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**Jan 20 2023**

**SC Court of Appeals**

**FORM 13  
BRIEF OF APPELLANT\***

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

William P. Keesley, Circuit Court Judge

Case No. 2022CP2300922  
Appellate Case No. 2022-000741

Triangle Palisades At the Park  
Llc,

Respondent,

v.

Mercedes Boyd,

Appellant.

\_\_\_\_\_  
[INITIAL] BRIEF OF APPELLANT  
\_\_\_\_\_

Mercedes Boyd  
805 Mauldin Road Apt 2306  
Greenville, South Carolina 29607  
(864) 230-8046  
Appellant

TABLE OF CONTENTS

Table of Authorities ..... ii

Statement of Issues on Appeal ..... 1

Statement of the Case..... 1

Standard of Review ..... 1

Facts ..... 1

Arguments

1. THE COURT ERR IN CONFIRMING THE PLAINTIFF AND PARTIES TO THE CLAIM OCCUPIED IN THE CORRECT CAPACITY AND STATUS IN WHICH THE CLAIM WAS FILED..... 3

2. DID THE RESPONDENT PARTICIPATE IN FALSE AND MISLEADING DEBT COLLECTION ACTIVITIES THAT INCLUDED MISREPRESENTATION OF THE ALLEGED DEBT ACCORDING TO FEDERAL LAW ..... 3

3. PALISADES AT THE PARK AND ITS AGENTS INTENTIONALLY DISCRIMINATE AGAINST MERCEDES BOYD THROUGH RETALIATION-----3

Conclusion ..... 3

TABLE OF AUTHORITIES\*

CASES

Romea v. Heiberger & Associates, Supra.....2  
Heintz v. Jenkins, Supra..... 2  
Castillo v. Balsamo Rosenblatt & Cohen, P.C...... 2  
Peters v. Jenney, 327 F.3d 307, 318(2003)----- 2  
Chandamuri v. Georgetown University-----2  
Jackson v. Birmingham Bd. Of Educ., 544 U.S. 167, 173-74(2005)-----2  
  
ARGUMENTS-----3

STATUTES

15 U.S. Code § 1692e .....2  
15 U.S.Code § 1692g.....2

OTHER AUTHORITIES

## STATEMENT OF ISSUES ON APPEAL

1. DID THE COURT ERR IN CONFIRMING THE PLAINTIFF AND PARTIES TO THE CLAIM OCCUPIED IN THE CORRECT CAPACITY AND STATUS IN WHICH THE CLAIM WAS FILED? DID THE TRIAL COURT ERR IN CHARGING THE JURY THAT FRAUD MUST BE PROVED BY A PREPONDERANCE OF THE EVIDENCE?
2. DID THE RESPONDENT PARTICIPATE IN FALSE AND MISLEADING DEBT COLLECTION ACTIVITIES THAT INCLUDED MISREPRESENTATION OF THE ALLEGED DEBT ACCORDING TO FEDERAL LAW?
3. DID PALISADES AT THE PARK AND ITS AGENTS INTENTIONALLY DISCRIMINATE AGAINST MERCEDES BOYD THROUGH RETALIATION?

## STATEMENT OF THE CASE

On January 20, 2022 Ryan Huggins, attorney of the plaintiff, signing as plaintiff on the AFFIDAVIT AND APPLICATION FOR EJECTMENT AND RULE TO VACATE OR SHOW CAUSE submitted this claim on behalf of Triangle Palisades at the Park LLC dba Palisades at the Park against MERCEDES BOYD. The claim was based on non payment of rent of months of January 2022. Case was heard February 2022 and Judge provided defendant 5 days to pay or vacate.

Appeal was filed February 2022 where stay was granted to defendant during the appeal process and all parties were properly served. On March 9 2022 Gantt Summary Court Judge set bond amount of \$1410 to be paid each month on or before the 5<sup>th</sup> while awaiting appeal.

On May 25 2022 appeal court was conducted via web. Defendant represented herself and put on record the discrepancies in regards to the alleged debt attempted to be collected by the plaintiff. Defendant also questioned authority of attorney's standing in the matter. Judge denied plaintiff motion for summary judgment and agreed with the lower court's decision.

Defendant appealed the decision of the common pleas court to the court of appeals. Each party of the case was properly served the notice of appeal.

## STANDARD OF REVIEW

### FACTS

Palisades at the Park refused to cooperate with the United Housing Connections Emergency Rental Assistance Program Phase 2(ERAP2) by not providing the agency with needed documents to process relief for rent arrears. In which I am ready to prove with email transcripts.

It is a belief that Palisades at the Park discriminated against Mercedes Boyd by refusing to accept relief under the CARES ACT/assistance program because of the filing of the appeal. There is also a fact that Mercedes was discriminated and intentionally giving unfair treatment because of the filing of the appeal in which I am ready to prove with email transcripts.

Mercedes Boyd executed and delivered a Bill of Exchange and Palisades at the Park did accept and receive the same from me with full satisfaction of all claims to be discharged and I am ready to verify.

## ARGUMENTS

THE COURT ERR IN CONFIRMING THE PLAINTIFF AND PARTIES TO THE CLAIM OCCUPIED IN THE CORRECT CAPACITY AND STATUS IN WHICH THE CLAIM WAS FILED? Attorney of Plaintiff brought suit against defendant on behalf of the plaintiff which is a corporation in collection of alleged debt. The defendant seems to be acting as a witness while testifying as the plaintiff in which he lacks first hand knowledge or subject matter in the case.

DID THE RESPONDENT PARTICIPATE IN FALSE AND MISLEADING DEBT COLLECTION ACTIVITIES THAT INCLUDED MISREPRESENTATION OF THE ALLEGED DEBT ACCORDING TO FEDERAL LAW? The characters of the alleged debt is in positive form. The defendant now appellant in this case sent notice to the plaintiff now respondent disputing the amount of alleged debt due to several billing errors and requested a true bill or invoice that lawfully validated the alleged amount of debt. Respondent defaulted in to sending the requested documentation and continued to request payment for incorrect amount of debt. 15 usc 1692g 15 usc 1692e

DID PALISADES AT THE PARK AND ITS AGENTS INTENTIONALLY DISCRIMINATE AGAINST MERCEDES BOYD THROUGH RETALIATION? Retaliation is an intentional act in response to a protected action. Rights have been violated and discrimination has taken place in which I am ready to prove.

## CONCLUSION

For the reasons stated, this Court should reverse the judgment of the circuit court. For the reasons states, this Court shall dismiss and discharge alleged claim of debt in accordance with Accord and Satisfaction.

November 30, 2022

Respectfully submitted,

/s/ Mercedes:Boyd  
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Appellant

