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SC Court of Appeals

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In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes III, Master in Equity & Special Circuit Court Judge

Appeal Case No. 2021-000434
Circuit Court Case No. 2019CP0702178

Bluffton Park Community Owners' Association, Inc., Respondent,

v.

Joseph Chakyng Sun, as Trustee of The 2009 Sun's Family Trust in South Carolina, USA; Joseph Chakyng Sun, Individually; Liling Sun n/k/a Liling Walsh; Oleysa Matyushevsky; Christine Varg; and Citizens Opposed to Domestic Abuse, Defendants,

of whom Joseph Chakyng Sun, as Trustee of The 2009 Sun's Family Trust in South Carolina, USA and Joseph Chakyng Sun, Individually, Appellants.

**MOTION TO IMPOSE SANCTION AGAINST RESPONDENT'S FRAUD
and VIOLATION OF SOUTH CAROLINA APPELLATE COURT RULE 211(b)**

COME NOW, APPELLANTS JOSEPH SUN, as Trustee of the 2009 Sun's Family Trust in South Carolina, USA and JOSEPH SUN, individually move the court pursuant to Rule 240, SCACR, to impose sanction against respondent Bluffton Park Community Owners' Association, Inc. for its repeated fraud, fabrication and violation of South Carolina Appellate Court Rules and the South Carolina rules of civil procedure and show the court as follows:

1. In Appellant's Response filed on August 18, 2022 (stamped filed on August 19, 2022) to respondent's belated certificate of counsel, Appellant already pointed out that respondent violated

Rule 211(b) by omitting certain lines citations in its Final Brief because it had tried to fraudulently claim that its fabrication of fact was supported by transcript (by page) when there was actually nothing. Respondent's certificate of counsel is a farce and pretense because its final brief on the face has some page number reference pursuant to Rule 211(b) but no line reference in its brief. There was no line reference because none existed.

2. Respondent could not cite the line reference because there is no evidence in the transcript in support of its fabrication and falsity. Appellants herein cite and rely on their aforesaid filed response in support of their motion.

3. Appellants have already shown in their final brief that respondent unnecessarily obtained an order of publication using a perjured affidavit falsely claiming that Appellant could not be found in the state of South Carolina when a separate affidavit filed in the Beaufort Public Index showed an investigation report that respondent counsel already knew that Appellant had alternate resident in nearby Jasper County.

4. Based on these and numerous other fraud and fabrications at the circuit court (and now on appeal at this court), respondent Bluffton Park was able to get a decree of foreclosure from the Master in Equity on Appellants' property as part of its scheme to extort money from Appellants.

Appellants pray the court to find facts in accordance with its own view of the preponderance of the evidence. *Horry Cty. v. Ray*, 382 S.C. 76, 674 S.E.2d 519, (Ct.App. 2009) and afford a de novo review on issues of facts in this case. *Townes Assocs., Ltd. v. City of Greenville*, 266 S.C. 81, 86, 221 S.E.2d 773, 775-76 (1976). Judgment and several court orders against the Appellants at the circuit court should be reversed.

Respectfully submitted

This 30th day of August, 2022.

J. C. Sun
JOSEPH C. SUN
P. O. Box 2543
Bluffton, SC 29910
843-304-0314

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PROOF OF SERVICE

SC Court of Appeals

This is to certify that I have this date served the Respondent a copy of Appellants' Motion to Impose Sanction against the Respondent, by sending a copy of same to:

Scott M. Wild, Esq. P. O. Box 6867, Hilton Head Island, SC 29938
and by email to: scott@wildlawfirm.com

This 30th day of August, 2022.

J. C. Sun
JOSEPH C. SUN

J.C. Sun
P.O. Box 2543
Bluffton, SC 29910

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Clerk of Court

South Carolina Court of Appeals

P. O. Box 11629

Columbia, SC 29211

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