure, Rule of law 15a, was adhered to, I would need to review this Rule of law to find out if there were any restrictions, as to the number of times that a motion to amend could be filed and this would prove, whether or not the Circuit Court abused its discretion. The South Carolina Supreme Court stated "An abuse of discretion arises where the judge issuing the order was controlled by an error of law or where the order is based on factual conclusions that are without evidentiary support." Id. at 551, 633 S.E.2d at 503. (BB&T v. Taylor, 369 S.C. 548, 551, 633 S.E.2d 501, 50203 (2006). If I wanted to prove that there was no evidence to support the Circuit Court's ruling, I



would look for the evidence of a pleading of prejudice in the Respondent's Reply and if there is no such pleading, as in this case, I would use the South Carolina Rules of Civil Procedure, Rule 15 to show that there are no restrictions to the number of time a Motion for Leave to amend can be file and, so that the lack of a pleading of prejudice, in the Respondent's Reply; to prove the Circuit Court abused its discretion. The South Carolina Supreme Court has held "...a trial court has discretion to deny a motion to amend if the party opposing the amendment can show a valid reason for denying the motion". See Skydive Myrtle Beach, Inc. v. Horry County, 426 S.C. 175, 182, 826 S.E.2d 585, 588 (2019). Per the South Carolina Court of Appeals the burden of proof of prejudice is on the opposing party (Tanner v. Florence County Treasurer, 521 S.E. 2d 153, 336 S. C. 559 (1999). If the Respondent was allowed to plead at the hearing, without a fair Notice or the Circuit Court made a Sua Sponte decision to hear and deny the motion the same day, such as in this case; I would review the South Carolina Constitution, to find out if I suffered a Due Process violation. The South Carolina Constitution Article 1 § 22, which provides in relevant part:

No person shall be finally bound by a judicial or quasi-judicial decision of an administrative agency affecting private rights except on due notice and an opportunity to be heard; nor shall he be subject to the same person for both prosecution and adjudication; nor shall he be deprived of liberty or property unless by a mode of procedure prescribed by the General Assembly, and he shall have in all such instances the right to judicial review. (1970 (56) 2684; 1971 (57) 315.)

Further the South Carolina Supreme Court stated "The fundamental requirements of due process include notice, an opportunity to be heard in a meaningful way and judicial review. see Stono River Entl. Protection Ass'n v. S C. Dep't of Health and Env'tl. Control, 305 S.C. 90; 94, 406 S.E. 2d 340, 342 (1991).



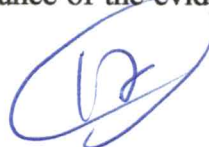
The South Carolina Supreme Court has also held that a demonstration of substantial prejudice is required to establish a due process claim. See, See *Tall Tower, Inc. v. S.C. Procurement Review Panel*, 294 S.C. 225, 233, 363 S.E.2d 683, 687 (1987)

If I wanted to prove that my substantive right of liberty to put up a defense was restrained, such as in this case, I would use the fact that there had been no Notice nor Opportunity to respond, as the Circuit Court ruled on the motion at the hearing.

SUMMARY JUDGMENT
STANDARD OF REVIEW

When reviewing a grant of summary judgment, an appellate court applies the same standard applied by the trial court pursuant to Rule 56(c), SCRPC. *Fleming v. Rose*, 350 S.C. 488, 567 S.E.2d 857 (2002). Summary judgment is appropriate when there is no genuine issue of material fact such that the moving party must prevail as a matter of law. *Id.*; Rule 56(c), SCRPC. When determining if any triable issues of fact exist, the evidence and all reasonable inferences must be viewed in the light most favorable to the non-moving party. *Id.*

A foreclosure action is an equitable action. *Wachovia Bank, Nat'l Ass'n v. Blackburn*, 407 S.C. 321, 328, 755 S.E.2d 437, 440–41 (2014). Thus, the Appellate Court's review is de novo. *Stoney v. Stoney*, 421 S.C. 528, 530, 809 S.E.2d 59, 59 (2017); see S.C. Const. art. V, § 5 (stating in equity cases, the Appellate courts "shall review the findings of fact as well as the law, except in cases where the facts are settled by a jury and the verdict not set aside"). Under de novo Standard of review, South Carolina Supreme Court has long recognized, two principles "(1) a trial [court] is in a superior position to assess witness credibility, and (2) an appellant has the burden of showing the appellate court that the preponderance of the evidence is against the finding of the



trial [court]." *Stoney*, 421 S.C. at 530, 809 S.E.2d at 59. De novo review allows us to take our own view of the evidence and make our own findings of fact. *Id.* In an appeal from an action in equity tried by a judge, appellate courts may find facts in accordance with their own views of the preponderance of the evidence. *Townes Assocs., Ltd. v. City of Greenville*, 266 S.C. 81, 86, 221 S.E.2d 773, 775–76 (1976). However, "[w]hether a party is entitled to a jury trial is a question of law." Article V, § 5 of the South Carolina Constitution provides in relevant part that the Appellate court's jurisdiction in cases of equity requires that it review the findings of fact as well as the law. It is well settled that the court of appeals may reverse a finding of fact by the circuit court when the appellant satisfied the court that the preponderance of the evidence is against the finding of the circuit court. See *Finley*, 55 S. C. 202, 33 S. E. at 360-61. Therefore the standard of review is de novo based upon the preponderance of the evidence and there must be a showing of an abuse of discretion.

"Questions of statutory interpretation are questions of law, which the Appellate Courts are free to decide without any deference to the court below." *Grier v. AMISUB of S.C., Inc.*, 397 S.C. 532, 535, 725 S.E.2d 693, 695 (2012) (quoting *CFRE, L.L.C. v. Greenville County Assessor*, 395 S.C. 67, 74, 716 S.E.2d 877, 881 (2011)). "The cardinal rule of statutory interpretation is to ascertain and effectuate the intention of the legislature." *Sloan v. Hardee*, 371 S.C. 495, 498, 640 S.E.2d 457, 459 (2007). "When a statute's terms are clear and unambiguous on their face, there is no room for statutory construction and a court must apply the statute according to its literal meaning." *Id.* In interpreting a statute, "[w]ords must be given their plain and ordinary meaning without resort to subtle or forced construction to limit or expand the statute's operation." *Id.* at 499, 640 S.E.2d at 459. Further, "the statute must be read as a whole and sections which are a

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part of the same general statutory law must be construed together and each one given effect."

S.C. State Ports Auth. v. Jasper County, 368 S.C. 388, 398, 629 S.E.2d 624, 629 (2006).

Summary judgment should have been ruled in my favor
STATEMENT OF FACTS AND ARGUMENT

The South Carolina Rules of Civil Procedure, Rule 56(c), provides in relevant part: "...A summary judgment, ...may be rendered on the issue of liability alone..." However, the Circuit Court recognized that I am not liable under the Note or Mortgage, as it stated

Wells Fargo's stated – "Defendant is simply a person who is in possession of the subject property and refused to make payments on the subject loan..."R___MSJ page 9 under item lines 5 – 6.

Wells Fargo stated in the complaint – "Plaintiff has the legal right to enforce the negotiable instrument secured by the Mortgage"R___Complaint pg 3, under item 3, line 1. And the complaint listed me, in my individual capacity, as a defendant. R___Complaint, caption.

I stated "Section 62-3-803 provides in relevant: (a) All claims against a decedent's estate which arose before the death of the decedent including claims of the State and any political subdivision thereof, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, if not barred earlier by another statute of limitations or nonclaim statute; are barred against the estate, the personal representative, and the heirs and devisees of the decedent, unless presented within the earlier of the following: (1) one year after the decedent's death; or (2) within the time provided by Section 62-3-801(b) for creditor who are given actual notice, and within the time Allowance of the Creditor's Claim,

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alleging the claim was timely presented under section 62-3-803(b)(2). Attached is Exhibit showing that Plaintiff never filed a creditor's claim." R___Memo in Opp to MSJ

The Respondent stated "Defendant is incorrect." "Under the South Carolina Probate Code, a secured creditor is not required to file a claim against the probate estate if it is solely seeking to foreclose the mortgage and is not attempting to hold the estate liable for the deficiency following the foreclosure sale." "S.C. Code Ann. §62-3-104..., S.C. Code Ann. §62-3-803(d)(1).....S.C. Code Ann §62-3-804(7)(b) ("Pursuant to Section 62-3-104, this subsection does not apply to a proceeding by a secured creditor of a decedent to enforce the secured creditor's right to its security.") See also *Beach First Nat'l Bank v. Gurnham (In re Estate of Gurnham)*, 407 S.C. 194, 205, 754 S.E.2d 875, 881 (2014) (discussing intersection of probate law and mortgage foreclosure actions and holding that, "the secured creditor may pursue foreclosure proceedings on the security for the mortgage without presenting a claim against the estate."). R___Reply in support of MSJ.

The Court's ruling

Defendant is incorrect. Under the South Carolina Probate Code, a secured creditor is not required to file a claim against the probate estate if it is solely seeking to foreclose the mortgage and is not attempting to hold the estate liable for the deficiency following the foreclosure sale. S.C. Code Ann. §62-3-104. ("This section has no application to a proceeding by a secured creditor of the decedent to enforce his right to his security except as to any deficiency judgment which might be sought therein."). See also *Beach First Nat'l Bank v. Gurnham (In re Estate of Gurnham)*, 407 S.C. 194, 205, 754 S.E.2d 875, 881 (2014) (discussing intersection of probate law and mortgage foreclosure actions and holding that, "the secured creditor may pursue foreclosure proceedings on the security for the mortgage without presenting a claim against the estate."). R___Judgment dated 8/7/2019.



So I looked at Gurnham Op. No. 27360, Filed February 26, 2014, for statutory interpretation by the South Carolina Supreme court and the South Carolina Supreme court went on to explain the statutes listed above by the Respondent: S.C. Code Ann. §62-3-104, S.C. Code Ann. §62-3-803(d)(1) and §62-3-804(7)(b) (refers to 63-3-104) and 62-3-803(c)(1) and 62-3-812 mentioned by the South Carolina Supreme Court are exemptions and that the exemptions are not without limitations.

“...the General Assembly has created two avenues by which a secured creditor may seek recovery following the opening of an estate and the appointment of a personal representative. Under the first avenue, the secured creditor may pursue foreclosure proceedings on the security for the mortgage without presenting a claim against the estate and, thus, may do so outside the time limits of the nonclaim statute.

ARGUMENT

If I wanted to prove that the Circuit Court, inappropriately granted summary judgment to Wells Fargo, I would first look at rule 56 to see what burden did Wells Fargo have to meet. According to South Carolina Rules of Civil Procedure, Rule 56

If I wanted to prove that Wells Fargo does not have a right to enforce the Note or Mortgage against me, in my individual capacity, as an Heir; I would use S. C. Code Ann. 62-3-803(a) (1/1/2014), to show that Wells Fargo, was required to file a creditor's claim in the Probate Court within 1 year of the date of my Mother's passing, which was 7/5/2015 and I would provide a copy of the Death Certificate, to prove to the court, the date that triggered the one year period to begin . I would provide additional evidence, such as the Probate Court's claim record to show that the Probate claim record is void of any claims by Wells Fargo, such as in this case and I would further provide proof of publication, of the Notice to creditor's, showing that Wells Fargo



was in fact notified by publication, such as in this case; as to the requirements of presentment of claims.

If I further wanted to prove that Wells Fargo could not proceed against my property, as a non probate transfer, due to joint tenancy, which is the crux of this case. I would provide a copy of the Special Warranty Deed, which created the joint tenancy, by the four unities, supported by And I would show by S. C. Code Ann. § 27-7-40(a)(ii), that the property passes by law to the other joint tenants. S. C. Code Ann. . § 27-7-40(a) provides in relevant part:

a) In addition to any other methods for the creation of a joint tenancy in real estate which may exist by law, whenever any deed of conveyance of real estate contains the names of the grantees followed by the words "as joint tenants with rights of survivorship, and not as tenants in common" the creation of a joint tenancy with rights of survivorship in the real estate is conclusively deemed to have been created. This joint tenancy includes, and is limited to, the following incidents of ownership:

and

ii) In the event of the death of a joint tenant survived by more than one joint tenant in the real estate, the entire interest of the deceased joint tenant vests equally in the surviving joint tenants who continues to own the entire interest owned by them as joint tenants with right of survivorship review.

I would further provide a copy of my Mother's Death Certificate, which shows that I am her daughter and my Birth Certificate to show blood relation. Although the secured creditor may pursue foreclosure proceedings on the security for the mortgage without presenting a claim against the estate and, thus, may do so outside the time limits of the nonclaim statute. I would further review the non claim statute S.C. Code Ann. § 62-3-803(a), for restrictions as to whom



and what property that the creditor cannot pursue, such as in this case of an Heir nor the non probate transfer of property.

If I wanted to prove in this case, that there had been an abuse of discretion, I would point to statutory interpretation and show that the Circuit Court's ruling does not comport with established case law in GURHAM and the South Carolina Supreme Court, found the non claim statute does apply, when the creditor is suing a person covered by the statute, outside of the time frames of the non claim statute

If I wanted to prove that Wells Fargo did not provide sufficient evidence to support it motion to summary judgment. I would look at SCRPC, Rule56 to see what is required as evidence

INSUFFICIENT EVIDENCE

Wells Fargo's counsel, spoke in the first person concerning possession of the Note R_____

If I wanted to prove in this case, that there had been an abuse of discretion, I would point to statutory interpretation and show that the Circuit Court's ruling does not comport with established case law in GURHAM and the South Carolina Supreme Court, found the non claim statute does apply, when the creditor is suing a person covered by the statute, outside of the time frames of the non claim statute.R_____MSJ pg 5 3a line 1-9. However, according to South Carolina Rules of Civil Procedure, Rule 56(e), requires that on MSJ "supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters

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stated therein.” No affidavit was provided to show that counsel was custodian of the collateral file, I look for admissible statements, such as when counsel received the collateral file and that he personally reviewed the original Note and Mortgage and when returned the file to Wells Fargo.

REPLEADING THE NON CLAIM STATUTE 62-3-803(a)
OUT OF AN ABUNDANCE OF CAUTION
FOR THE FIRST TIME ON APPEAL

Per Gurnham, the nonclaim statute can be plead at anytime in the proceeding and even for the first time on appeal. However, I replead and incorporate all of the above statements, under the Summary Judgment section, here for the first time on appeal and incorporate the above exhibits.

DISCOVERY NOT COMPLETE

I stated discovery was not complete. R_____Memo in opp. to MSJ pg 17 last line and raised the issue at the hearing. Again explained that discovery was not complete in the Motion to alter date 8/16/2019 and I reiterated this in my 8/5/2019 motion to alter or amend. I did not make the mortgage statements part of the recordDiscovery was not complete. I made a mistake in a fact, concerning whether or not the statements had to be deemed admitted by the court. I am going on a fishing expedition, as I have 3 documents that I need admissions for which will allow me to plead clearly and concisely.

Summary judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law. *Tupper v. Dorchester County*, 326 S.C. 318, 487 S.E.2d 187 (1997). All ambiguities, conclusions, and inferences arising from the evidence must be construed most strongly against the movant. *Staubes v. City of Folly Beach*, 331 S.C. 192, 500 S.E.2d 160 (Ct.App.1998). Even when there is no dispute as to evidentiary facts, but only as to the conclusions or inferences to be drawn from them, summary judgment should be denied. *Id.* However, when plain, palpable, and indisputable facts exist on which reasonable minds cannot differ, summary judgment should be granted. *Id.*; *Pye, supra.*

BANKRUPTCY ORDER SUBJECT TO RES JUDICATA

The Respondent attached a copy of the Bankruptcy Order, for the Court of Appeals to review.

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The Bankruptcy order is misleading, as it not a final consented to order, from an adversary proceeding. The Bankruptcy Order, appears to be subject to Res Judicata, per the South Carolina Supreme Court, res judicata applies if the following elements are met: (1) the identities of the parties are the same as in the prior litigation; (2) the subject matter or cause of action is the same as in the prior litigation; and (3) there was a prior adjudication of the issue by a court of competent jurisdiction. See, Johnson v. Greenwood Mills Inc., 317 S.C. 248, 250-251, 452 S.E.2d 832, 833 (1994) and Griggs v. Griggs, 214 S.C. 177, 51 S.E.2d 622, 627 (1949). In this case the Respondent has obtained a final judgment from the Circuit Court, regarding Wells Fargo's claim of a debt that it claims is owed to it and Wells Fargo, named me as a Defendant in case no. 2017CP230816, whereby Wells Fargo raised the claim of a debt that it claims is owed to it and final judgment was obtained on August 7, 2019 and is currently on appeal and the Bankruptcy Order is dated May 5, 2020.

PERSONAL REPRESENTATIVE

When Wells Fargo filed its complaint with the Circuit court, it named me as Defendant, in my Individual capacity and in my Personal Representative capacity. I responded to the complaint, in my Individual capacity and have not in any way presented myself in the court below or in this Appeal in a representative capacity. Wells Fargo is suing the Estate, when it names the Personal Representative in an action, per the South Carolina Supreme Court in Gurnham Op. No. In my individual capacity, I am an Heir to my Mother Ruth Ladson Witherspoon and I have a right to defend myself in my individual capacity on a pro se basis, where I am named a defendant in my individual capacity. When I filed my counterclaims and filed my Appeal, the Estate is not part of my counterclaims against Wells Fargo nor part of my Appeal, therefore I do not believe that I need to include the Estate as an Appellant in this case.

STRIKE JURY DEMAND/REFERRAL TO MASTER



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RECEIVED
Mar 15 2021
SC Court of Appeals

March 09, 2021

Honorable Jenny Kitchings
Clerk of the S. C. Court of Appeals
11629
Columbia, SC 29211

RE: Proposed Amended Designation of Matter, Proposed Amended Initial Brief and corrected Final Brief (to be sent after record on appeal per opposing party)

Wells Fargo Bank, N. A. v. Michelle Hodges et al
Appellant Case No. 2019-001565

Please allow this letter to serve as the Appellant's - Motion to serve a 2nd Corrected Amended Designation of Matter, Proposed Amended Initial Brief and Corrected final brief, as the Respondent has requested that the final brief be correct to match initial brief and the only way for it to read properly, is if I correct the initial brief. This Motion is requested pursuant to, South Carolina Rules of Appellate Court Procedure, Rules 240 and 263 and Beach First Nat'l Ban v. Gurnham (In re Estate of GURNHAM), 407, S. C. 194, 205, 754 s.e.2D 875 881 ((2014), as per the South Carolina Supreme Court stated in Gurnham, above the Non Claim statute can be plead at any time during the litigation and it has now been included in this appeal.

Good cause exists for this motion and it will prevent a manifested injustice.

There would be no prejudice to the Respondent, as the Respondent has advocated to the court that the Final brief needs to be corrected and I would like to advocate that the Respondent be allowed to respond to this 2nd corrected Initial Brief to the extent that the Respondent is allowed to participate in this appeal

I have forwarded the \$50.00 filing fee and finally, this is my first request for an extension in this matter.

WHEREFORE Appellant prays for the above mentioned amendments to prevent injustice.

Respectfully submitted,


Michelle Hodges, Pro Se Appellant

