

Aug 11 2022

From: Carol Ann Honeycutt
To: Court Of Appeals Filings
Subject: Appeal on Civil Case No. 2020-CP-26-05267 in the Fifteenth Judicial District, 25th Avenue LLC v. Carol Ann Honeycutt
Date: Thursday, August 11, 2022 5:43:21 PM

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STATE OF SOUTH CAROLINA )
) APPELLATE COURT
)
) 2020-CP-26-05267
) COMMON PLEAS CASE NUMBER
)
) FIFTEENTH JUDICIAL CIURCUIT
) COURT
)
)
)
) CAROL ANN HONEYCUTT
)
)
) APPELLANT ) IN THE APPELATE COURT OF
)
) SOUTH CAROLINA
)
) VS. ) NOTICE OF CIVIL APPEAL
)
)
) 25TH AVENUE LLC )
)
) RESPONDENT

The defendant, Carol Ann Honeycutt hereby gives notice of appeal from the judgment of the court of Common Pleas in the above action, to the Appellate Court of South Carolina.

This notice of appeal is made subsequent to no Notice and no Order on a Motion titled SECOND MOTION TO VACATE THE ORDER OF JUNE 30, 2022, AND MOTION FOR A COURT ROOM HEARING FOR THE ENTIRE COMPLAINT (Eviction and Breach of Contract) was filed on July 25, 2022. No personal notice of the judgment was received because no Notice was given.

The appellant's exceptions to the judgment of the Fifteenth Judicial Circuit Court judge are set forth as follows:

- 1. This case is involves multiple breaches of a contract, a LEASE AND CONTRACT OF SALE. The

Plaintiff is the seller and the defendant is the buyer. The Plaintiff gave the house on the property to defendant on December 8, 2005. The breach began when the Plaintiff decided he wanted the house back in December 2019. Plaintiff contrived a scenario to force the defendant out of the property without trying to negotiate a change in terms of the original contract.

2. On May 31, 2022, a Motion hearing was held at the request of plaintiff's attorney. The MOTION TO AMEND PETITION FOR EJECTMENT. The roster schedule on that day was to hear the motion to amend plaintiff's petition.
3. This was a WEBEX hearing held the first morning or the first day that Judge Kristi Curtis served for the Fifteenth Judicial District.
4. The hearing was chaotic and disorganized. Defendant could not hear conversations between the Plaintiff's attorney and the judge. The judge did not have my Answer and documents in front of her. She tried to look documents up on her phone during the hearing. The judge selected the documents herself; the defendant had no chance to direct the judge to appropriate documents.
5. Plaintiff's attorney conflated the hearing into an Ejectment hearing.
6. The defendant had no due process. The defendant had no ejectment hearing: the defendant was not notified that this was to be an ejectment hearing because it was not listed as such in the roster. The defendant had no chance to prepare for such a hearing, no chance to confront her accuser, no chance to present evidence, no chance to call witnesses. The defendant could not cross examine.
7. The plaintiff's attorney presented her version of the information and an Affidavit signed by the plaintiff.
8. After 30 days of taking the Motion under advisement the judge signed the order: ORDER GRANTING PLAINTIFF'S MOTION FOR EJECTMENT HEARING AND PLAINTIFF'S MOTION TO AMEND.
9. The Order signed on June 30, 2022, and was first seen by the defendant on ejected the defendant without a hearing. A hearing was not scheduled, the motion to amend hearing was conflated into an ejectment.
10. The defendant filed a MOTION TO VACATE, STAY, AND/OR AMEND ORDER OF JUNE 30, 2022, AND MOTION FOR A COURT ROOM HEARING on July 13, 2022.
11. The defendant filed a SECOND MOTION TO VACATE THE ORDER OF JUNE 30, 2022, AND MOTION FOR A COURT ROOM HEARING FOR THE ENTIRE COMPLAINT (Eviction and Breach of Contract) on July 25, 2022.
12. On July 26, 2022, the judge DENIED the first motion.
13. On August 2, 2022, the defendant filed a Notice to Demand that the Judge recuse herself. By August

3, 2022, the judge had not responded to the second motion.

14. At an unknown time after August 3, 2022, the “Completion Date” for the second motion was back dated to July 26, 2022, and entered into the Actions record for the case.. This would be impossible since no action had been taken on the second motion as of August 2, 2022.
15. Defendant had checked for a response to the Second Motion through August 5, 2022, and found no response. On August 10, 2022, defendant found the back dated entry as a the Completion Date. No Notice was ever given to the Defendant.
16. In spite of the lack of Orders on the second motion to vacate, the defendant was Ejected from her house on August 3, 2022, by a Writ of Ejectment signed on July 18, 2022, before a judgment was given to the first MOTION TO VACATE, STAY, AND/OR AMEND ORDER OF JUNE 30, 2022, AND MOTION FOR A COURT ROOM HEARING which was filed on July 13, 2022.

Dated: August 11, 2022

Carol Ann Honeycutt  
Appellant (or his attorney)