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The Supreme Court of South Carolina

JP Morgan Chase Bank National Association,
Respondent,

v.

Robert W. Wazney, Petitioner.

Appellate Case No. 2019-000304
Lower Court Case No. 2016CP4300733

ORDER

Based on the failure of the petitioner to pay the \$250 filing fee required by this Court's order dated February 27, 2019, this appellate case is dismissed.

FOR THE COURT

BY _____



CLERK


Columbia, South Carolina
April 3, 2019

cc: Reginald Patrick Corley, Esquire
Benjamin Rush Smith, III, Esquire
Nicholas Andrew Charles, Esquire
Jenny Abbott Kitchings, Esquire
Mr. Robert William Wazney, 00363679

The South Carolina Court of Appeals

JP Morgan Chase Bank National Association,
Respondent,

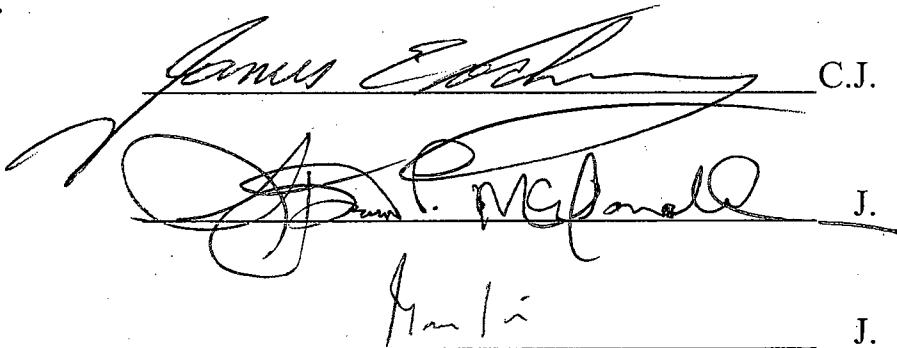
v.

Robert W. Wazney, Appellant.

Appellate Case No. 2018-001505

ORDER

This court construes Appellant's motion to reinstate as a petition for rehearing of the dismissal of this appeal, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.¹



James E. C. Eason, C.J.
John P. McDonald, J.
Mark L. McIntosh, J.

Columbia, South Carolina

cc:

Robert William Wazney, 00363679
Reginald Patrick Corley, Esquire
Benjamin Rush Smith, III, Esquire
Nicholas Andrew Charles, Esquire

FILED

February 6, 2019

¹ To the extent Appellant timely moved to proceed *in forma pauperis*, the motion is denied pursuant to *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995).

Appendix B

STATE OF SOUTH CAROLINA
COUNTY OF SUMTERIN THE COURT OF COMMON PLEAS
C/A # 2016-CP-43-00733JPMorgan Chase Bank National
Association

Plaintiff,

vs.

Robert W. Wazney

Defendant.

ORDER

This litigation has a contentious history. It was instituted as a foreclosure action by JPMorgan Chase Bank (the Bank) against Robert W. Wazney on property located at 2040 Hideaway Drive, Sumter County, South Carolina. At the time the action was commenced, Wazney was (and still is) an inmate at the South Carolina Department of Corrections. As a result of this legal disability, Kelly Yarborough Woody, Esq. was appointed as Guardian ad Litem for him.

A number of hearings have been held in connection with this matter and on at least one occasion, before the Honorable Richard L. Booth (now deceased), Wazney was transported and testified in a proceeding where he moved to alter or amend the judgment for foreclosure entered by Judge Booth. The motion was denied and the services of the Guardian ad litem were terminated.

After the death of Judge Booth, I was appointed as the Interim Master in Equity for Sumter County and a hearing was held to update the Total Debt from the previous foreclosure decree and to schedule a sale. No substantive changes were made in the decree except the updated total debt figures and resulted in the judgment and notice of sale dated June 14, 2018.

Wazney has made a motion to alter or amend that judgment pursuant to South Carolina Rules of Civil Procedure (SCRCP) rule 59(g). Although there is some question as to whether that motion has been properly filed and served, the Court wishes to address the motion in order to avoid further delay.

APPENDIX B

First Wazney contends he was not permitted to attend the hearing on June 14th "so that I may bring my complaints and defenses and objections to Plaintiffs standing and service of applicable banking or consumer laws" These issues have been resolved at previous hearings where Wazney was either present or represented by the Guardian ad Litem, Kelly Woody. this Court has no jurisdiction or authority to alter or amend the judgment of Judge Booth.

Second, Wazney claims that "the Court has not ruled upon my Motions issued and presented to the Court e.g. attached Complaint". There are no motions file that have not been heard, only a document entitled "Complaint" and purports to be asking for damages. This would be a separate cause of action and would have to filed separately in accordance with the SCRCP.

Third, Wazney complains that he has not been supplied with transcripts of the proceedings. There are no transcripts of the proceedings, only the record of the hearings which are filed with the Clerk of Court and available to him.

Fourth, Wazney claims he "denied Plaintiffs allegations in this case because Plaintiff has violated terms of our agreement". This issue has been resolved by previous orders that are the law of the case and cannot now be challenged by a motion to amend.

Fifth, a contention the the Clerk of Court has not performed his duty is not a proper grounds for amending a judgment or decree. There are appropriate remedies available to Wazney if he wishes to pursue this complaint.

Finally, there is no pending appeal and the Court is not aware of any bankruptcy. A previous appeal to the South Carolina Court of Appeals was dismissed and a remitter sent to this Court reinstating the Circuit Court jurisdiction. no notice of bankruptcy has been filed or served in this case.

For the forgoing reasons, the Motion to alter or Amend is DENIED.
AND IT IS SO ORDERED!

Howard P. King
Interim Master in Equity
Sumter County

Sumter, SC

July ___, 2018.

APPENDIX C

THE SUPREME COURT OF SOUTH CAROLINA

JPMorgan Chase Bank National Association,
Respondent,

v.

Robert W. Wazney, Petitioner.
Appellate Case No. 2019-000304

ORDER

This matter involves the review of the decision of the South Carolina Court of Appeals in Appellate Court Case Number 2018-001505.

Petitioner's motion to proceed in forma pauperis is denied. *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995). Further, petitioners motion for appointed counsel is denied.

As to the request for an extension of time, the time to serve and file the petition for a writ of certiorari and appendix is hereby extended until March 28, 2019. if the petition for a writ of certiorari and appendix, along with the \$250 filing fee required by Rule 242(c) of the South Carolina Appellate Court Rules, is not filed by that date, this matter will be dismissed.

6 set 17 <signature of D. Beatty>

C.J.

FOR THE COURT

Columbia, South Carolina

February 27, 2019

cc: Reginal Patrick Corely, Esquire
Benjamin rush Smith, III, Esquire
Nicholas Andrew Charles, Esquire
Jenny Abbott Kitchings, Esquire
Mr. Robert William Wazney, 00363679

(conformed copy)

APPENDIX C

APPENDIX D

THE SUPREME COURT OF SOUTH CAROLINA

JPMorgan Chase Bank National Association,

Respondent,

vs

v.

Robert W. Wazney, Petitioner.

Appellate Case No. 2019-000304

Lower Court Case No. 2016-CP-43-00733

ORDER

Petitioner seeks rehearing of the order dismissing this matter for failure to pay the filing fee. The petition for rehearing is denied.

<signature of D. Beatty> C.J.

<signature of John Kitteredge> J.

<signature of Kaye G. Hearn> J.

<signature of John C. Few> J.

<signature of George James Jr.> J.

Columbia, South Carolina

June 11, 2019

cc: Reginald Patrick Corely, Esquire
Benjamin Rush Smith, III, Esquire
Nicholas Andrew Charles, Esquire
The Honorable Jenny Abbott Kitchings, Esquire
The Honorable James C. Campbell
Mr. Robert William Wazney, 00363679

(conformed copy)

APPENDIX D

**Additional material
from this filing is
available in the
Clerk's Office.**