

**Record/FILE ON DEMAND**

Acceptance of Offer with full immunity AND WITHOUT RECOURSE! NBLB-20200401NLBWILM10801-COAPP-0003<sup>03</sup>

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

APR 02 2021

SC Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Diane S. Goodstein, Circuit Court Judge

Appellate Case No. 2020-001130  
Common Pleas Case No.: 16-CP-18-1678

Wilmington Savings Fund  
Society FSB as Trustee of  
Stanwich Mortgage Loan Trust C.....Respondent,

v.

Nelson L. Bruce, et al.....Appellant.

**NOTICE TO THE COURT  
COPY OF TRANSCRIPT**

Nelson L. Bruce, Propria Persona, Sui Juris  
c/o 144 Pavilion Street  
Summerville, South Carolina 29483  
(843) 437-7901  
Leonbruce81@yahoo.com  
Appellant

April 1, 2021

Appellant, Nelson L. Bruce, hereby files with this court a copy of the 3-12-2020

Transcript for this matter. Dated this 1<sup>st</sup> day of April, 2021.

**RESPECTFULLY PRESENTED,**

“Without Prejudice”

*Nelson L. Bruce*

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THE BENEFICIAL OWNER OF THE CESTI QUI EQUITABLE TRUST

Nelson L. Bruce, Propria Persona, Sui Juris

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U.C.C. 1-207/1-308, 1.103.6

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<u>Witness/Description</u>	<u>Page No.</u>
Certificate Page. . . . .	14

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No exhibits introduced.

1 THE COURT: All right, what's next?

2 CLERK: Next we have 2016-CP-18-1678. We have eight  
3 motions on the docket. The defendant, Nelson Bruce, has a  
4 amended motion for pretrial discovery; a motion to dismiss;  
5 a motion to vacate the March 23, 2018, order; a motion to  
6 dismiss the September 25, 2017, order; motion to vacate the  
7 September 15, 2017, order; motion for temporary restraining  
8 order; motion to stay proceedings. And then we have the  
9 plaintiff's motion to dismiss and for order of reference.

10 THE COURT: All right. Thank you.

11 Thank you both. All right and, yes, sir, and your  
12 name.

13 MR. KOEHLER: Good morning, Your Honor. William  
14 Koehler here on behalf of plaintiff.

15 THE COURT: All right, and you are Mr. Bruce?

16 MR. BRUCE: Yes, ma'am.

17 THE COURT: Very well. All right.

18 (A PAUSE.)

19 THE COURT: All right. Mr. Bruce, there is a note  
20 from the clerk's office indicating that for some or all of  
21 the motions, that you did not pay a filing fee. Is that --  
22 tell me about that.

23 MR. BRUCE: Yes. I contested the filing fee.

24 THE COURT: Okay. Did you happen to file an affidavit  
25 of indigency?

1 MR. BRUCE: I did not.

2 THE COURT: Okay, and tell me the reason that you did  
3 not pay the filing fee.

4 MR. BRUCE: Well, as far as the filing fee.

5 THE COURT: Yes.

6 MR. BRUCE: The county basically receives -- they do  
7 like a -- what do you call it? The county does a estimate,  
8 I guess. Not like a estimate but they do -- and I can't  
9 think of the term right now, but...

10 THE COURT: Okay.

11 MR. BRUCE: They file a -- it's not a summary but it's  
12 like financials every year, and for people who are paying  
13 taxes, that -- those financials cover those fees for  
14 filing. And I requested that this court provide me proof  
15 of what these filing fees are going to, what budget, and I  
16 have not received that. So, I'm contesting the filing  
17 fees, to see what these are actually going from, if we as  
18 taxpayers are paying taxes in regards to these fees.

19 THE COURT: Okay. All right, and very well. Did you  
20 pay filing fees with regards to any of your motions?

21 MR. BRUCE: I've paid filing fees before, but that's  
22 before I was informed of what -- the summary as far as, you  
23 know.

24 THE COURT: Okay.

25 MR. BRUCE: What I stated before.

1 THE COURT: Sure. With regards to the motions that  
2 you have filed to be heard today, did you pay your filing  
3 fee on any of these motions?

4 MR. BRUCE: I don't believe so.

5 THE COURT: Very well. Okay. All right. Very well,  
6 and it's your position, as I understand it, that because  
7 the -- you believe and your position is, is that, that the  
8 cost to run the court system or any other expenses to which  
9 the filing fees may go towards, that those expenses ought  
10 be paid by ---

11 MR. BRUCE: Estimated.

12 THE COURT: --- tax dollars.

13 MR. BRUCE: Estimated finances.

14 THE COURT: That there ought not be a requirement for  
15 a filing fee and, therefore, that is the basis upon which  
16 you did not pay your filing fees. Is that correct?

17 MR. BRUCE: Yes. That's correct.

18 THE COURT: Very well. All right. Now, in order ---  
19 Yes?.

20 CLERK: Judge, he did pay for number one on the  
21 roster.

22 THE COURT: Okay. So, the amended motion pretrial  
23 discovery?

24 CLERK: Yes, ma'am.

25 THE COURT: Amended motion pretrial discovery, that

1 one the filing fee was paid. Gotcha. Okay, but not with  
2 regards to the others?

3 CLERK: No, ma'am.

4 THE COURT: Okay. Very well.

5 Now, Mr. Bruce, so that you -- I have and can preserve  
6 your issue, I'm going to determine that based upon state  
7 law, you are required to pay your filing fee prior to a  
8 motion being heard unless you have complied with the  
9 statute that allows for those who are indigent and have  
10 filed their affidavit and been deemed to be indigent.  
11 Those individuals can go forward without the paying filing  
12 fees. You've told me that you have not filed such an  
13 affidavit of indigency and that -- and you have put on the  
14 record your basis for your belief that you ought be allowed  
15 to go forward and argue your motions without the filing  
16 fees having been paid.

17 Under these circumstances, Mr. Bruce, with the  
18 exception number one where you did pay your filing fee, I  
19 am not going to hear those motions because you have failed  
20 to comply with the payment of the filing fee which is  
21 required. However, that issue is now preserved and if you  
22 wish to appeal that issue, you certainly can do that, okay?

23 MR. BRUCE: Okay.

24 THE COURT: That would be with regards to the other  
25 motions, not number one because, as I understand it, the

1 motion which is described on the docket as amended motion  
2 pretrial discovery, with regards to that motion, that one  
3 would be heard because the filing fee was paid. That  
4 motion I'm showing was filed on July the 23rd of 2018.

5 The motion which we have also today, the motion to  
6 dismiss an order of reference, that is a motion that has  
7 been filed by the plaintiff. Correct, Mr. Koehler?

8 MR. KOEHLER: Correct, Your Honor.

9 THE COURT: Did you pay your filing fee?

10 MR. KOEHLER: Yes, Your Honor.

11 THE COURT: All right. No indication from the clerk's  
12 office that that filing fee was not paid.

13 Now, the motion to dismiss that has been filed by the  
14 plaintiff, it is a motion to dismiss what pleading?

15 MR. KOEHLER: The defendant's counterclaims. It's a  
16 motion to dismiss the defendant's counterclaims and to then  
17 refer the case.

18 THE COURT: Okay. Gotcha. All right.

19 All right, I think...

20 (A PAUSE.)

21 THE COURT: All right, let me hear from you on your  
22 amended motion for pretrial discovery, Mr. Nelson.

23 MR. BRUCE: Well, I want to request a stay on that as  
24 well.

25 THE COURT: Okay.

1 MR. BRUCE: Because -- yes.

2 THE COURT: Oh. You don't want to hear that right  
3 now?

4 MR. BRUCE: Not right now, no.

5 THE COURT: Okay.

6 MR. BRUCE: And the reason why is because I have  
7 another pending case in district court.

8 THE COURT: Okay.

9 MR. BRUCE: Which was what I was supposed to -- I  
10 filed the motion to stay for but, like you said, there  
11 would be filing fees.

12 THE COURT: Gotcha.

13 MR. BRUCE: So, it's probably going to be appealed.

14 THE COURT: Gotcha. Okay. No problem.

15 MR. BRUCE: But it's, it's based off another contract,  
16 so, than this one.

17 THE COURT: No problem. So, we'll stay that one.

18 All right, Mr. Koehler, your motion.

19 MR. KOEHLER: Thank you, Your Honor.

20 THE COURT: Yes.

21 MR. KOEHLER: Plaintiff -- this is a foreclosure  
22 action.

23 THE COURT: Yes.

24 MR. KOEHLER: Plaintiff had initiated it with the  
25 filing of the summons and complaint. The defendant filed

1 an answer and counterclaims which he amended. We filed a  
2 reply and in our reply, we pleaded our 12(b)(6) motion to  
3 dismiss.

4 THE COURT: Okay.

5 MR. KOEHLER: And that we are renewing here. The  
6 defendant's pleading lists several things in captions but  
7 does not develop any of those. We ask the court dismiss  
8 anything if it could be even construed as a counterclaim  
9 simply by listing within a caption. The defendant did go  
10 into some depth on three counterclaims of which I was able  
11 to discern, and we would ask that those be dismissed.

12 First was liable. The defendant had a counterclaim  
13 for liable, but he did not in his pleadings identify any  
14 facts that would, could be construed as a libelous  
15 statement. In fact, he did not specify any facts or any  
16 statements at all. He did reference some of the pleadings,  
17 which, as we put in our memo, are privileged.

18 Second, the defendant pleaded a counterclaim for  
19 slander, I believe. Again, no statement was identified  
20 slanderous or otherwise, and certainly no spoken statements  
21 at all.

22 Third, the defendant made some references to the Fair  
23 Debt Collection Practices Act, the FDCPA. I assumed he was  
24 making a claim under that.

25 As an initial matter, this debt was validated by our

1 law firm. So, he has had that, and plaintiff in this case  
2 is not collecting a debt. This is a deficiency waiver.  
3 They are simply enforcing a security interest.  
4 Additionally, they're not a debt collector under FDCPA as  
5 they are not collecting the debt of another. It is their  
6 debt. And since there -- those causes of action fail to  
7 state facts sufficient to form causes of action, we ask the  
8 court to dismiss it, those.

9 If the court does that, the only remaining action will  
10 be our foreclosure action, which we believe would be  
11 appropriate to be referred to the master in equity, and ask  
12 the court to do that as well.

13 THE COURT: All right. Gotcha.

14 All right and, Mr. Nelson, I'll hear from you.

15 MR. BRUCE: Well, in regards to what the plaintiff is  
16 stating.

17 THE COURT: Yes.

18 MR. BRUCE: Around January of 2019, I sent out a  
19 presentment to them, which was a offer which basically was  
20 -- pretty much covers most of what's going on here. They  
21 failed to respond to that, thereby agreeing to that  
22 contract, and I filed a copy of that on the record showing  
23 proof that. They had a ten to twenty-day rejection period  
24 to reject that offer.

25 THE COURT: Very well. Okay. All right.

1 MR. BRUCE: They failed to respond to that offer.

2 THE COURT: Okay.

3 MR. BRUCE: And for me to speak as far as what he's  
4 talking about ---

5 THE COURT: Yes.

6 MR. BRUCE: --- the motion to dismiss.

7 THE COURT: Yes.

8 MR. BRUCE: It would be a breach of that contract for  
9 me to continue and start making objections towards the  
10 issue that he's claiming.

11 THE COURT: Okay.

12 MR. BRUCE: And that's why it's in district court  
13 right now.

14 THE COURT: Yes.

15 MR. BRUCE: In process of being confirmed, and that  
16 would determine basically the full validity of the claims  
17 in that contract.

18 THE COURT: Okay.

19 MR. BRUCE: In regards to this matter as well.

20 THE COURT: Okay. Very well. Anything else you want  
21 to tell me about the -- in response to the motion to  
22 dismiss?

23 MR. BRUCE: In regards to the motion to dismiss, and  
24 so that I don't waiver any further arbitration rights, I  
25 will present a few things. There are some affidavits filed

1 on the record in regards to the debt validation that they  
2 never responded to, including the attorneys. They failed  
3 to respond. The FDCPA requires that they respond in thirty  
4 days. They failed to respond, failed to produce any  
5 validation of the debt.

6 The attorney claims that the attorney validated the  
7 debt. They have no firsthand knowledge in regards to that,  
8 and so they cannot validate that debt. Only a person with  
9 firsthand knowledge can validate that debt, and again they  
10 have produced no affidavits in rebuttal to my affidavit.

11 THE COURT: Got it. Very well.

12 All right, gentlemen, thank you so much.

13 I'm going to ask for a proposed order.

14 MR. KOEHLER: Yes, ma'am.

15 THE COURT: Obviously I want you to send it, please,  
16 to Mr. Nelson when you send it to me, if not before, and I  
17 will let you know of my decision, okay?

18 MR. KOEHLER: Thank you, Your Honor.

19 THE COURT: Thank you. Thank you very much.

20 MR. KOEHLER: Any particular time frame?

21 THE COURT: I would appreciate it in thirty days;  
22 however, if you need a longer period, just simply let me  
23 know.

24 MR. KOEHLER: That should be no problem, Your Honor.

25 THE COURT: Very well.

1 MR. KOEHLER: Thank you.

2 THE COURT: I appreciate it.

3 And with regards to Mr. Nelson, since he is appearing  
4 *pro se*, I would draft from his perspective. I would take  
5 the drafting as an obligation myself in the event that I  
6 rule in his -- as he would wish and based on his argument,  
7 I will draft that order.

8 Very well. Thank you.

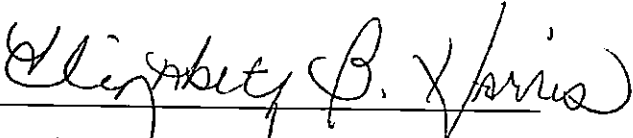
9 MR. BRUCE: Thank you.

10 --- END OF TRANSCRIPT OF RECORD ---

**CERTIFICATE**

I, THE UNDERSIGNED ELIZABETH B. HARRIS, CERTIFIED  
VERBATIM OFFICIAL COURT REPORTER FOR THE FIFTH  
JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO  
HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE  
AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE  
PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE HEARING  
OF THE CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE  
CIRCUIT COURT FOR DORCHESTER COUNTY, SOUTH CAROLINA,  
ON THE 12TH DAY OF MARCH, 2020.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,  
COUNSEL, NOR INTEREST IN ANY PARTY HERETO.

  
ELIZABETH B. HARRIS, CVR-M-CM

COLUMBIA, SOUTH CAROLINA

DECEMBER 22ND, 2020