

**RECEIVED**

**Jul 30 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.

---

**NOTICE AND MORTION FOR LEAVE TO SUPPLEMENT THE RECORD**

---

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

*57 pages total*

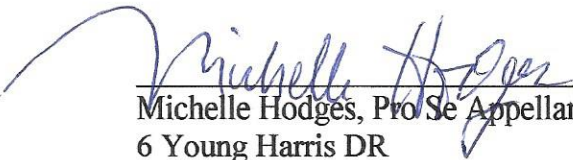
①

Pursuant to South Carolina Appellate Court Rules, Rule 240 and South Carolina Code Section 18-1-100, good cause exists for the granting of this motion, as this motion is a request to correct the mistake of not including, the attached documents, so as to continue to perfect the appeal as SC Code Ann. § 18-1-100 provides in relevant part: "...When a party ....shall oit, through mistake, to do any other act necessary to perfect the appeal, ...the court may permit an amendment on such ters as may be just.

I thank the court for granting the previous motion to supplement the record. However, that request to supplement the record was premature and not based on documents necessary to continue this appeal and in order for justice to be served I request to supplement the record with the following documents:

1. Motion to Alter or Amend both (8/5/2019 and 8/16/2019)  
(This is will show that I did preserve the issue – that discovery was not complete.)
2. Copy of Notice an Motion to compel responses to interrogatories and production of documents (Fourth Set)  
(Shows this court that I advised the Circuit Court that I had not been able to fully exhibit my case, due to discovery abuse)

Respectfully submitted,

  
Michelle Hodges, Pro Se Appellant 7/29/2021  
6 Young Harris DR  
Simpsonville, SC 29681  
864-714-5263

②

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF GREENVILLE )  
 )  
 Wells Fargo Bank NA )  
 Plaintiff, )  
 vs. )  
 )  
 Michelle Hodges, et al )  
 Defendant. )

IN THE COURT OF COMMON PLEAS  
 13th JUDICIAL CIRCUIT

CASE NO.: 2017-CP-23-08016

**MOTION AND ORDER INFORMATION  
 FORM AND COVER SHEET**

FILED CLERK OF COURT  
 GREENVILLE CO. S.C.  
 PAMELA WICKENSIMMER

2019 August 5 PM 5:01

Plaintiff's Attorney: Sterling Laney, Bar No. 6933 Address: PO Box 10208, Greenville, SC 29603-0208 Phone: (864) 255-5429 Fax _____ E-mail: sterling.laney@wbd-us.com Other: _____	Defendant's Attorney: Michelle Hodges, Bar No. _____ Address: 6 Young Harris Dr, Simpsonville, SC 29681 Phone: 864-714-5263 Fax _____ E-mail: _____ Other: _____
---	---

- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)  
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)  
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

**SECTION I: Hearing Information**

Nature of Motion: Alter and/or Amend Summary Judgment  
 Estimated Time Needed: 15 minutes Court Reporter Needed:  YES /  NO

**SECTION II: Motion/Order Type**

- Written motion attached  
 Form Motion/Order  
 I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for  Plaintiff /  Defendant Date submitted \_\_\_\_\_

**SECTION III: Motion Fee**

- PAID - AMOUNT: \$ 25  
 EXEMPT: (check reason)  Rule to Show Cause in Child or Spousal Support  
 Domestic Abuse or Abuse and Neglect  
 Indigent Status  State Agency v. Indigent Party  
 Sexually Violent Predator Act  Post-Conviction Relief  
 Motion for Stay in Bankruptcy  
 Motion for Publication  Motion for Execution (Rule 69, SCRPC)  
 Proposed order submitted at request of the court; or,  
 reduced to writing from motion made in open court per judge's instructions  
 Name of Court Reporter: \_\_\_\_\_  
 Other: \_\_\_\_\_

**JUDGE'S SECTION**

- Motion Fee to be paid upon filing of the attached order.  
 Other: \_\_\_\_\_ JUDGE CODE \_\_\_\_\_  
 Date: \_\_\_\_\_

**CLERK'S VERIFICATION**

Collected by: SM Date Filed: 8-6-19  
 MOTION FEE COLLECTED: \$ \_\_\_\_\_  
 CONTESTED - AMOUNT DUE: \$ \_\_\_\_\_

3

Greenville County Court of Common Pleas  
Attn: Clerk of Court, Peter B. Wickensimer  
305 E. North ST  
Greenville, SC 29601

19 AUG 5 PM 5:01  
Paul Wickensimer - COC OUL SCC

TOTAL PAGES FOR MOTION and TOTAL PAGES FOR AFFIDAVIT  
AFFIDAVIT IN SUPPORT ATTACHED  
NOTICE OF MOTION AND MOTION TO  
ALTER/AMEND SUMMARY JUDGMENT

\*\*\*\*\*

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	CIVIL CASE #.
	)	2017CP2308016
Wells Fargo Bank, NA	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
Michelle Hodges, Individually; Michelle Hodges	)	
as Personal Representative of the Estate of Ruth	)	
Ladson Witherspoon; Stanley Witherspoon : SC	)	
Housing Corp.; Twin Creeks Homeowners	)	
Association, Inc.;	)	
	)	
Defendants,	)	

**NOTICE OF MOTION AND MOTION TO ALTER/AMEND SUMMARY JUDGMENT**

Now Comes, Defendant Michelle Hodges, proceeding Pro Se and requesting that the court Alter or Amend Summary judgment, entered on 7/24/19, pursuant to SCRCF Rule 59, I make the following requests and statements are made based on first hand knowledge:

- I respectfully request the court to reconsider Judge Stillwell's interlocutory order issued on 4/26/19, which denied me the opportunity to amend my sixth amended answer and allow me to provide an amendment pursuant to SCRCF Rule 15, as it was an abuse of discretion, as there was not prejudice to the Plaintiff, no hearing had been set, the Plaintiff could have refuted and claims and there essentially were no new

ENTERED COMPUTER (1)

SCANNED (4)

claims as claims that had already been mentioned. But I needed to put it in the form of a cause of action.

2. I make the following request that the court take notice that I alleged the necessary facts, showing that the Plaintiff repudiated the contract under, as this poses an issue of material fact, as to whether or not the Plaintiff can enforce the Mortgage and affects my case as well. The Plaintiff's Note and Mortgage repudiation excused me from performing under the Note and Mortgage since the Plaintiff issued the 4/5/17 Escrow statement and effects all of my claims. See the Attached escrow statement dated 4/5/17, which the Plaintiff has stipulated to.
3. I made reference to the Plaintiff's repudiation under Fraud in the Performance of the contract page 13, showing that the Plaintiff did not intend to honor its part of the Mortgage, as the Plaintiff did not issue a decision based on HUD regulations as required by the contract nor by the US Consumer Financial Protection Bureau's promulgated rules, as the Plaintiff stated in it's reply that it used a simultaneous loan assumption and modification to deny my loss mitigation application.
4. This demonstrates that there is still an issue of material fact, as to whether or not the Plaintiff provided Foreclosure intervention, meeting state requirements, under the South Carolina Supreme Court Administrative Order 2011-05-02-01, allowing it provide a certificate of compliance. This coupled with the Plaintiff claim that the property is non-owner occupied, increasing my payment to interfere with my performance and requiring me to deposit more in the escrow account shows unequally that the Note and Mortgage were off.

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5. The Plaintiff's 4/5/2017 shows an anticipatory breach, as it showing the new payment would began 6/1/2017. South Carolina recognizes Anticipatory Breach. See Payne v. Melton, 45 S.E. 154 (S. C. 1903) Holler v. Holler, 612 S.E. 2d 469, 475-76 (S. C. 2005) shows that the anticipatory breach doctrine excuses the nonbreaching party from contractual obligation.
6. To establish a cause of action for tortious interference with contractual relations, a plaintiff must show: 1) the existence of a contract; 2) knowledge of the contract; 3) intentional procurement of its breach; 4) the absence of justification; and 5) resulting damages." Eldeco, Inc. v. Charleston Cty. Sch. Dist., 372 S.C. 470, 480, 642 S.E.2d 726, 731 (2007).
7. "[A]n action for tortious interference protects the property rights of the parties to a contract against unlawful interference by third parties." Dutch Fork Dev. Grp. II, LLC v. SEL Properties, LLC, 406 S.C. 596, 604, 753 S.E.2d 840, 844 (2012) (quoting Threlkeld v. Christoph, 280 S.C. 225, 227, 312 S.E.2d 14, 15 (Ct. App. 1984)). I satisfied all elements of a tortious breach of contract under the Breach of fiduciary duty and see punitive damages.
8. I request the court take notice that the Plaintiff only attached a copy of the Note, to its motion for summary judgment, indicating that it was seeking the value of the note and the court of appeals overturned the circuit court's decision, when the Plaintiff presented a creditor's claim in Circuit court, instead of pursuing the claim in the Probate action under the non-claim statute, as the Circuit Court lacks jurisdiction to make a judgment on a barred creditor's claim.

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9. See Estate of Tollison, 320 S.C. 132, 135, 463 S.E.2d 611, 613 (Ct. App. 1995) (as stated on page 10 in my memorandum in opposition to Plaintiff's motion for summary judgment and affidavit in support of my memorandum in opposition to the Plaintiff's motion for summary judgment.
10. Motion for Summary judgment was premature as Discovery was not complete and shows that the Plaintiff's escrow statement has proven to contribute to whether or not there is a material issue that can change the out come of this case. See Baughman v. Am. Tel. & Tel. Co., 306 S.C. 101, 112, 410 S.E.2d 537, 543 (1991) ("[S]ummary judgment must not be granted until the opposing party has had a full and fair opportunity to complete discovery.")
11. Breach of Fiduciary duty alleged on page 15, shows an Agency relationship Agency is the fiduciary relationship that arises when one person (a 'principal') manifests assent to another person (an 'agent') that the agent shall act on the principal's behalf and subject to the principal's control." *Froneberger v. Smith*, 406 S.C. 37, 49, 748 S.E.2d 625, 631 (Ct. App. 2013) (quoting RESTATEMENT (THIRD) OF AGENCY § 1.01 (AM. LAW INST. 2006)).
12. "Generally, [a]gency is a question of fact." *Id.* (alteration in original) (quoting *Gathers v. Harris Teeter Supermarket, Inc.*, 282 S.C. 220, 226, 317 S.E.2d 748, 752 (Ct. App. 1984)). A court ordinarily should not resolve an agency question on summary judgment if "any facts giv[e] rise to an inference of an agency relationship." *Fernander v. Thigpen*, 278 S.C. 140, 142, 293 S.E.2d 424, 425 (1982) (quoting *Reid v. Kelly & Play Air, Inc.*, 274 S.C. 171, 174, 262 S.E.2d 24, 26 (1980)). If any facts tend to prove an agency relationship, then the question becomes one for the jury and granting summary judgment is inappropriate.

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13. *Froneberger*, 406 S.C. at 50, 748 S.E.2d at 631 (quoting *Gathers*, 282 S.C. at 226, 317 S.E.2d at 752). In the instant case, although GMAC, the Bank's mortgage.
14. I also request the court take notice of the Plaintiff's Counsel's fraud upon the court that prevented from exhibiting my case, as when Mr. Laney responded to my requests for discovery 1 -3 he always stated that he needed additional time to provide verified response and I believed hat he would provide those verified responses and he did.
15. However, when he requested additional time to for my Fourth set of discovery request, I took another look at the previous verification s and discovered that, while the responses were notarized they did not provide verifications of any response, as document that is dated prior to the date that it is to verify, then it cannot and does not verify the information contained in that document.
16. Mr. Laney delayed admissions to my requests for authenticity of the escrow and mortgage statements requested April of this year and he first objected to the requests, as not being in the form of an admission, then when I provided the request in the form of an admission, he objected and claimed that I had exceeded the number of admissions that I could request.
17. I am still waiting of a couple of the admissions as Mr. Laney is now claiming a couple of documents were missing, when he first objected to the requests initially. I respectfully state to this court that this is fraud upon the court that prevented me from fully exhibiting my case prior to summary judgment and I respectfully request Summary Judgment be denied, as I now have the escrow statement that is attached that shows the Plaintiff unequivocally repudiated the contract excusing my



performance, which is an issue of material fact that can change the outcome of this case.

18. I incorporate all previous states made in my memorandum in opposition to the Plaintiff's motion for summary judgment.

19.

Respectfully submitted,



Michelle Hodges  
Pro Se Defendant  
6 Young Harris Dr  
Simpsonville, SC 29681  
864-714-5263

Page <sup>3</sup> Escrow statement dated 4/5/17, Authenticated by Plaintiff 3 pages shows Plaintiff's unequivocal repudiation of the Note and Mortgage, excusing me from Performance

Page <sup>4</sup> copy of Important next steps for you loan modification request, Authenticated by the Plaintiff, showing plaintiff verified that I occupy the property

Page Copy of Plaintiff's sham/frivolous pleading showing that Plaintiff is a debt collector And this document was mailed to my home, which includes a cover letter not filed

Page <sup>7</sup> showing public index, from the website of the Greenville County Court of common pleas, Showing repetition of unfair trade practices



'19 AUG 5 PM 5:01  
Paul Wickensimer - COC GUIL SC

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	
	)	
Wells Fargo Bank, NA	)	
	)	
Plaintiff	)	
	)	
Michelle Hodges, Individually: Michelle Hodges	)	
as Personal Representative of the Estate of Ruth	)	
Ladson Witherspoon: Stanley Witherspoon : SC	)	
Housing Corp.: Twin Creeks Homeowners	)	
Association, Inc.;	)	
	)	CASE O. 2017CP208016
Defendants,	)	
	)	CERTIFICATE OF SERVICE

I the undersigned defendant, Michelle Hodges, do certify that I have served the below parties, via first class mail as shown below.

Jamile J. Francis III (accepts service)  
Womble Bond Dickinson  
550 S. Main ST #400  
Greenville, SC 29601

Robert P. Wood (accepts service)  
Rogers, Townsend & Thomas  
1221 S. Main ST 14<sup>th</sup> Floor  
Columbia, SC 29201

Certified Mail  
S. Sterling Laney, III Partner  
Womble Bond Dickinson  
550 S. Main Street #400

H. Guyton Murrel  
Tracey C. Easton  
SC Housing Corp  
300-C Outlet Pointe Blvd

8/5/19 Michelle Hodges

STATE OF SOUTH CAROLINA )

COUNTY OF Greenville )

Wells Fargo Bank NA )  
Plaintiff, )

vs. )  
Michelle H. Hodges et al. )  
Defendant. )

IN THE COURT OF COMMON PLEAS

13th JUDICIAL CIRCUIT

CASE NO. 2017-CP-23-08016

**MOTION AND ORDER INFORMATION  
FORM AND COVERSHEET**

19 AUG 16 PM 12:51  
Paul Wickensinger - COC 6/11/16

Plaintiff's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: <u>Michelle Hodges</u> _____, Bar No. _____ Address: <u>6 Yang Harris Dr.</u> <u>Simpsonville 29681</u> Phone: _____ Fax _____ E-mail: _____ Other: _____
---	--

MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)  
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)  
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

**SECTION I: Hearing Information**  
 Nature of Motion: Alter or Amend  
 Estimated Time Needed: \_\_\_\_\_ Court Reporter Needed:  YES  NO

**SECTION II: Motion/Order Type**  
 Written motion attached  
 Form Motion/Order  
 I hereby move for relief or action by the court as set forth in the attached proposed order.  
Michelle Hodges 6/18/19  
 Signature of Attorney for  Plaintiff /  Defendant Date submitted

**SECTION III: Motion Fee**  
 PAID - AMOUNT: \$ 25.00  
 EXEMPT: (check reason)  
 Rule to Show Cause in Child or Spousal Support  
 Domestic Abuse or Abuse and Neglect  
 Indigent Status  State Agency v. Indigent Party  
 Sexually Violent Predator Act  Post-Conviction Relief  
 Motion for Stay in Bankruptcy  
 Motion for Publication  Motion for Execution (Rule 69, SCRPC)  
 Proposed order submitted at request of the court; or,  
 reduced to writing from motion made in open court per judge's instructions  
 Name of Court Reporter: \_\_\_\_\_  
 Other: \_\_\_\_\_

**JUDGE'S SECTION**  
 Motion Fee to be paid upon filing of the attached order.  
 Other: \_\_\_\_\_  
 JUDGE CODE \_\_\_\_\_  
 Date: \_\_\_\_\_

**CLERK'S VERIFICATION**  
 Collected by: \_\_\_\_\_ Date Filed: \_\_\_\_\_  
 MOTION FEE COLLECTED: \$ \_\_\_\_\_  
 CONTESTED - AMOUNT DUE: \$ \_\_\_\_\_



Greenville County Court of Common Pleas  
Attn: Clerk of Court, Peter B. Wickensimer  
305 E. North ST  
Greenville, SC 29601

19 AUG 16 PM 12:51  
Paul Wickensimer-COC GUIL SC

**TOTAL PAGES FOR MOTION and TOTAL PAGES FOR AFFIDAVIT  
AFFIDAVIT IN SUPPORT ATTACHED  
NOTICE OF MOTION AND MOTION TO  
ALTER/AMEND SUMMARY JUDGMENT**

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	CIVIL CASE #.
	)	2017CP2308016
Wells Fargo Bank, NA	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
Michelle Hodges, Individually: Michelle Hodges	)	
as Personal Representative of the Estate of Ruth	)	
Ladson Witherspoon: Stanley Witherspoon : SC	)	
Housing Corp.: Twin Creeks Homeowners	)	
Association, Inc.;	)	
	)	
Defendants,	)	

**NOTICE OF MOTION AND MOTION TO ALTER/AMEND ORDER DATE 8/7/19**

Now Comes, Defendant Michelle Hodges, proceeding Pro Se and requesting that the court Alter or Amend Order dated 8/7/19 which granted Summary judgment, striking jury trial, dismissing counter claim, and defenses, pursuant to SCRPC Rule 59. I respectfully call the following errors to the courts attention:

Alter or Amend decision of Summary judgment, as there are several issues of disputed material facts which affect the outcome of this case, which have been addressed and now respectfully

(A)

(B)

'19 AUG 16 PM 12:51  
Paul Wickensimer-CDC GUL SC

Greenville County Court of Common Pleas  
Attn: Clerk of Court, Peter B. Wickensimer  
305 E. North ST  
Greenville, SC 29601

TOTAL PAGES, 3 ~~FOR MOTION~~ and TOTAL PAGES FOR AFFIDAVIT  
AFFIDAVIT IN SURRPORT OF MOTION TO  
ALTER/AMEND ORDER 8/7/19

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	CIVIL CASE #.
	)	2017CP2308016
Wells Fargo Bank, NA	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
Michelle Hodges, Individually: Michelle Hodges	)	
as Personal Representative of the Estate of Ruth	)	
Ladson Witherspoon: Stanley Witherspoon : SC	)	
Housing Corp.: Twin Creeks Homeowners	)	
Association, Inc.;	)	
	)	

Defendants.

**AFFIDAVIT OF NOTICE OF MOTION AND MOTION TO ALTER/AMEND ORDER  
DATE 8/7/19.**

**I reiterate all statements in my Motion to Alter/Amend except for law and case stated and I further state that all statements made and based on firsthand knowledge and are true and correct, under the penalty.**

*Michelle Hodges*  
Michelle Hodges, Pro Se Defendant

864-714-5263  
6 Young Harris Dr  
Simpsonville, SC 29681  
Certified mail  
PO Box 95  
Mauldin, SC 29662.

State of South Carolina, Court of Greenville Subscribed and sworn (or affirmed) before me

This \_\_\_\_\_ day of \_\_\_\_\_, 2019

Sworn to and Subscribed Before Me,  
This 16<sup>th</sup> Day of August, 2019  
Signed: Angela D. Duppen  
Notary Public of South Carolina  
My Commission Expires: 8/13/2029

13

called to the Court's attention to facts that have been over looked.. below stating facts sufficient to deny summary judgment, sustain my counter claims an affirmative defenses.

This motion is timely filed as it is filed within 10 days of the Order, which was execute on 8/7/2019.

**SUMMARY JUDGMENT GRANTED DISMISSAL OF COUNTER CLAIMS AND DEFENSES**

The intermediate order entered, on 7/24/19 shows that discovery was not complete and the Plaintiff's admission of the escrow statement received allowed me to provide the court with a scintilla of evidence in order to withstand a motion for summary judgment, which was not available for to me before the hearing, as admissible evidence.

The escrow statements toughes both promises in the Note and Mortgage and all of my counter claims and defenses. The escrow statement shows:

- Complete breach of the promises in the Note and Mortgage
- And interference with my performance by increasing the payment
- And breach of the implied duty of good faith and fair dealing required By HUD regulation, which is part of the Note and Motgage.

I could not find any cases where the court ruled on the HUD requirement part of the Note and Mortgage, however, I have attached a case *Fleet Real Estate Funding v. Smith 366, Pa. Superior Ct. 116 (1987)* showing 3 states have exercised their equitable power in determining whether a mortgagee's failure to comply with 203.650-203.66 is a legal defense to foreclosure and is a matter for the courts to decide. (Page 4 paragraph 5) Three states have concluded that FHA lenders have an equitable obligation to follow the guidelines established in the HUD Handbook in the event of a default. (page 5 paragraph 3). Hud regulations are part of the contract and loan modifications are the tools of the regulations and a used to

The Plaintiff did not carry its burden as the Plaintiff did not show that the following issues were not disputed material fact for a jury to decide or that the following did not materially affect the out of the Plaintiff's case or my case:

②

①④

The Plaintiff's fraudulent increase in my payment, requirement that I deposit more in my escrow account than had been allowed by the Note and Mortgage and interfering with my ability to perform my part in the contract and the Plaintiff's repudiation of the contract.

I called the courts attention to the fact that Judge Stilwell did not allow me to Amend my answer 4 26 19 and the decision was made without considering prejudice to either party, Discovery was not complete, as we have never had a scheduling order in this case. The Plaintiff had an opportunity to refute and any claims and no trial date had not and still has not been set.

Therefore it was an abuse of discretion to not allow me to Amend my 6<sup>th</sup> Amended answer, as it and it affected my substantial rights to bring counter claims before res judicata could affect them and I am required to bring them in the Plaintiff's case or lose them.

Johnson v. SC nation Bank 292 S. C. 51 (1987) 354 S. e. 2d 895.

The Plaintiff did not cover my defense of unclean hands in it reply and therefore should not be included in the Order.

The Order granted when discovery was not complete is premature and an abuse of discretion. See Baughman v. Am. Tel. & Tel. Co., 306 S.C. 101, 112, 410 S.E.2d 537, 543 (1991) ("[S]ummary judgment must not be granted until the opposing party has had a full and fair opportunity to complete discovery.")

### JURISDICTIONAL ISSUE

- A Summary Judgment Order in favor of the Plaintiff, due to the fact that the Court has subject matter jurisdiction to make decisions on foreclosure cases; after my correct assertion of lack of jurisdiction, due to the nonclaim "Bar" under the South Carolina Code Section 62-3-608 in this case, is an error of the Court.

On page 3 of the Court's Order the following case is cited *Beach First Nat'l Bank v. Gurnham* (*In re Estate of Gurnham*), 407 S. C. 194, 205, 754 S.E. 2d 875, 881 (2014). This case was

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3. Please explain who Melissa Peterson is, as her name appears on document number 0078 of the documents the Plaintiff provided on 1/25/19.


**RESPONSE:** In addition to the Preliminary Statement stated above, Wells Fargo objects to this discovery because the request is not consistent with the rules of discovery, is unduly broad, is overly burdensome, and is outside the scope of permissible discovery. The request seeks information not relevant to the subject matter of this lawsuit and not calculated to lead to the discovery of admissible evidence. Without waiving said objection, Wells Fargo responds that information about its employees and their contact information and employment history are not relevant to the issues in this lawsuit, and discovery of such information is not permissible.

4. What income did the Plaintiff use in its attempt to calculate an acceptable payment, which lead to the denial of a loan modification for me.

**RESPONSE:** In addition to the Preliminary Statement stated above, Wells Fargo objects to this Interrogatory to the extent it requests information that is confidential and/or proprietary or protected by the attorney-client privilege, work product doctrine, bank examiner privilege or any other privilege, protection or immunity applicable under governing law. Additionally, Plaintiff objects to this Interrogatory because it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence because denial of a loan modification does not create a private cause of action. Further, this Interrogatory seeks information to which all parties have equal access. Gathering such information would place an undue burden on Wells Fargo, particularly in light of the scope of the instant case and the rule of proportionality. *See, S.C. R. Civ. P. 33, S.C. R. Civ. P. 26, see, e.g. Hollman v. Woolfson, 384 S.C. 571, 578 (S.C. 2009* (“[i]f a person requesting a protective order shows a particularized harm which will be caused by allowing the discovery, the opposing party has the burden of showing the information sought is ‘relevant and necessary’ to the case.”). Without waiving said objection, Plaintiff responds that it reviewed all documents and information submitted by Ms. Hodges for a loan modification.

5. What expenses did the Plaintiff use for me, which lead to the denial of the loan modification.

**RESPONSE:** In addition to the Preliminary Statement stated above, Wells Fargo objects to this Interrogatory to the extent it requests information that is confidential and/or proprietary or protected by the attorney-client privilege, work product doctrine, bank examiner privilege or any other privilege, protection or immunity applicable under governing law. Additionally, Plaintiff objects to this Interrogatory because it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence because denial of a loan modification does not create a private cause of action. Further, this Interrogatory seeks information to which all parties have equal access. Gathering such information would place an undue burden on Wells Fargo,

*a* 



particularly in light of the scope of the instant case and the rule of proportionality. See, S.C. R. Civ. P. 33, S.C. R. Civ. P. 26, see, e.g. *Hollman v. Woolfson*, 384 S.C. 571, 578 (S.C. 2009 (“[i]f a person requesting a protective order shows a particularized harm which will be caused by allowing the discovery, the opposing party has the burden of showing the information sought is ‘relevant and necessary’ to the case.”). Without waiving said objection, Plaintiff responds that it reviewed all documents and information submitted by Ms. Hodges for a loan modification.

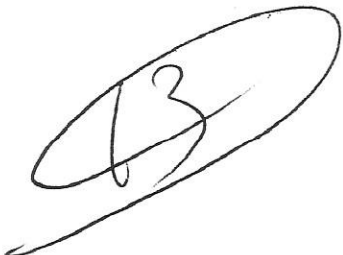
**REQUEST FOR PRODUCTION OF DOCUMENTS**

1. You invited me to come to take another look at the documents, which the Plaintiff purports are the original Note and Mortgage, for which I will make an appointment.

**RESPONSE:** Yes, if you would like an additional appointment to review such material, please call the office of Sterling Laney at Womble Bond Dickinson (US) LLP to make arrangements.

2. Please provide me with a copy of any CD containing the conversation, in which the Plaintiff purportedly advised me of any denial reasons.

**RESPONSE:** Wells Fargo objects to this request as vague, overbroad, and unduly burdensome because it requests recordings discussing “denial reasons” without any restriction to date, time, or subject matter and because it appears Ms. Hodges is asking Wells Fargo to create a CD for her. Additionally, Wells Fargo objects to the Request as being outside the scope of permissible discovery. Wells Fargo further objects to this Request on the grounds that it seeks information that is not relevant to the issues, claims, or defenses raised in this case and is not reasonably calculated to lead to the discovery of admissible evidence because a denial of a loan modification does not raise a private cause of action. Without waiving said objection, Wells Fargo responds that it does not have a CD responsive to this request.



3. Please provide a copy of the documentation that I provided for my expenses concerning my loan assistance application for June of 2017.

**RESPONSE:** Wells Fargo objects to this Request because it seeks information that is equally available to Ms. Hodges and is unduly burdensome. Wells Fargo further objects to this Request on the grounds that it seeks information that is not relevant to the issues, claims, or defenses raised in this case and is not reasonably calculated to lead to the discovery of admissible evidence because a denial of a loan modification does not raise a private cause of action. Without waiving said objection, Wells Fargo is informed and believes that it has previously produced documents responsive to this request in response to Ms. Hodges's Third Request for Production of Documents.

4. Please provide me with a CD of the recorded conversation, in which the Plaintiff claims, that it provided me with the specific denial reasons.

**RESPONSE:** Wells Fargo objects to this request as vague, overbroad, and unduly burdensome because it requests recordings discussing "denial reasons" without any restriction to date, time, or subject matter and because it appears Ms. Hodges is asking Wells Fargo to create a CD for her. Additionally, Wells Fargo objects to the Request as being outside the scope of permissible discovery. Wells Fargo further objects to this Request on the grounds that it seeks information that is not relevant to the issues, claims, or defenses raised in this case and is not reasonably calculated to lead to the discovery of admissible evidence because a denial of a loan modification does not raise a private cause of action. Without waiving said objection, Wells Fargo responds that it does not have a CD responsive to this request.

5. Out of the documents that you sent to me on 1/25/2019, in response to my Third request for production of documents, please provide me with the unaltered version, showing the required fax information at the top of the documents. Pages numbered in red at the bottom left of the document 0055-0077. The documents are as follows:

- a. Mortgage Assistance Application numbered 0055-0066
- b. Form 4506T numbered 0067
- c. Affidavits number 0068 and 0069
- d. Paystubs numbered 0070-0074

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e. Deed of Distribution numbered 0075 -0077

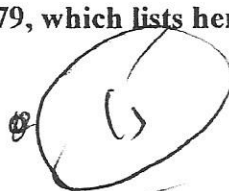
**RESPONSE:** Wells Fargo objects to this Request to the extent it requests redacted information and seeks the production and/or disclosure of privileged documents, materials, information and/or matters which are protected from disclosure by the attorney-client privilege, the work product doctrine, and/or any other potentially applicable privilege. Additionally, Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objection, Wells Fargo has attached Exhibit A, which are documents Bates Numbered 0055-0079 with the redaction, covering the facsimile stamps, removed.

6. Out of the documents that you sent to me on 1/25/19, the document numbers 0078-0079, in black letters is showing at the bottom left of the referenced pages; please provide me with the copies that show the required fax information at the top of each page/ the unaltered version.

**RESPONSE:** Wells Fargo objects to this Request to the extent it requests redacted information and seeks the production and/or disclosure of privileged documents, materials, information and/or matters which are protected from disclosure by the attorney-client privilege, the work product doctrine, and/or any other potentially applicable privilege. Additionally, Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objection, Wells Fargo has attached Exhibit A, which are documents Bates Numbered 0055-0079 with the redaction, covering the facsimile stamps, removed.

7. Please provide the name of the person that the denial letter was faxed to, as the name of the person is missing from page 0078.

**RESPONSE:** Wells Fargo objects to this Request as it is in the format of an interrogatory and not a request for production. Further, Wells Fargo objects to the extent it requests redacted information and seeks the production and/or disclosure of privileged documents, materials, information and/or matters which are protected from disclosure by the attorney-client privilege, the work product doctrine, and/or any other potentially applicable privilege. Additionally, Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objection, Wells Fargo is unable to effectively respond to said request because the field is blank. Wells Fargo hereby avers that Ms. Hodges was an intended recipient based upon page, bates numbered 0079, which lists her name and address.



8. Please explain why the fax number on the cover sheet does not match the fax number of the denial letter.

**RESPONSE:** Wells Fargo objects to this Request as it is in the format of an interrogatory and not a request for production. Further, Wells Fargo objects to the extent it requests redacted information and seeks the production and/or disclosure of privileged documents, materials, information and/or matters which are protected from disclosure by the attorney-client privilege, the work product doctrine, and/or any other potentially applicable privilege. Additionally, Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

9. Please provide me with any documentation or recorded conversation in which the Plaintiff claims to have discussed with me the purported escrow shortage.

**RESPONSE:** Wells Fargo objects to this Request because it seeks information that is equally available to Ms. Hodges and is unduly burdensome. Additionally, Wells Fargo objects to the extent it seeks the production and/or disclosure of privileged documents, materials, information and/or matters which are protected from disclosure by the attorney-client privilege, the work product doctrine, and/or any other potentially applicable privilege. Wells Fargo further objects to this Request on the grounds that it seeks information that is not relevant to the issues, claims, or defenses raised in this case and is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, this request is vague and overbroad, requesting documentation or recordings regarding discussions of an “escrow shortage” without any reference to date, time, or subject matter. Wells Fargo is unsure what Ms. Hodges is referring to by documents sent to Ms. Hodges regarding the “purported escrow shortage.” Without waiving said objection, Wells Fargo responds that it is looking into whether or not there are recordings for telephone conversations that may be responsive to this request. If any are found, Wells Fargo will supplement its response to the extent required by the South Carolina Rules of Civil Procedure.

10. Please provide me with the name, address and telephone number of any of the Plaintiffs employees that are familiar with calculating and analyzing of the escrow statements concerning the loan in this case.

**RESPONSE:** Wells Fargo objects to this Request as it is in the format of an interrogatory and not a request for production. Further, Wells Fargo objects to the extent it requests redacted information and seeks the production and/or disclosure of privileged documents, materials, information and/or matters which are protected from disclosure by the attorney-client privilege, the work product doctrine, and/or

16

the filing of this motion, along with any sanctions, as deemed necessary by the Court; and dismissal of the Plaintiff's complaint for failure to fully participate in discovery.

7. Affirmation not required, due to the nature of the case being a foreclosure and I am proceeding pro se.

**RECEIVED**

**Jul 30 2021**

**FOURTH SET OF REQUESTS FOR PRODUCTION**

8. I served my Fourth Set of Requests for Production on April 12, 2019 (Attached as Exhibit "B"). items of concern 3, 5, 6, 7, 8, 9, 10, 11, 12 and 13
9. The Plaintiff served its responses to my Fourth Set Requests for Production, providing all objections, in which the Plaintiff claims burden, relevancy, privilege and work product doctrine, none of which apply to these specific Requests for Production.
10. And as stated above on May 24, 2019 I sent the Plaintiff a meet and confer letter.
11. On May 29, 2019, I sent the Plaintiff a second meet and confer letter and to date, I have not heard back from the Plaintiff.
12. I am entitled to costs and attorney fees associated with the filing of this motion, along with any sanctions, as deemed necessary by the Court; and dismissal of the Plaintiff's complaint for failure to fully participate in discovery.
13. My rights to discovery have been prejudiced and without my discovery requests, I am unable to fully present my case.
14. Exhibit "C" copy of meet and confer letter dated 5/24/19
15. Exhibit "D" copy of 2<sup>nd</sup> meet and confer letter 5/29/19.

**SC Court of Appeals**

**ALTERNATIVELY**

16. I am entitled to I am entitled to an Order of the Court compelling the Plaintiff to immediately and fully respond to my Forth Set of Discovery requests.

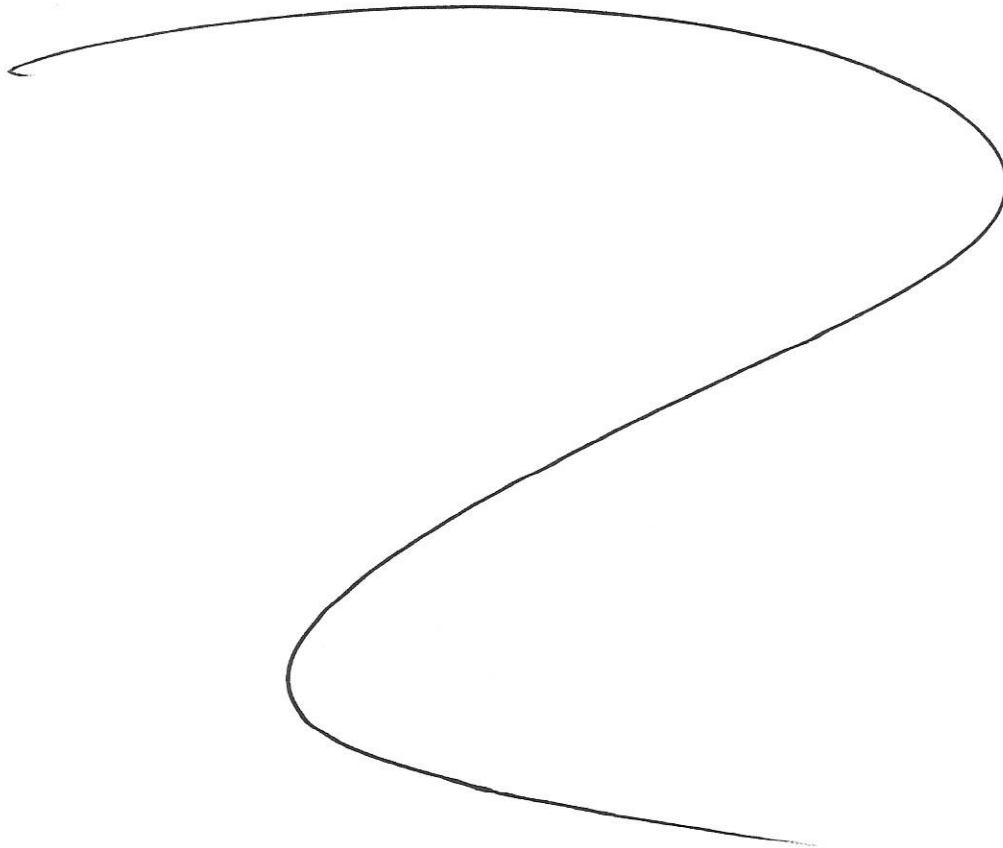
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WHEREFORE, I Defendant Michelle Hodges request this matter be hear as soon as practical and moves the Court to compel Plaintiff to respond fully and completely to my Fourth Set of Discovery requests together, will all such other relief this Court deems just and proper.

Respectfully submitted,

*Michelle Hodges 6/13/19*



MICHELLE HODGES  
Property Address  
6 Young Harris DR  
Simpsonville, SC 29681  
864-714-5263  
6 13 19

Greenville County Court of Common Pleas  
Attn: Clerk of Court, Peter B. Wickensimer  
305 E. North ST  
Greenville, SC 29601

\*\*\*\*\*

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	<b>CIVIL CASE #.</b>
	)	<b>2017CP2308016</b>
Wells Fargo Bank, NA	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
Michelle Hodges, Individually: Michelle Hodges	)	
as Personal Representative of the Estate of Ruth	)	
Ladson Witherspoon: Stanley Witherspoon : SC	)	
Housing Corp.: Twin Creeks Homeowners	)	
Association, Inc.;	)	
	)	
Defendants,	)	

**MEMORANDUM IN SUPPORT OF DEFENDANT'S  
MOTION TO COMPEL DISCOVERY DATED 6/13/19  
REGARING FOURTH SET OF INTERROGATORIES AND  
PRODUCTION OF DOCUMENTS AND INFORMATION**

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In support of my motion to compel I submit the following statement of law which is applicable:

**STATEMENT OF LAW**

A. As to Purpose of Discovery



The entire thrust of all discovery rules involves full and fair disclosure, to prevent a trial from becoming a guessing game or one of surprise for either party. *Samples v. Mitchell*, 329 S.C. 105, 113-114, 495 S.E.2d 213, 217 (Ct. App. 1997). Essentially, the rights of discovery provided by the rules give the trial lawyer the means to prepare for trial, and when these rights are not accorded, prejudice must be presumed. *Id.* The primary objective of discovery is to ensure that lawsuits are decided by what the facts reveal, not by what facts are concealed. *In Re Anonymous Member of South Carolina Bar*, 346 S.C. 177, 193, 552 S.E.2d 10, 18 (2001). In this respect the discovery process is designed to make a trial less a game of blind man's bluff and more of a fair contest with the basic issues and facts disclosed to the fullest practicable extent. *Id.*

B. As to Scope of Discovery:

Rule 26(b)(1) of the *South Carolina Rules of Civil Procedure* states as follows:

Parties may obtain discovery regarding any subject matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents or other tangible things and the identify and location of persons having knowledge of any subject matter. **It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.**

“In South Carolina, the scope of discovery is very broad and ‘an objection on relevance grounds is likely to limit only the most excessive discovery request.’” *Samples*, at 110, 215.

C. As to Objections in Discovery

When objecting to a discovery request, a party must articulate its grounds specifically so the requesting party (and the Court, if it reviews the objection) can understand the basis for the objection



and evaluate its validity. In *Curtis v. Time Warner Entertainment Advance/Newhouse Partnership*, 2013 WL 2099496 (D.S.C. 2013), United States District Judge Joseph F. Anderson, Jr., succinctly summarized standards applicable to discovery objections as follows:

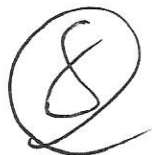
While Judge Anderson's Order addresses discovery under Rule 26 of the *Federal Rules of Civil Procedure*, the same standards apply to Rule 26, *SCRPC*.

### *1. Nonspecific, Boilerplate Objections*

The parties shall not make nonspecific, boilerplate objections. Objections that state that the discovery request is "vague, overly broad, or unduly burdensome" are, standing alone, meaningless and will be found meritless by this court. A party objecting on these grounds must explain the specific and particular way in which a given request is vague, overly broad, or unduly burdensome. *See* Fed.R.Civ.P. 33(b)(4); *Josephs v. Harris Corp.*, 677 F.2d 985, 992 (3d Cir. 1982) ("[T]he mere statement by a party that the interrogatory was 'overly broad, burdensome, oppressive and irrelevant' is not adequate to voice a successful objection to an interrogatory. On the contrary, the party resisting discovery 'must show specifically how ... each interrogatory is not relevant or how each question is overly broad, burdensome or oppressive.'" (citation omitted)). If a party believes that the request is vague, that party shall attempt to obtain clarification prior to objecting on this ground.

### *2. Objections Based Upon Scope*

If there is an objection based upon an unduly broad scope, such as time frame or geographic location, discovery should be provided as to those matters within the scope which are not disputed. For example, if discovery is sought nationwide for a ten-year period, and the responding party objects on the ground that only a five-year period limited to activities in the State of South Carolina is appropriate, the responding party shall provide responsive discovery falling with the five-year period as to the State of South Carolina and then object to the overage.



### *3. Irrelevant and Not Reasonably Calculated to Lead to Admissible Evidence*

An objection that a discovery request is irrelevant and not reasonably calculated to lead to admissible evidence must include a specific explanation describing why the request lacks relevance and why the information sought will not reasonably lead to admissible evidence. Parties are reminded that the federal rules allow for broad discovery that does not necessarily need to be admissible at trial. *See* Fed. R. Civ. P. 26(b)(1); *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351–52, 98 S.Ct. 2380, 57 L.Ed.2d 253 (1978).

### *4. Formulaic Objections Followed by an Answer*

The parties shall not recite a formulaic objection followed by an answer to the request. It has become common practice for a party to object on the basis of any of the above reasons and then state that, “notwithstanding the above,” the party will respond to the discovery request, subject to or without waiving such objection. Such an objection and answer preserves nothing and serves only to waste the time and resources of both the parties and the court. Further, such practice leaves the requesting party uncertain as to whether the question has actually been fully answered or whether only a portion of the question has been answered. *See* Civil Discovery Standards, 2004 A.B.A. SEC. LIT. 18.

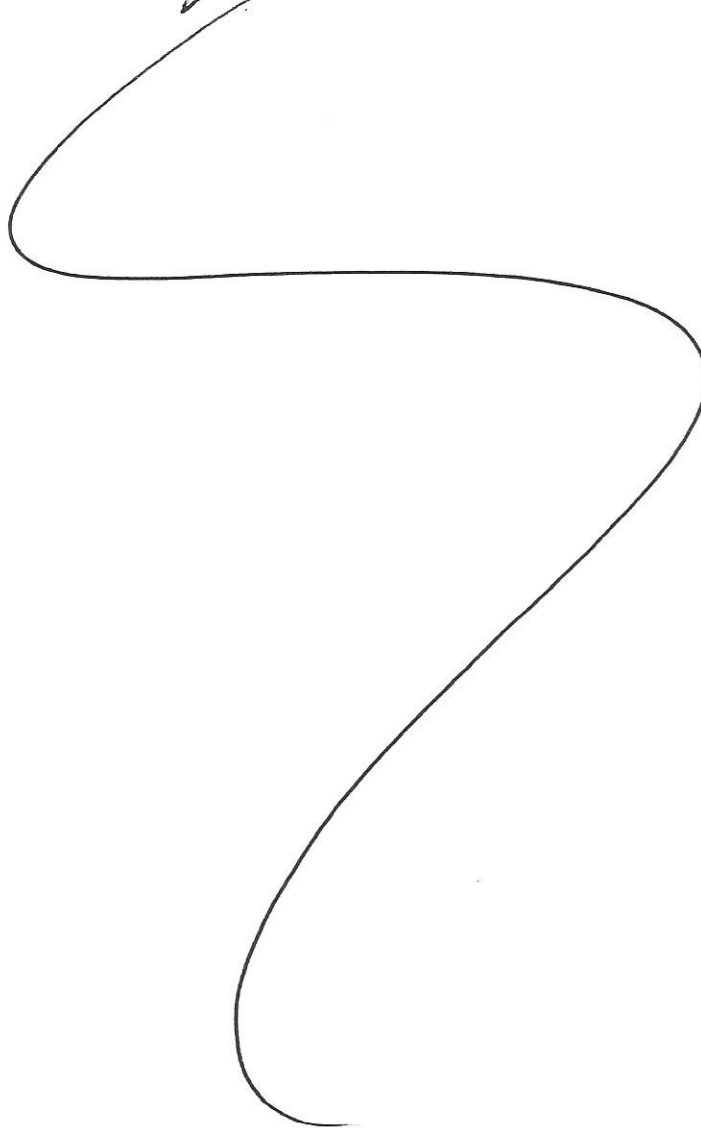
### *5. Objections Based upon Privilege*

Generalized objections asserting the protection of the attorney-client privilege or the work product doctrine also do not comply with the Federal Rules of Civil Procedure. A party objecting on the grounds of privilege must state the specific nature of the privilege being asserted, as well as, *inter alia*, the nature and subject matter of the communication at issue and the sender and receiver of the communication and their relationship to each other. If a general objection of privilege is made without attaching a proper privilege log, the objection of privilege may be deemed waived.



Curtis, 2013 WL 2099496 at 2-3; *accord In re Oxbow Carbon LLC Unitholder Litigation*, 2017 WL 959396 (Del. Ch. 2017).

Marcell Hodge 6/13/19



10

87

SEPARATE STATEMENT CONCERNING MOTION TO COMPEL RESPONSES

TO FOURTH SET OF INTERROGATORIES AND PRODUCTION OF

DOCUMENTS AND INFORMATION.

INTERROGATORIES

1. What code of federal regulations did the Plaintiff utilize in its attempt to calculate a payment for my loan assistance application, for FHA HAMP in June of 2017?

**RESPONSE:** In addition to the Preliminary Statement stated above, Wells Fargo objects to this Interrogatory to the extent it seeks the legal reasoning and theories of Wells Fargo. Further, Wells Fargo objects to this Interrogatory to the extent it requests information that is confidential and/or proprietary or protected by the attorney-client privilege, work product doctrine, bank examiner privilege or any other privilege, protection or immunity applicable under governing law. Additionally, Wells Fargo objects to this Interrogatory as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence as it seeks information unrelated to decedent's debt; denial of a loan modification does not create a private cause of action. Without waiving said objection, Wells Fargo responds that it has adhered to all applicable laws and regulations in the administration of this loan, mortgage, and note, including any review of the account for loan modification.

2. Does the Plaintiff have procedures in place to confirm a potential successor in interest?

**RESPONSE:** In addition to the Preliminary Statement stated above, Wells Fargo objects to this Interrogatory to the extent it seeks the legal reasoning and theories of Wells Fargo. Further, Wells Fargo objects to this Interrogatory to the extent it requests information that is confidential and/or proprietary or protected by the attorney-client privilege, work product doctrine, bank examiner privilege or any other privilege, protection or immunity applicable under governing law. Additionally, Wells Fargo objects to this Interrogatory as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence as it seeks information unrelated to decedent's debt. Without waiving said objection, Wells Fargo responds that it does have a process in which a party can apply to be the successor in interest for a borrower who is deceased. As part of this process, the applicant, who is the party applying to be the successor in interest, must complete a specific form and provide specific documentation, such as a deed titled to the applicant, a court order or decree transferring the real property to the applicant, and/or a probated will showing transfer of interest in the subject property, that will show the ownership interest in the property has been transferred to the applicant, to the exclusion of other potential heirs or interested parties.

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3. Please explain who Melissa Peterson is, as her name appears on document number 0078 of the documents the Plaintiff provided on 1/25/19.

**RESPONSE:** In addition to the Preliminary Statement stated above, Wells Fargo objects to this discovery because the request is not consistent with the rules of discovery, is unduly broad, is overly burdensome, and is outside the scope of permissible discovery. The request seeks information not relevant to the subject matter of this lawsuit and not calculated to lead to the discovery of admissible evidence. Without waiving said objection, Wells Fargo responds that information about its employees and their contact information and employment history are not relevant to the issues in this lawsuit, and discovery of such information is not permissible.

4. What income did the Plaintiff use in its attempt to calculate an acceptable payment, which lead to the denial of a loan modification for me.

**RESPONSE:** In addition to the Preliminary Statement stated above, Wells Fargo objects to this Interrogatory to the extent it requests information that is confidential and/or proprietary or protected by the attorney-client privilege, work product doctrine, bank examiner privilege or any other privilege, protection or immunity applicable under governing law. Additionally, Plaintiff objects to this Interrogatory because it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence because denial of a loan modification does not create a private cause of action. Further, this Interrogatory seeks information to which all parties have equal access. Gathering such information would place an undue burden on Wells Fargo, particularly in light of the scope of the instant case and the rule of proportionality. *See, S.C. R. Civ. P. 33, S.C. R. Civ. P. 26, see, e.g. Hollman v. Woolfson, 384 S.C. 571, 578 (S.C. 2009 (“[i]f a person requesting a protective order shows a particularized harm which will be caused by allowing the discovery, the opposing party has the burden of showing the information sought is ‘relevant and necessary’ to the case.”)).* Without waiving said objection, Plaintiff responds that it reviewed all documents and information submitted by Ms. Hodges for a loan modification.

5. What expenses did the Plaintiff use for me, which lead to the denial of the loan modification.

**RESPONSE:** In addition to the Preliminary Statement stated above, Wells Fargo objects to this Interrogatory to the extent it requests information that is confidential and/or proprietary or protected by the attorney-client privilege, work product doctrine, bank examiner privilege or any other privilege, protection or immunity applicable under governing law. Additionally, Plaintiff objects to this Interrogatory because it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence because denial of a loan modification does not create a private cause of action. Further, this Interrogatory seeks information to which all parties have equal access. Gathering such information would place an undue burden on Wells Fargo,

*a* 



particularly in light of the scope of the instant case and the rule of proportionality. See, S.C. R. Civ. P. 33, S.C. R. Civ. P. 26, see, e.g. *Hollman v. Woolfson*, 384 S.C. 571, 578 (S.C. 2009 (“[i]f a person requesting a protective order shows a particularized harm which will be caused by allowing the discovery, the opposing party has the burden of showing the information sought is ‘relevant and necessary’ to the case.”). Without waiving said objection, Plaintiff responds that it reviewed all documents and information submitted by Ms. Hodges for a loan modification.

### REQUEST FOR PRODUCTION OF DOCUMENTS

1. You invited me to come to take another look at the documents, which the Plaintiff purports are the original Note and Mortgage, for which I will make an appointment.

**RESPONSE:** Yes, if you would like an additional appointment to review such material, please call the office of Sterling Laney at Womble Bond Dickinson (US) LLP to make arrangements.

2. Please provide me with a copy of any CD containing the conversation, in which the Plaintiff purportedly advised me of any denial reasons.

**RESPONSE:** Wells Fargo objects to this request as vague, overbroad, and unduly burdensome because it requests recordings discussing “denial reasons” without any restriction to date, time, or subject matter and because it appears Ms. Hodges is asking Wells Fargo to create a CD for her. Additionally, Wells Fargo objects to the Request as being outside the scope of permissible discovery. Wells Fargo further objects to this Request on the grounds that it seeks information that is not relevant to the issues, claims, or defenses raised in this case and is not reasonably calculated to lead to the discovery of admissible evidence because a denial of a loan modification does not raise a private cause of action. Without waiving said objection, Wells Fargo responds that it does not have a CD responsive to this request.

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3. Please provide a copy of the documentation that I provided for my expenses concerning my loan assistance application for June of 2017.

**RESPONSE:** Wells Fargo objects to this Request because it seeks information that is equally available to Ms. Hodges and is unduly burdensome. Wells Fargo further objects to this Request on the grounds that it seeks information that is not relevant to the issues, claims, or defenses raised in this case and is not reasonably calculated to lead to the discovery of admissible evidence because a denial of a loan modification does not raise a private cause of action. Without waiving said objection, Wells Fargo is informed and believes that it has previously produced documents responsive to this request in response to Ms. Hodges's Third Request for Production of Documents.

4. Please provide me with a CD of the recorded conversation, in which the Plaintiff claims, that it provided me with the specific denial reasons.

**RESPONSE:** Wells Fargo objects to this request as vague, overbroad, and unduly burdensome because it requests recordings discussing "denial reasons" without any restriction to date, time, or subject matter and because it appears Ms. Hodges is asking Wells Fargo to create a CD for her. Additionally, Wells Fargo objects to the Request as being outside the scope of permissible discovery. Wells Fargo further objects to this Request on the grounds that it seeks information that is not relevant to the issues, claims, or defenses raised in this case and is not reasonably calculated to lead to the discovery of admissible evidence because a denial of a loan modification does not raise a private cause of action. Without waiving said objection, Wells Fargo responds that it does not have a CD responsive to this request.

5. Out of the documents that you sent to me on 1/25/2019, in response to my Third request for production of documents, please provide me with the unaltered version, showing the required fax information at the top of the documents. Pages numbered in red at the bottom left of the document 0055-0077. The documents are as follows:

- a. Mortgage Assistance Application numbered 0055-0066
- b. Form 4506T numbered 0067
- c. Affidavits number 0068 and 0069
- d. Paystubs numbered 0070-0074

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e. Deed of Distribution numbered 0075 -0077

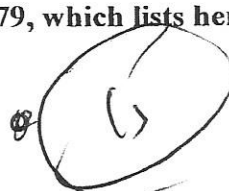
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6. Out of the documents that you sent to me on 1/25/19, the document numbers 0078-0079, in black letters is showing at the bottom left of the referenced pages; please provide me with the copies that show the required fax information at the top of each page/ the unaltered version.

**RESPONSE:** Wells Fargo objects to this Request to the extent it requests redacted information and seeks the production and/or disclosure of privileged documents, materials, information and/or matters which are protected from disclosure by the attorney-client privilege, the work product doctrine, and/or any other potentially applicable privilege. Additionally, Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objection, Wells Fargo has attached Exhibit A, which are documents Bates Numbered 0055-0079 with the redaction, covering the facsimile stamps, removed.

7. Please provide the name of the person that the denial letter was faxed to, as the name of the person is missing from page 0078.

**RESPONSE:** Wells Fargo objects to this Request as it is in the format of an interrogatory and not a request for production. Further, Wells Fargo objects to the extent it requests redacted information and seeks the production and/or disclosure of privileged documents, materials, information and/or matters which are protected from disclosure by the attorney-client privilege, the work product doctrine, and/or any other potentially applicable privilege. Additionally, Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objection, Wells Fargo is unable to effectively respond to said request because the field is blank. Wells Fargo hereby avers that Ms. Hodges was an intended recipient based upon page, bates numbered 0079, which lists her name and address.



8. Please explain why the fax number on the cover sheet does not match the fax number of the denial letter.

**RESPONSE:** Wells Fargo objects to this Request as it is in the format of an interrogatory and not a request for production. Further, Wells Fargo objects to the extent it requests redacted information and seeks the production and/or disclosure of privileged documents, materials, information and/or matters which are protected from disclosure by the attorney-client privilege, the work product doctrine, and/or any other potentially applicable privilege. Additionally, Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

9. Please provide me with any documentation or recorded conversation in which the Plaintiff claims to have discussed with me the purported escrow shortage.

**RESPONSE:** Wells Fargo objects to this Request because it seeks information that is equally available to Ms. Hodges and is unduly burdensome. Additionally, Wells Fargo objects to the extent it seeks the production and/or disclosure of privileged documents, materials, information and/or matters which are protected from disclosure by the attorney-client privilege, the work product doctrine, and/or any other potentially applicable privilege. Wells Fargo further objects to this Request on the grounds that it seeks information that is not relevant to the issues, claims, or defenses raised in this case and is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, this request is vague and overbroad, requesting documentation or recordings regarding discussions of an "escrow shortage" without any reference to date, time, or subject matter. Wells Fargo is unsure what Ms. Hodges is referring to by documents sent to Ms. Hodges regarding the "purported escrow shortage." Without waiving said objection, Wells Fargo responds that it is looking into whether or not there are recordings for telephone conversations that may be responsive to this request. If any are found, Wells Fargo will supplement its response to the extent required by the South Carolina Rules of Civil Procedure.

10. Please provide me with the name, address and telephone number of any of the Plaintiffs employees that are familiar with calculating and analyzing of the escrow statements concerning the loan in this case.

**RESPONSE:** Wells Fargo objects to this Request as it is in the format of an interrogatory and not a request for production. Further, Wells Fargo objects to the extent it requests redacted information and seeks the production and/or disclosure of privileged documents, materials, information and/or matters which are protected from disclosure by the attorney-client privilege, the work product doctrine, and/or

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any other potentially applicable privilege. Additionally, Wells Fargo objects to this discovery because the request is not consistent with the rules of discovery, is unduly broad, is overly burdensome, and is outside the scope of permissible discovery. The request seeks information not relevant to the subject matter of this lawsuit and not calculated to lead to the discovery of admissible evidence. Without waiving said objection, Wells Fargo responds that information about its employees and their contact information and employment history are not relevant to the issues in this lawsuit, and discovery of such information is not permissible. If Ms. Hodges seeks to depose a witness, Wells Fargo will provide a witness, knowledgeable in such matters, pursuant to Rule 30(b)(6) of the South Carolina Rules of Civil Procedure.

11. Please provide me with the name, address and telephone number of any of the Plaintiff's employees that are familiar with the payoff and outstanding balance of this loan.

**RESPONSE:** Wells Fargo objects to this Request as it is in the format of an interrogatory and not a request for production. Further, Wells Fargo objects to the extent it requests redacted information and seeks the production and/or disclosure of privileged documents, materials, information and/or matters which are protected from disclosure by the attorney-client privilege, the work product doctrine, and/or any other potentially applicable privilege. Additionally, Wells Fargo objects to this discovery because the request is not consistent with the rules of discovery, is unduly broad, is overly burdensome, and is outside the scope of permissible discovery. The request seeks information not relevant to the subject matter of this lawsuit and not calculated to lead to the discovery of admissible evidence. Without waiving said objection, Wells Fargo responds that information about its employees and their contact information and employment history are not relevant to the issues in this lawsuit, and discovery of such information is not permissible. If Ms. Hodges seeks to depose a witness, Wells Fargo will provide a witness, knowledgeable in such matters, pursuant to Rule 30(b)(6) of the South Carolina Rules of Civil Procedure.

12. Please provide the dates for the following endorsements on the back of the copy of the Promissory Note. One is signed by Carol Rhodes, Asst. Secretary of NVR and the other is signed by Lori K. Venegonia, Vice President of Loan Documentation of Wells Fargo Bank, N. A.

**RESPONSE:** Wells Fargo objects to this Request as it is in the format of an interrogatory and not a request for production. Further, Wells Fargo objects to this discovery because the request is not consistent with the rules of discovery. It seeks information not relevant to the subject matter of this lawsuit and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objection, Wells Fargo responds that at all times relevant to this lawsuit and to the allegations contained therein, Wells Fargo is the holder of the note and holder in

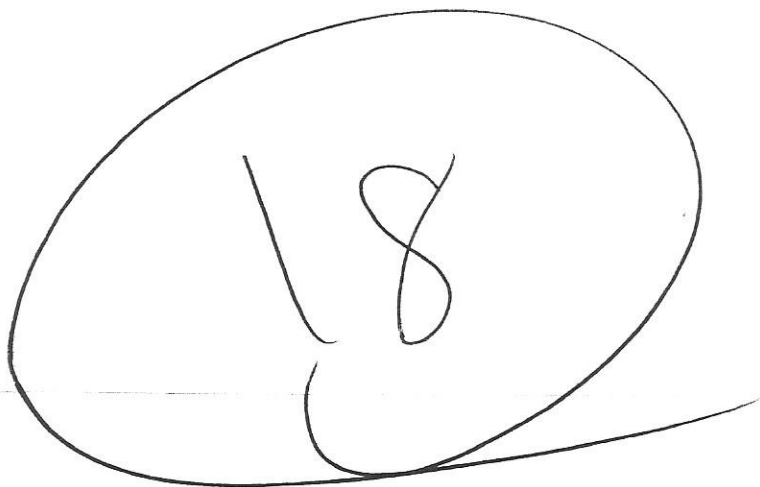
12

34

due course. Wells Fargo is in physical possession of the original note, which Ms. Hodges has inspected.

13. Please provide all other missing pages including cover pages requested for faxes in my third request for production of documents.

**RESPONSE:** Wells Fargo objects to this Request to the extent it requests redacted information and seeks the production and/or disclosure of privileged documents, materials, information and/or matters which are protected from disclosure by the attorney-client privilege, the work product doctrine, and/or any other potentially applicable privilege. Additionally, Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objection, Wells Fargo has previously provided Ms. Hodges all documents responsive to her Third Requests for Production of Documents and lacks the information from the Request to determine what if any additional documents Ms. Hodges seeks.

A large, hand-drawn oval containing the handwritten characters 'V8'. The 'V' is on the left and the '8' is on the right, both written in a simple, cursive style.A small, hand-drawn oval containing the handwritten characters '27'. The characters are written in a simple, cursive style.

**SEPARATE STATEMENT - IMPORTANCE OF THE SELECTED**

**INTERROGATORIES TO MY CASE:**

Item 1

Answer to this question, shows that the Plaintiff made false statements in the complaint,  
And a fraudulent loan modification decision.

Item 2

Answer to this question, shows that the subject property is non owner occupied and the Plaintiff  
was negligent in Its procedures to determine that I am a successor in interest according to the  
promulgated Rules set for my the US Consumer Financial protection bureau.

Item 3

Answer to this question, will provide with information as to whom had access and information  
Concerning the determination of my loan modification request. The Plaintiff is required in the  
mortgage contract to abide by HUD regulations. HUD regulations and contract law call for  
Mitigation of loss.

Item 4 and 5

Answer to these questions will show that the Plaintiff failed to apply the ability to repay rules, in  
making its determination, as to whether or not I qualified for a loan modification.

**SEPARATE STATEMET - IMPORTANCE OF THE SELECTED PRODUCTION OF**

**INFO AND DOCS TO MY CASE:**

Item 5

Answer to this question will show the date and time that the Plaintiff had information

(9)

30

And verified that the subject property is in fact owner occupied and that the plaintiffs

Item 7

Will provide me with information as to whom had knowledge concerning my loan modification request and would allow me to set up a deposition.

Item 8

Will provide me with information as to whom my loan modification denial letter was faxed to and would allow me to set a deposition, as the Plaintiff has object to the standard interrogatories for witness, selecting the defendants in this case as witnesses.

Item 8

Would provide me with further knowledge, as to whom had access to information concerning my loan modification application, as it applies to the Plaintiff claim, as the plaintiff caused the delinquency.

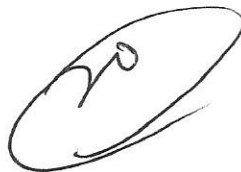
Item 9

Will provide with information as to whom has knowledge of the plaintiff's claim that it supposedly paid the county of Greenville approximately \$3,000 in November of 2016 and allow me to set up a deposition and to prove that the Plaintiff has provided the court with a fraudulent statement, in the complaint (paragraph 12) as to the amount of the debt that it seeks to collect.

Item 10

Will provide me with information as to whom has knowledge of the transactions concerning my escrow statement, which lead to the fraudulent numbers contained in the plaintiffs complaint and how and why the plaintiff claimed that the property is non owner occupied.

Item 11



Would provide me with information as to whom has knowledge of the plaintiff claim concerning the debt in this action, as the plaintiff objected to the standard interrogatories, requesting witnesses.

Item 12

Will show how the plaintiff supposed came into possession of the debt, as the paintiff has objected to request for a chain to title.

Item 13

Will show exactly what day and time the Plaintiff had information concerning my status, as a successor interest.

Respectfully submitted,



Michelle Hodges 6/13/19

Pro Se defendant

EXHIBITS ATTACHED



MICHELLE HODGES  
6 Young Harris DR  
Simpsonville, SC 29681  
864-714-5263

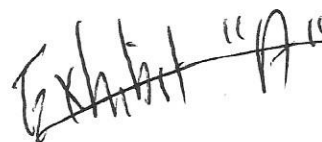
STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
 )  
COUNTY OF GREENVILLE )  
 )  
Wells Fargo Bank, NA )  
 )  
Plaintiff ) CASE #2017CP2308016  
 ) **JURY requested**  
 )  
Michelle Hodges, Individually: Michelle Hodges )  
as Personal Representative of the Estate of Ruth )  
Ladson Witherspoon: Stanley Witherspoon : SC )  
Housing Corp.: Twin Creeks Homeowners )  
Association, Inc.; )  
 )  
Defendants, ) **DEFENDANT, Michelle Hodges**  
 )  
 ) FOURTH SET OF REQUESTS FOR  
 ) INTERROGATORIES/ADMISSIONS  
 ) AND PRODUCTION OF DOCUMENTS

COMES NOW Defendant, Michelle Hodges individually, proceeding pro se and propounds the following Interrogatories, pursuant to SCRCP Rule 26, 33, 34 and 36, to be answered under oath and within 30 days and sent to my home address or my PO Box 95 – Mauldin, SC 29662, if sending via certified mail.

**DEFINITIONS AND INSTRUCTIONS**

Unless otherwise indicated the following Definitions and Instructions shall be applicable.

(a) "You and Your" refers to the party to whom these Requests for Production of Documents are addressed, and includes the knowledge and information held by your agents, employees,



partners, servants and representatives and found within and among the records held and maintained by you.

(b) The terms "person" and "persons" include natural persons firms, associations, partnerships, corporations and other legal entities and includes principals, employees, agents, attorneys, consultants and other representatives


(c) "Communication" means any transmission, exchange, or imparting of information or thoughts by oral, written, pictorial or other means, including but not limited to personal conversations, conferences, telephone conversations, electronic mail, computer disk or other media, reports and publications, and shall include any means of conveying a message from one or more persons to one or more Persons, and shall be given the broadest possible interpretation.

(d) Notwithstanding any other limiting language to the contrary, identify or a request for identification or identity means:

(e) when used with respect to a natural person: to state that person's full name, last known address and telephone number; last known job or position and employer's name; and all past jobs, positions and business affiliations with the Defendant;

(2) when used with respect to a person other than a natural person! the full name and type of organizations, the address of its principal place of business (including street: name and number, city or town, state, zip code and telephone number) and the jurisdiction and place of its incorporation or organization;

(3) when used with respect to a document (a) a general description of the type of document (e.g., letter, record, list, memorandum, report), (b) the date and, if applicable, title of the document; (c) identification of the addressees) and/or other recipient(s) of the document; (d) identification of the person(s) who has possession, custody of control over the original documents; (e)

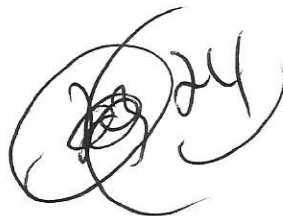
A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a surname, all enclosed within a large, loopy oval stroke.A handwritten signature in black ink, consisting of a large, stylized initial 'L' followed by a surname, all enclosed within a large, loopy oval stroke.

identification of each person who has possession, custody or control over each copy of the document; (f) a description of the general nature of the subject matter of the document, and (g) if the documents was, but no longer is in your custody, possession or control, the disposition that was made of the document, the date of such disposition, the location of all duplicates or copies, all persons who have seen the documents, duplicates or copies, all other documents that refer or relate to the disposed of document and as much detail as possible about the content of the document. Any identification of a document should be made with no less than reasonable particularity to the applicable discovery production of the document pursuant to the applicable discovery rule pertaining to discovery of documents.

(4) when referring to a communication, state the type of communication (examples: "conversation" "conference", "letter" etc.), the date thereof, and the parties thereto; if the Communication comprises a document to identify the document as set forth above; if the communication comprises a conversation, to state the substance, place and approximate time thereof, and the identities of the parties thereto as well as others who were present or privy to the conversation; and

(5) when used in reference to an act or occurrence: to state the substance of the act or occurrence; the date, time and place of performance of the act or occurrence; and to identify all other persons present. (e) A communication or document "relating", "related" or "which relates" to any given subject means a communication or document that constitutes, contains, embodies, evidences, reflects, identifies, states, refers to, deals with, bears upon, or is in any way pertinent to that subject, including without limitation documents concerning the preparation of other documents.

(f) "Documents" refers, without limitation, to any medium upon which information can be reached and also all copies, drafts, or reproductions of any document, in any tangible form or



which can be put into tangible form, including, without limiting the generality of the foregoing, any form of writing or memorialization relating to any means of communication. The term includes any non-identical copies of any written or graphic matter no matter how produced, recorded, stored or reproduced, including, but not limited to, any writing, letter, telegram, meeting minute, memorandum, statement, book, record, survey, map, study, handwritten notes, working paper, chart, tabulation, graph, tape, photographs, charts, microfiche, microfilm, videotape, recordings, motion pictures, plans, drawings, surveys, and electronic, mechanical, magnetic, optical or electric records or representations of any kind including data sheets, data processing cards, printout, computer disks, microfilm, index, or any other data compilation in your possession, custody or control including all drafts and non-identical copies of all such documents, including metadata. The phrase "other data compilation" includes, but is not limited to, any material stored and or accessible through a computer or other information retrieval system.

(g) When production of any document in Plaintiffs' possession is requested, such request includes documents subject to the Plaintiffs' possession, custody or control. In the event that Defendant is able to provide only part of the document(s) called for in any particular Request for Production, provide all document(s) that Defendants are able to provide and state the reason, if any, for the inability to provide the remainder. (h) Time period covered: unless otherwise indicated, each answer you provide shall give the requested information for the time period from April 1, 2012, until the present. When the information or answer requested changes during said time period, your answer shall reflect all such changes and shall give the date of each such change. (i) Duties to supplement Answers: The interrogatories contained herein are continuing in character so as to require you to file supplementary answers if you obtain further material



information or acquire additional information or knowledge at any time between the Answers to these Interrogatories and Production of these requests and the date of trial or any hearing in this case which in any way alters, supplements or otherwise affects your previous Answers or Production of Documents, you shall forthwith serve Supplemental Answers and Production of Documents, without further request, setting forth all such additional knowledge or information. Where knowledge or information in possession of a party is requested, such request includes the knowledge of that party's agents, representatives and, unless privileged, attorneys. (k) Claim of Privilege: In the event you claim any form of privilege as to any document called for by any numbered request, or that disclosure of any such document would reveal a trade secret or other form of information which merits protection under the law other than privilege you are requested to identify the said document by its date, all author(s), recipient(s), and all other persons who are known to have seen the document, and the general nature of the document without disclosing any claimed privileged information, and as to each such documents state the nature and basic of the privilege claimed; the identity and position, if any, of the person or persons supplying the attorney signing the list with the information requested in subparagraphs above. You are further requested to state whether you will permit in camera inspection by the court to determine the validity and appropriateness of such claim of privilege. (l) Wherever used herein, the singular shall be deemed to include the plural, and the plural shall be deemed to include the singular, the masculine shall be deemed to include the feminine, and the feminine shall be deemed to include the masculine, the disjunctive ("or") shall be deemed to include the conjunctive "and"), and the conjunctive ("and") shall be deemed to include the disjunctive ("or"); and each of the functional words "each," "every," "any," and "all" shall be deemed to include each of the other functional words.



INTERROGATORIES

1. What code of federal regulations did the Plaintiff utilize in its attempt to calculate a payment for my loan assistance application, for FHA HAMP in June of 2017?
2. Does the Plaintiff have procedures in place to confirm a potential successor interest?
3. Please explain who Melissa Peterson is, as her name appears on document number 0078 of the documents the Plaintiff provided on 1/25/19.
4. What income did the Plaintiff use in its attempt to calculate an acceptable payment, which lead to the denial of a loan modification for me.
5. What expenses did the Plaintiff use for me, which lead to the denial of the loan modification.

Respectfully served,



Michelle Hodges

Defendant

864-714-5263

6 Young Harris Dr

Simpsonville, SC 29681

PO BOX 95

Mauldin, SC 29681

~~4/9/2019~~ 4/11/19





MICHELLE HODGES  
6 Young Harris DR  
Simpsonville, SC 29681  
864-714-5263

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
 )  
COUNTY OF GREENVILLE )  
 )  
Wells Fargo Bank, NA )  
 )  
Plaintiff ) CASE #2017CP2308016  
 ) **JURY requested**  
 )  
Michelle Hodges, Individually: Michelle Hodges )  
as Personal Representative of the Estate of Ruth )  
Ladson Witherspoon: Stanley Witherspoon : SC )  
Housing Corp.: Twin Creeks Homeowners )  
Association, Inc.; )  
 )  
Defendants, ) **DEFENDANT, Michelle Hodges**  
 )  
 ) FOURTH SET OF REQUEST FOR  
 ) PRODUCTION OF INFORMATION AND  
 ) DOCUMENTS

COMES NOW Defendant, Michelle Hodges individually, proceeding pro se and propounds the following Production of Documents and information, pursuant to SCRPC Rule 26, 33, 34 and 36, to be answered under oath and within 30 days and sent to my home address or if sending certified, please send to my mailing address of PO Box 95- Mauldin, SC 29662.

**REQUEST FOR PRODUCTION OF DOCUMENTS**

1. You invited me to come to take another look at the documents, which the Plaintiff purports are the original Note and Mortgage, for which I will make an appointment.
2. Please provide me with a copy of any CD containing the conversation, in which the Plaintiff purportedly advised me of any denial reasons.
3. Please provide a copy of the documentation that I provided for my expenses concerning my loan assistance application for June of 2017.

Exhibit 1B4

28

45

4. Please provide me with a CD of the recorded conversation, in which the Plaintiff claims, that it provided me with the specific denial reasons.
5. Out of the documents that you sent to me on 1/25/2019, in response to my Third request for production of documents, please provide me with the unaltered version, showing the required fax information at the top of the documents. Pages numbered in red at the bottom left of the document 0055-0077. The documents are as follows:
  1. Mortgage Assistance Application numbered 0055-0066
  2. Form 4506T numbered 0067
  3. Affidavits number 0068 and 0069
  4. Paystubs numbered 0070-0074
  5. Deed of Distribution numbered 0075 -0077
6. Out of the documents that you sent to me on 1/25/19, the document numbers 0078-0079, in black letters is showing at the bottom left of the referenced pages; please provide me with the copies that show the required fax information at the top of each page/ the unaltered version.
7. Please provide the name of the person that the denial letter was faxed to, as the name of the person is missing from page 0078.
8. Please explain why the fax number on the cover sheet does not match the fax number of the denial letter.
9. Please provide me with any documentation or recorded conversation in which the Plaintiff claims to have discussed with me the purported escrow shortage.
10. Please provide me with the name, address and telephone number of any of the Plaintiff's employees that are familiar with calculating and analyzing of the escrow statements

46

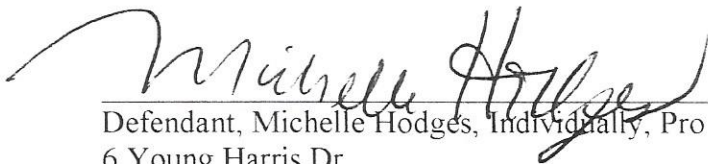
29

~~29~~

concerning the loan in this case.

11. Please provide me with the name, address and telephone number of any of the Plaintiff's employees that are familiar with the payoff and outstanding balance of this loan.
12. Please provide the dates for the following endorsements on the back of the copy of the Promissory Note. One is signed by Carol Rhodes, Asst. Secretary of NVR and the other is signed by Lori K. Venegonia, Vice President of Loan Documentation of Wells Fargo Bank, N. A.
13. Please provide all other missing pages including cover pages requested for faxes in my third request for production of documents.

Respectfully served,



Defendant, Michelle Hodges, Individually, Pro Se 4/9/2019  
6 Young Harris Dr  
Simpsonville, SC 29681  
864-714-5263  
PO Box 95  
Mauldin, SC 29662

4/11/19



MICHELLE HODGES  
6 Young Harris DR  
Simpsonville, SC 29681  
864-714-5263

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
 )  
COUNTY OF GREENVILLE )  
 )  
Wells Fargo Bank, NA )  
 )  
Plaintiff )  
 )  
Michelle Hodges, Individually: Michelle Hodges )  
as Personal Representative of the Estate of Ruth )  
Ladson Witherspoon: Stanley Witherspoon : SC) )  
Housing Corp.: Twin Creeks Homeowners )  
Association, Inc.: )  
 )  
Defendants, ) **CASE O. 2017CP208016**  
 )  
 ) **CERTIFICATE OF SERVICE**

I the undersigned defendant, Michelle Hodges, do certify that I have served the below parties, via first class mail as shown below.

Jamile J. Francis III (accepts service)  
Womble Bond Dickinson  
550 S. Main ST #400  
Greenville, SC 29601

Robert P. Wood (accepts service)  
Rogers, Townsend & Thomas  
1221 S. Main ST 14<sup>th</sup> Floor  
Columbia, SC 29201

Certified Mail  
S. Sterling Laney, III Partner  
Womble Bond Dickinson  
550 S. Main Street #400  
Columbia, SC 29601

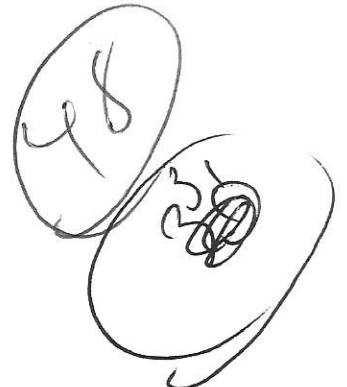
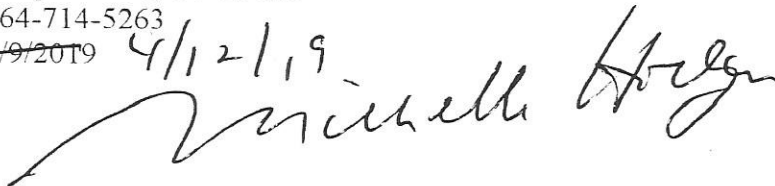
H. Guyton Murrell  
Tracey C. Easton  
SC Housing Corp  
300-C Outlet Pointe Blvd  
Columbia, SC 29210

Michelle Hodges, Defendant

MICHELLE HODGES  
6 Young Harris DR  
Simpsonville, SC 29681  
864-714-5263

~~4/9/2019~~

4/12/19



**MICHELLE HODGES**  
**6 Young Harris DR**  
**Simpsonville, SC 29681**  
**864-714-5263**

May 24, 2019

Mr. S. Sterling Laney, III  
WOMBLE, BOND & DICKINSON  
550 S Main St #400  
Greenville, SC 29601

RE: Case # 2017CP2308016 Meet and Confer regarding  
4<sup>th</sup> set of Interrogatories/Admissions/Request for Production

Mr. Laney:

Please take notice that I plan to file a motion to compel and a motion for sanctions within the next 10 days, due to the fact that I have not received full answers to my **FOURTH SET OF INTERROGATORIES/ADMISSION/REQUEST FOR PRODUCTION OF DOCS. :**

- A The Plaintiff's Responses to my Interrogatories have not been received within 30 days, as the Plaintiff's verification of the Interrogatories has not been attached to the responses
- B Privilege logs have not been provided for claimed general objections and privileges for Interrogatories 1 through 5, Admissions nor Requests for Production of documents. Further, the Plaintiff's Preliminary Statement under item C page 2 of the Plaintiff's Responses to Interrogatories, containing objections to providing Privilege logs is not proper, nor contemplated by the SCRPC. Further, there has not been any agreed upon scheduling order, as suggested or any agreed upon rolling basis to provide the requested interrogatories, Admissions or Production of documents. Broad objections based on general and unsupported objections are improper, insufficient, undermine the discovery process and are made in bad faith.
  - 1. Plaintiff's response to paragraph 1 has been made in bad faith, objecting to the Interrogatory 5 different ways, none of which are supported or are relevant, as A/C Privilege does not attach to laws. This Interrogatory is within the Scope of SCRPC Rule 26(b)(1) and supports my claims.
  - 2. The Plaintiff's response to paragraph 2 has been made in bad faith, objecting and then answering is not proper, nor contemplated by the SCRPC.
  - 3. The Plaintiff's Response to paragraph 3, has been made in bad faith, as the Plaintiff knows or should know that SCRPC Rule 26(b)(1) allows me to seek information that

*Exhibit C*

*[Handwritten initials/signature]*

RECEIVED

Jul 30 2021

SC Court of Appeals

relates to my counterclaims or my defense and to discover the identity and location of persons having knowledge of any discoverable matter. And in this case, "it is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears to lead to the discovery of admissible evidence" per Rule 26(b)(1). Further, under Rule 33(b)(1) shows standard interrogatories and the Plaintiff is required to give the names and addresses of persons known to the parties or counsel to be witnesses concerning facts of the case and indicate whether or not a written or recorded statement have been taken from the witnesses and indicate who has possession of such statements.

4. The Plaintiff's responses to paragraph 4 has been made in bath faith, as the Interrogatory is within the scope of SCRCP Rule 26(b)(1) and supports my counterclaim. And if the Plaintiff is claiming Privilege for all 5 Interrogatories, the Plaintiff's claim must be handle in accordance with SCRCP Rule 26(b)((5)(A) and (B), by making the claim expressly and describing the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing the information itself privileged or protect, to enable other parties to assess the applicability of the privilege or protection. Further, concerning equal access, I do not have access to the Plaintiff's files, therefore the information, I seek is under the control and is uniquely in the possession of the Plaintiff.
5. The Plaintiff's responses to paragraph 5 has been made in bad faith ... see my paragraph 4 above as it also applies to the Plaintiff's response Interrogatory number 5.

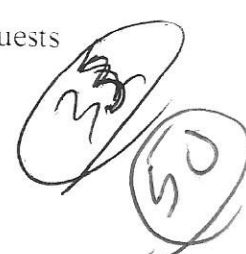
Please provide full answers for my above mentioned Fourth Set of Interrogatories.

Please take notice that I plan to file a motion to compel and a motion for sanctions within the next 10 days, due to the fact that I have not received full answers to my **FOURTH SET OF ADMISSIONS:**

The Plaintiff has denied 1 – 16 requests for admission, which are requests to admit the genuiness of the documents, claiming that the number of admissions have been exceeded the allowable number of admissions. When in fact 1 – 15 are requests to admit guniness of the documents. Out of all 4 sets of requests for admissions the total number of admission of facts is and the total to admit genuiness is and according to SCRCP Rule 36(c), requests to admit the genuineness of documents or tangible things are not limited to any number of documents or things. Therefore I have not exceeded the allowable number of admissions. And I request that the Plaintiff answer my Fourth set of Admissions accordingly.

First set of admissions contained 10 requests for admission. Out of the 10 requests for adissions all ten were requests concerning the facts of the case

Second set of admissions contained 10 requests for admission. Out of the 10 requests 4 requested facts about the case and 6 were requests for genuiness of documents.



Third requests for admission contained 4 requests for admission. All of which were requests for genuiness of documents

Fourth requests for admission contained 16 requests. Out of the 16 requests 1 request had been a request concerning facts of the case and all others were requests for genuiness.

Therefore 15 requests for admissions were requests concerning facts of the case and I am allowed another 5 requests concerning facts of the case and my counter claims.

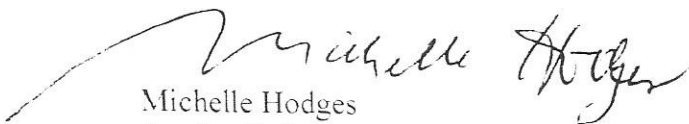
Please fully answer all Fourth set of Requests for Admissions, as all requests have been made within the scope of rule 26(b)(1).

**Fourth Set of request for production of documents** Please fully answer all requests for production of documents as the requests are within the scope of Rule 26(b)(1) and Rule 34 and any requests that are in the form or an Interrogatory. I will request, as an Interrogatory. Further any information in the Plaintiff's possession for which the Plaintiff claims that I may have equal access, the Plaintiff is still required to produce the information that it has and in the form that it is kept in the normal course of business.

Please fully answer all Interrogatories, Admissions and Requests for production of documents within 10 days of the date of this letter. I plan to file a motion for sanctions for discovery abuse, failure to answer discovery responses timely, failure to cooperate in discovery and a Motion to compel further discovery.

Note: I inadvertently requested witnesses under the production of documents and will correct this in my next set of interrogatories and these are standard interrogatories, within the scope of rule 26.

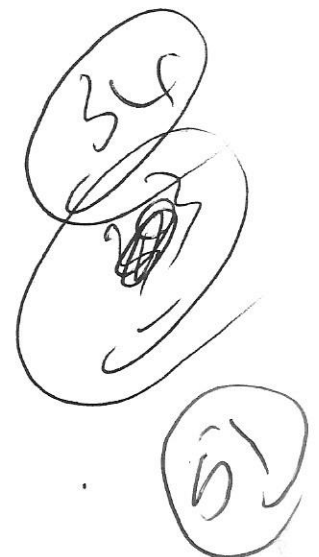
Respectfully submitted.



Michelle Hodges  
Pro Se, Defendant

Cc: SC Housing

Attached: Cert of Service



MICHELLE HODGES  
6 Young Harris DR  
Simpsonville, SC 29681  
864-714-5263

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	
	)	
Wells Fargo Bank, NA	)	
	)	
Plaintiff	)	
	)	
Michelle Hodges, Individually; Michelle Hodges	)	
as Personal Representative of the Estate of Ruth	)	
Ladson Witherspoon; Stanley Witherspoon; SC	)	
Housing Corp.; Twin Creeks Homeowners	)	
Association, Inc.;	)	
	)	CASE O. 2017CP208016
Defendants,	)	
	)	CERTIFICATE OF SERVICE
<b>COUNTERCLAIM</b>	)	
	)	
Michelle Hodges,	)	
	)	
Counterclaim Plaintiff	)	
	)	
Wells Fargo Bank, NA	)	
Counterclaim Defendants	)	

I the undersigned defendant, Michelle Hodges, do certify that I have served the below parties, via first class mail as shown below:

Jamile J. Francis III (accepts service)  
Womble Bond Dickinson  
550 S. Main ST #400  
Greenville, SC 29601

Robert P. Wood (accepts service)  
Rogers, Townsend & Thomas  
1221 S. Main ST 14<sup>th</sup> Floor  
Columbia, SC 29201

Certified Mail  
S. Sterling Laney, III Partner  
Womble Bond Dickinson  
550 S. Main Street #400  
Columbia, SC 29601

H. Guyton Murrel  
Tracey C. Easton  
SC Housing Corp  
300-C Outlet Pointe Blvd  
Columbia, SC 29210

Michelle Hodges, Defendant

*Michelle Hodges* 5/24/19

MICHELLE HODGES  
6 Young Harris DR  
Simpsonville, SC 29681  
864-714-5263

May 24, 2019

Mr. S. Sterling Laney, III  
WOMBLE, BOND & DICKINSON  
550 S Main St #400  
Greenville, SC 29601

RE: Case # 2017CP2308016 Meet and Confer regarding  
4<sup>th</sup> set of Interrogatories/Admissions/Request for Production

Mr. Laney:

Please take notice that I plan to file a motion to compel and a motion for sanctions within the next 10 days, due to the fact that I have not received full answers to my **FOURTH SET OF INTERROGATORIES/ADMISSION/REQUEST FOR PRODUCTION OF DOCS. :**

- A. The Plaintiff's Responses to my Interrogatories have not been received within 30 days, as the Plaintiff's verification of the Interrogatories has not been attached to the responses
- B. Privilege logs have not been provided for claimed general objections and privileges for Interrogatories 1 through 5, Admissions nor Requests for Production of documents. Further, the Plaintiff's Preliminary Statement under item C page 2 of the Plaintiff's Responses to Interrogatories, containing objections to providing Privilege logs is not proper, nor contemplated by the SCRPC. Further, there has not been any agreed upon scheduling order, as suggested or any agreed upon rolling basis to provide the requested interrogatories, Admissions or Production of documents. Broad objections based on general and unsupported objections are improper, insufficient, undermine the discovery process and are made in bad faith.
  1. Plaintiff's response to paragraph 1 has been made in bad faith, objecting to the Interrogatory 5 different ways, none of which are supported or are relevant, as A/C Privilege does not attach to laws. This Interrogatory is within the Scope of SCRPC Rule 26(b)(1) and supports my claims.
  2. The Plaintiff's response to paragraph 2 has been made in bad faith, objecting and then answering is not proper, nor contemplated by the SCRPC.
  3. The Plaintiff's Response to paragraph 3, has been made in bad faith, as the Plaintiff knows or should know that SCRPC Rule 26(b)(1) allows me to seek information that

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relates to my counterclaims or my defense and to discover the identity and location of persons having knowledge of any discoverable matter. And in this case, "it is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears to lead to the discovery of admissible evidence" per Rule 26(b)(1). Further, under Rule 33(b)(1) shows standard interrogatories and the Plaintiff is required to give the names and addresses of persons known to the parties or counsel to be witnesses concerning facts of the case and indicate whether or not a written or recorded statement have been taken from the witnesses and indicate who has possession of such statements.

4. The Plaintiff's responses to paragraph 4 has been made in bath faith, as the Interrogatory is within the scope of SCRCF Rule 26(b)(1) and supports my counterclaim. And if the Plaintiff is claiming Privilege for all 5 Interrogatories, the Plaintiff's claim must be handle in accordance with SCRCF Rule 26(b)((5)(A) and (B), by making the claim expressly and describing the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing the information itself privileged or protect, to enable other parties to assess the applicability of the privilege or protection. Further, concerning equal access, I do not have access to the Plaintiff's files, therefore the information, I seek is under the control and is uniquely in the possession of the Plaintiff.
5. The Plaintiff's responses to paragraph 5 has been made in bad faith ... see my paragraph 4 above as it also applies to the Plaintiff's response Interrogatory number 5.

Please provide full answers for my above mentioned Fourth Set of Interrogatories.

Please take notice that I plan to file a motion to compel and a motion for sanctions within the next 10 days, due to the fact that I have not received full answers to my **FOURTH SET OF ADMISSIONS:**

The Plaintiff has denied 1 – 16 requests for admission, which are requests to admit the guniuness of the documents, claiming that the number of admissions have been exceeded the allowable number of admissions. When in fact 1 – 15 are requests to admit guniness of the documents. Out of all 4 sets of requests for admissions the total number of admission of facts is and the total to admit genuiness is and according to SCRCF Rule 36(c), requests to admit the genuinness of documents or tangible things are not limited to any number of documents or things. Therefore I have not exceeded the allowable number of admissions. And I request that the Plaintiff answer my Fourth set of Admissions accordingly.

First set of admissions contained 10 requests for admission. Out of the 10 requests for adissions all ten were requests concerning the facts of the case.

Second set of admissions contained 10 requests for admission. Out of the 10 requests 4 requested facts about the case and 6 were requests for genuiness of documents.

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Third requests for admission contained 4 requests for admission. All of which were requests for genuiness of documents

Fourth requests for admission contained 16 requests. Out of the 16 requests 1 request had been a request concerning facts of the case and all others were requests for genuiness.

Therefore 15 requests for admissions were requests concerning facts of the case and I am allowed another 5 requests concerning facts of the case and my counter claims.

Please fully answer all Fourth set of Requests for Admissions, as all requests have been made within the scope of rule 26(b)(1).

**Fourth Set of request for production of documents.** Please fully answer all requests for production of documents as the requests are within the scope of Rule 26(b)(1) and Rule 34 and any requests that are in the form or an Interrogatory, I will request, as an Interrogatory. Further any information in the Plaintiff's possession for which the Plaintiff claims that I may have equal access, the Plaintiff is still required to produce the information that it has and in the form that it is kept in the normal course of business.

Please fully answer all Interrogatories, Admissions and Requests for production of documents within 10 days of the date of this letter. I plan to file a motion for sanctions for discovery abuse, failure to answer discovery responses timely, failure to cooperate in discovery and a Motion to compel further discovery.

Note: I inadvertently requested witnesses under the production of documents and will correct this in my next set of interrogatories and these are standard interrogatories, within the scope of rule 26.

Respectfully submitted,



Michelle Hodges  
Pro Se, Defendant

Cc: SC Housing

Attached: Cert of Service



MICHELLE HODGES  
6 Young Harris DR  
Simpsonville, SC 29681  
864-714-5263

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF GREENVILLE )  
Wells Fargo Bank, NA )  
Plaintiff )  
Michelle Hodges, Individually; Michelle Hodges )  
as Personal Representative of the Estate of Ruth )  
Ladson Witherspoon; Stanley Witherspoon : SC )  
Housing Corp.; Twin Creeks Homeowners )  
Association, Inc.; )  
Defendants, ) **CASE O. 2017CP208016**  
**COUNTERCLAIM** ) **CERTIFICATE OF SERVICE**  
Michelle Hodges, )  
Counterclaim Plaintiff )  
Wells Fargo Bank, NA )  
Counterclaim Defendants )

I the undersigned defendant, Michelle Hodges, do certify that I have served the below parties, via first class mail as shown below.

Jamile J. Francis III (accepts service)  
Womble Bond Dickinson  
550 S. Main ST #400  
Greenville, SC 29601

Robert P. Wood (accepts service)  
Rogers, Townsend & Thomas  
1221 S. Main ST 14<sup>th</sup> Floor  
Columbia, SC 29201

Certified Mail  
S. Sterling Laney, III Partner  
Womble Bond Dickinson  
550 S. Main Street #400  
Columbia, SC 29601

H. Guyton Murrel  
Tracey C. Easton  
SC Housing Corp  
300-C Outlet Pointe Blvd  
Columbia, SC 29210

Michelle Hodges, Defendant

*Michelle Hodges* 5/24/19

*5/24/19*  
*309*  
*208*

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STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
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Michelle Hodges, Individually: Michelle Hodges )  
as Personal Representative of the Estate of Ruth )  
Ladson Witherspoon: Stanley Witherspoon : SC )  
Housing Corp.: Twin Creeks Homeowners )  
Association, Inc.; )  
) **CASE O. 2017CP208016**  
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**COUNTERCLAIM** )  
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Counterclaim Plaintiff )  
)  
Wells Fargo Bank, NA )  
Counterclaim Defendants )

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Michelle Hodges, Defendant

*Michelle Hodges 6/14/15*

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