

The Hon Jenny A Kitching
Clerk of the South Carolina Court Appeals
Post office Box 11629
Columbia SC 29211

May 16 2023

RECEIVED

MAY 18 2023

SC Court of Appeals

Dear Clerk Kitching;

RE: motion to / 2023-00771 ^{Betrum Gaines + Shelia Wilson}
vs ^{Joanne + Frank Field}

I am writing to contest the
stay order by the courts in case number
2023CV2710300076.

Enclosed you will find documents
dated from January 2013 - March 2023.

These documents are as included -

- Certified mail from the office of DORE Law firm
advising Ms Wilson + Mr Gaines they are to pay rent
in the amount of \$25000 monthly
- Correspondence follow-up letter to Ms Wilson
+ Mr Gaines
- Final notice to pay rent to Ms Wilson + Mr Gaines
- Filing fees / Notice to Quit Premises
- Magistrate Summons Joanne Fields VS
Shelia Wilson Betrum Gaines. 2023CV2710300
076
- Order of Disposition 2023CV2710300076
- Common Plea Betrum Gaines Shelia Wilson
vs Joanne + Frank Fields 2023-27-120

- Motion to appeal for case 2023CP2700120
- Judgment in civil case 2023CP2700120
- Notice of appeal / Proof of service 2023CP2700120
- Order Staying Eviction.

In addition I have enclosed a Death Certification, Declaration of ownership, and Title to real estate. This documents are being presented to the court of appeals to show ownership to 102 Mt Pleasant Rd Vemassee SC 29945.

We are asking that the courts carefully review these documents when making a decision in the case no. 23-CP-27-0120.

Joanne Fields
- Joanne Fields 5/6/2023
Frank Fields
Frank Fields 5/6/2023

For any further information we may be contacted at:

Phone Number: 843 642 2123

Email: deannafields2355@gmail.com

Address 107 Allen drive Ridgeland SC 29936

RECEIVED

MAY 18 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF JASPER) AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

- 1. I have read the information on this affidavit and I understand such information.
- 2. The property being transferred is located at 102 Mt. Pleasant Road f/k/a 0 Macky Pond Road, Yemassee, SC 29945, bearing Jasper County Tax Map Number 090-08-02-004, was transferred by The Bank of New York, as trustee for the holders of EOCC Asset Backed Certificates, Series 2001-1F to Gertrude Gaines and Joanne Fields and Frank Fields, Jr. on March 04, 2008.

3. Check one of the following: The deed is

- (a) subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
- (b) subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
- (c) exempt from the deed recording fee because (See information section of affidavit):

4. Check one of the following if either item 3(a) or item 3(b) above has been checked:

- (a) The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ 11,000.00.
- (b) The fee is computed on the fair market value of the realty which is _____.
- (c) The fee is computed on the fair market value of the realty as established for property tax purposes which is _____.

5. Check Yes or No to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes", the amount of the outstanding balance of this lien or encumbrance is: _____.

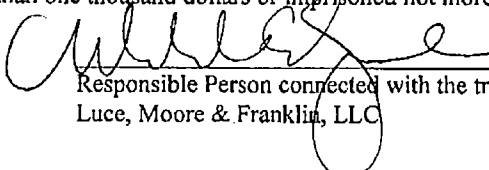
6. The deed recording fee is computed as follows:

- (a) Place the amount listed in item 4 above here: \$ 11,000.00
- (b) Place the amount listed in item 5 above here: \$ -0-
- (c) Subtract Line 6(b) from Line 6(a) and place result here: \$ 11,000.00

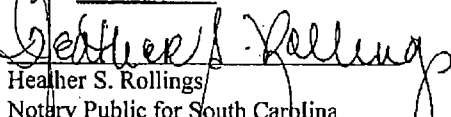
7. The deed recording fee due is based the amount listed on Line 6(c) above and the deed recording fee due is: \$ 12.10 County Fee and \$ 28.60 State Fee.

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Closing Attorney/Settlement Agent.

9. I understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

 _____ Attorney at Law
Responsible Person connected with the transaction
Luce, Moore & Franklin, LLC

SWORN to before me this 6th day of March, 2008.


Heather S. Rollings
Notary Public for South Carolina
My Commission Expires: March 09, 2009

File Number: 07SP14783

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said Grantee(s) and to the heirs, successors and assigns of said Grantee(s) forever.

IN WITNESS WHEREOF the undersigned on this 4 day of MARCH, 2008, has set his/her Hand and Seal, for and on behalf of The Bank of New York, as trustee for the holders of EQCC Asset Backed Certificates, Series 2001-1F.

Signed, Sealed and Delivered in the Presence of:



The Bank of New York, as trustee for the holders of EQCC Asset Backed Certificates, Series 2001-1F
By: Select Portfolio Servicing, its Attorney-in-Fact

Ch Hill
Witness

By: [Signature]
Its: THOMAS S. VARLEY, III, DOC. CONTROL OFFICER

Susan Newland
Witness

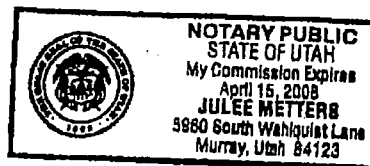
The within instrument has been transferred on 03/10/2008 03:50:51 PM, and recorded in the Jasper County Assessor's Office.
Tax Map No.: 090-08-02-004
Transfer No.: 8-27-283
Lisa Malphrus - JASPER COUNTY, SC

STATE OF UTAH
COUNTY OF SALT LAKE

On this 4 day of MARCH, 2008, before me, the undersigned, a Notary Public in and for said County and State, personally appeared THOMAS S. VARLEY, III, DOC. CONTROL OFFICER, to me known and known by me to be the _____ of Select Portfolio Servicing, as Attorney-in-Fact for The Bank of New York, as trustee for the holders of EQCC Asset Backed Certificates, Series 2001-1F, and acknowledged the execution of the foregoing instrument in the capacity aforesaid and the free act and deed of said The Bank of New York, as trustee for the holders of EQCC Asset Backed Certificates, Series 2001-1F.

Witness my hand and official seal.

Julee Metters
Notary Public
My Commission Expires: 4-15-08



07SP14783

DEATH CERTIFICATION

STATE FILE NUMBER : 139-12-015780

DECEDENT'S NAME: *GERTRUDE GAINES*

AKA's: NA

ARMED FORCES: NO

DATE OF BIRTH: NOVEMBER 29, 1920

TYPE OF PLACE OF DEATH: DECEDENT'S HOME

NAME AND ADDRESS OF PLACE OF DEATH: 107 ALLEN STREET, RIDGELAND, SC 29945

PLACE OF DISPOSITION: JENKINS CEMETERY

DISPOSITION LOCATION: YEMASSEE, SOUTH CAROLINA

METHOD OF DISPOSITION: BURIAL

DECEDENT'S RESIDENCE: 107 ALLEN STREET, RIDGELAND, JASPER COUNTY, SC, 29936

PLACE OF BIRTH: SOUTH CAROLINA

SEX: FEMALE

SOCIAL SECURITY NUMBER: [REDACTED]

AGE: 91 YEARS

COUNTY OF DEATH: JASPER

MARITAL STATUS: WIDOWED (AND NOT REMARRIED)

SURVIVING SPOUSE'S NAME: NA

FATHER'S NAME: JAMES HUGER

MOTHER'S NAME PRIOR TO FIRST MARRIAGE: CARRIE ORR

INFORMANT'S NAME: JOANNE FIELDS

MAILING ADDRESS: 107 ALLEN STREET, RIDGELAND, SC, 29936

FUNERAL HOME: YOUNG FUNERAL HOME, 109 YEMASSEE HWY, YEMASSEE, SC, 29945

FUNERAL DIRECTOR: WILLA E. YOUNG

EMBALMER'S NAME: DARRYL DICKERSON

ACTUAL OR PRESUMED DATE OF DEATH: MAY 07, 2012

ACTUAL OR PRESUMED TIME OF DEATH: 0850

CAUSE OF DEATH - PART I

CHF

CRF

DECUBITUS ULCER

RELATIONSHIP: FAMILY MEMBER

LICENSE NUMBER: 2063

LICENSE NUMBER: 1744

MANNER OF DEATH: NATURAL

OTHER SIGNIFICANT CONDITIONS - PART II:

NA

CORONER CONTACTED? NO

AUTOPSY PERFORMED? NO

AUTOPSY AVAILABLE? NA

DATE OF INJURY: NA

TIME OF INJURY: NA

INJURY AT WORK? NA

PLACE OF INJURY: NA

LOCATION OF INJURY: NA

HOW THE INJURY OCCURRED?

NA

CERTIFIER NAME AND TITLE: DO CHRISTOPHER W LEBLANC

LICENSE NUMBER: 985

CERTIFIER'S ADDRESS: NA

DATE FILED: JULY 02, 2012

DATE OF ISSUANCE: DECEMBER 11, 2014

SPECIAL INSTRUCTIONS :

NA

SC03987628

This is a true certification of the facts on file in the Division of Vital Records, SC Department of Health and Environmental Control.

Catherine Templeton
Catherine Templeton
Director and State Registrar

Barbara E. Derrick
Barbara E. Derrick
Assistant State Registrar

This copy is not valid unless prepared on an engraved border displaying the state seal and issuing agency logo.

Revision Date: 01/24/2014



(843-645-0562) 258-0714

20140005905 12/29/2014 AT 01:49 PM
OR Volume 0886 Page 0856 - 0859
Filed for Record in JASPER COUNTY ROD
Death Certificate Fee: \$10.00

STATE OF SOUTH CAROLINA)
)
COUNTY OF JASPER COUNTY)

Declaration of Ownership (By Death Certificate)

WHEREAS, Gertrude Gaines and
Joanne Fields & Frank Fields Jr owned the described property hereinafter as joint tenants
with rights of survivorship or with a life estate by virtue of a Deed of Bank of New York dated
3/4/08 and recorded in Book 1046, page 37 in the Register of Deeds Office
for Jasper County; and

WHEREAS, Gertrude Gaines departed this life on
5/7/12 in Jasper, SC

As is evidenced by the certified copy of the Death Certificate attached hereto and made part hereof;
and

WHEREAS, Joanna Fields & Frank Fields Jr is the sole owner of the property described
hereinafter and wishes to evidence this on the public records of Jasper County, South Carolina. Address for
tax purpose is: 107 Allen Drive Bridgeton, SC 29936

IN WITNESS WHEREOF, the undersigned sets his/her hand and seal this 29 day of
December, 2014.

Witnesses:

Ronela Hoduen
Deborah King

Responsible Party:

Joanne Fields

STATE OF SOUTH CAROLINA)
)
COUNTY OF JASPER COUNTY)

Acknowledgment

The foregoing instrument was acknowledged before me this 29th day of December,
2014.

Deborah King
Notary Public for South Carolina
My Commission expires: 5/31/2023

DORE LAW FIRM, P.A.

ATTORNEYS AT LAW

POST OFFICE BOX 2478

BEAUFORT, SOUTH CAROLINA 29901-2478

TELEPHONE (843) 522-9112

FAX (843) 522-8050

DORELAW@EMBARQMAIL.COM

Louis O. Dore
Cheryl V. Doe
Anthony O. Dore
Bertrand O. Dore

January 9, 2013

Via Certified Mail

Ms. Sheila Wilson
Mr. Bertram Gaines
102 Mount Pleasant Road
Yemassee, South Carolina 29945

RE: Rental of Premises
102 Mount Pleasant Road, Yemassee, South Carolina

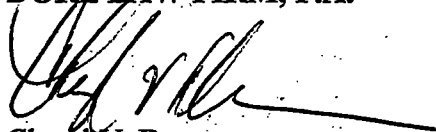
Dear Ms. Wilson and Mr. Gaines:

The services of this firm have been retained by Mr. and Mrs. Frank Fields regarding the rental of their real estate located at 102 Mount Pleasant Road. Mr. and Mrs. Fields are hereby requesting monthly rental payments on the premises. In that regard, please be advised that they are giving the both of you sixty (60) days from the date of this correspondence for you to start paying the sum of Two Hundred Fifty and 00/100 (\$250.00) dollars monthly in rent. The monthly rental will commence as of April 1, 2013, and shall be due and payable on the first day of each month thereafter. Payments to them should be in cash or certified funds (cashier's check or money order) and payable to Joann Fields. If you do not wish to consent to these terms of the rental of these premises in its "AS IS" condition and for the amount and terms set forth above, please let me know by signing below. **If this is the case, Mr. and Mrs. Fields will thereafter give you 30 days, from February 1, 2013, to vacate the premises.** Please sign at the space indicated to show whether or not you will be renting the premises or leaving and return signed document to me in enclosed envelope. Return this document by February 1, 2013.

Very truly yours,

I CONSENT TO RENTAL TERMS:

DORE LAW FIRM, P.A.



Cheryl V. Doe

cc: Mr. and Mrs. Frank Fields

Sheila Wilson

Bertram Gaines

I DO NOT CONSENT. I AGREE TO VACATE PREMISES AS OF MARCH 1, 2013

Sheila Wilson

Bertram Gaines

February 10, 2014

Via Certified Mail

Ms. Sheila Wilson
Mr. Bertram Gaines
102 Mount Pleasant Road
Yemassee, South Carolina 29945

**RE: Rental of Premises
102 Mount Pleasant Road, Yemassee, South Carolina**

Dear Ms. Wilson and Mr. Gaines:

This correspondence is a follow-up to that of January 9, 2013 regarding the rental of the premises owned by Mr. and Mrs. Frank Fields. As I have been informed, no rent has been received by the owners of the premises since the date of that letter. Please be advised that the landlords have not waived the monies due to them since the writing of the letter, and are hereby reiterating their demand for monthly rental monies for your stay on their property. As you know, they do have the right to initiate eviction proceedings against the two of you but, in an effort to give the two of you time to get your funds together, have not pursued any legal action. I would strongly urge you to contact the Fields' immediately and directly to make arrangements for the payment of rent for the premises.

Sincerely,

DORE LAW FIRM, P.A.

Cheryl V. Doe

cc: Mr. and Mrs. Frank Fields

DORE LAW OFFICE, LLC

ATTORNEYS AT LAW

POST OFFICE BOX 2478

BEAUFORT, SOUTH CAROLINA 29901-2478

LOUIS O. DORE (1945-2019)

TELEPHONE (843) 522-9112

FAX (843) 522-8050

DORELAW@DORELAWOFFICE.COM

Cheryl V. Dore
Anthony O. Dore
Bertrand O. Dore

December 19, 2022

Via Certified Mail

Article Number 70162710000090110843

Ms. Sheila Wilson
Mr. Bertram Gaines
102 Mount Pleasant Road
Yemassee, South Carolina 29945

RE: Rental of Premises
102 Mount Pleasant Road, Yemassee, South Carolina


Dear Ms. Wilson and Mr. Gaines:

Mrs. Joanne Fields and Mr. Frank Fields, Jr. are, once again, asking that I write to you regarding the rental of 102 Mount Pleasant Road in Yemassee. I am enclosing copies of my previous letters to you for your information.

My clients inform me that since the date of those letters, you have not paid anything in rent to them. As a family member, my clients do not want to evict you from the premises. However, they cannot continue to have the 2 of you live there rent free.

Mr. and Mrs. Fields wants you 2 to either pay the \$250.00 in monthly rent, starting immediately. If not, they will have no other alternative than to evict the 2 of you for nonpayment.

I am hopeful that you will start paying the monthly rent no later than January 1, 2022. If you fail to do so, my clients will be left with the unfortunate decision of evicting you. **PLEASE GOVERN YOUR ACTIONS ACCORDINGLY. THIS IS YOUR FINAL 30 DAY NOTICE.**

SENDER: COMPLETE THIS SECTION	service™ MAIL® RECEIPT	
Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece or on the front if space permits.	COMPLETE THIS SECTION ON DELIVERY A. Signature <i>X Bertram Gaines</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) <i>Bertram Gaines</i> C. Date of Delivery <i>12/21</i> D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
Article Addressed to: <i>Ms. Sheila Wilson Mr. Bertram Gaines 02 Mount Pleasant Rd. Yemassee, SC 29945</i>	Official Use Postmark Here \$ _____ \$ _____ \$ _____ \$ _____	
 9590 9402 5802 0034 2459 44 Article Number (Transfer from service label) 7016 2710 0000 9011 0843	3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Mail Restricted Delivery	
Wilson & Bertram Gaines 102 Mount Pleasant Rd. Yemassee, SC 29945 PSN 7530/02-000-9047 See Reverse for Instructions		

Ridgeland Magistrate

Judge : Jennifer A. Carter

967 West Adams Street

Ridgeland, SC 299360166

Phone:(843) 726-7933 Fax:(843) 726-4191

Received From: Fields, Joanne
107 Allen Drive
Ridgeland, SC 29936-9136

Date: 2/10/2023
Receipt #: 1017540
Clerk: c27jmervin

Paying for: Self
Transaction Type: Civil Payment

Reference #:

Payment Type: Cash \$65.00

Comment:

Total Paid: \$65.00

Non-Refundable

You may check the status of your Jasper case at:

<http://www.sccourts.org/caseSearch/>

Case #	Caption	Previous Balance	Amount Paid	Balance Due
2023CV2710300076	Joanne Fields VS Sheila Wilson And Bertram Gaines	\$65.00	\$65.00	\$0.00

Total Cases: 1

\$65.00

\$65.00

\$0.00

STATE OF SOUTH CAROLINA

COUNTY OF JASPER

843-599-8520

Sheila Wilson And Bertram Gaines
102 Mount Pleasant Rd
Yemassee, SC 29945

MAGISTRATE SUMMONS

You are hereby summoned to be and appear personally in the

**Ridgeland Magistrate
967 West Adams Street
Post Office Box 748
Ridgeland, SC**

on **March 8, 2023 at 2:00 PM** to serve as a party in a Bench Trial in the case of:

RE: Joanne Fields

**Vs Sheila Wilson And Bertram
Gaines**

PLAINTIFF(S)

DEFENDANT(S)

Civil Case Number: 2023CV2710300076, Ejectm of Trespasser.

**HEREIN FAIL NOT, ON PAIN OF FORFEITING THE LAWFUL PENALTY IN
SUCH CASE MADE AND PROVIDED.**

**Ridgeland Magistrate
967 West Adams Street
Post Office Box 748
Ridgeland, SC 29936-0166
Phone: (843) 726-7933
Fax: (843) 726-4191**

February 23, 2023

STATE OF SOUTH CAROLINA

COUNTY OF JASPER

CIVIL CASE NUMBER
2023CV2710300076
ORDER OF DISPOSITION

Joanne Fields

Plaintiff(s)

VS

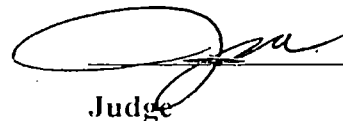
Sheila Wilson And Bertram Gaines

Defendant(s)

IT IS ORDERED that the above referenced civil case shall reflect a disposition of:

- Eviction Granted *By Declaration of Ownership (By Death Certificate)*
- Issue Writ
- Jury Trial Requested
- Continuance Granted
-
- Rescheduled
- Issue Writ in _____ Days
- Dismissed
- Failure To Appear By The Plaintiff
- Failure To Appear By The Defendant
- Other _____

IT IS SO ORDERED


Judge

3/9/23
Date

Ridgeland Magistrate
967 West Adams Street
Post Office Box 748
Ridgeland, SC 29936-0166
Phone: (843) 726-7933
Fax: (843) 726-4191

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF Jasper

Bertram Gaines and
Sheila Wilson Plaintiff(s)

CIVIL ACTION COVERSHEET

FILED
JASPER COUNTY
CLERK OF COURT

2023 - CP 27 - 120

vs.

2023 MAR } 4 A 10:51

Joanne Fields and
Frank Fields Jr. Defendant(s)

Submitted By: _____
Address: 102 Mt Pleasant RD
Yemassee SC 29945

SC Bar #: _____
Telephone #: 843 599 8520
Fax #: _____
Other: _____
E-mail: angeljackson10566@gmail

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Certificate Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|---|--|
| <input type="checkbox"/> Contracts
<input type="checkbox"/> Constructions (100)
<input type="checkbox"/> Debt Collection (110)
<input type="checkbox"/> General (130)
<input type="checkbox"/> Breach of Contract (140)
<input type="checkbox"/> Fraud/Bad Faith (150)
<input type="checkbox"/> Failure to Deliver/Warranty (160)
<input type="checkbox"/> Employment Discrim (170)
<input type="checkbox"/> Employment (180)
<input type="checkbox"/> Other (199) _____
<input type="checkbox"/> Inmate Petitions
<input type="checkbox"/> PCR (500)
<input type="checkbox"/> Mandamus (520)
<input type="checkbox"/> Habeas Corpus (530)
<input type="checkbox"/> Other (599) _____ | <input type="checkbox"/> Torts - Professional Malpractice
<input type="checkbox"/> Dental Malpractice (200)
<input type="checkbox"/> Legal Malpractice (210)
<input type="checkbox"/> Medical Malpractice (220)
Previous Notice of Intent Case #
<u>20 -NI-</u>
<input type="checkbox"/> Notice/ File Med Mal (230)
<input type="checkbox"/> Other (299) _____
<input type="checkbox"/> Administrative Law/Relief
<input type="checkbox"/> Reinstate Drv. License (800)
<input type="checkbox"/> Judicial Review (810)
<input type="checkbox"/> Relief (820)
<input type="checkbox"/> Permanent Injunction (830)
<input type="checkbox"/> Forfeiture-Petition (840)
<input type="checkbox"/> Forfeiture-Consent Order (850)
<input type="checkbox"/> Other (899) _____
<input type="checkbox"/> Special/Complex /Other
<input type="checkbox"/> Environmental (600)
<input type="checkbox"/> Automobile Arb. (610)
<input type="checkbox"/> Medical (620)
<input type="checkbox"/> Other (699) _____
<input type="checkbox"/> Sexual Predator (510)
<input type="checkbox"/> Permanent Restraining Order (680)
<input type="checkbox"/> Interpleader (690) | <input type="checkbox"/> Torts - Personal Injury
<input type="checkbox"/> Conversion (310)
<input type="checkbox"/> Motor-Vehicle Accident (320)
<input type="checkbox"/> Premises Liability (330)
<input type="checkbox"/> Products Liability (340)
<input type="checkbox"/> Personal Injury (350)
<input type="checkbox"/> Wrongful Death (360)
<input type="checkbox"/> Assault/Battery (370)
<input type="checkbox"/> Slander/Libel (380)
<input type="checkbox"/> Other (399) _____
<input type="checkbox"/> Judgments/Settlements
<input type="checkbox"/> Death Settlement (700)
<input type="checkbox"/> Foreign Judgment (710)
<input type="checkbox"/> Magistrate's Judgment (720)
<input type="checkbox"/> Minor Settlement (730)
<input type="checkbox"/> Transcript Judgment (740)
<input type="checkbox"/> Lis Pendens (750)
<input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)
<input type="checkbox"/> Confession of Judgment (770)
<input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)
<input type="checkbox"/> Incapacitated Adult Settlement (790)
<input type="checkbox"/> Other (799) _____ | <input type="checkbox"/> Real Property
<input type="checkbox"/> Claim & Delivery (400)
<input type="checkbox"/> Condemnation (410)
<input type="checkbox"/> Foreclosure (420)
<input type="checkbox"/> Mechanic's Lien (430)
<input type="checkbox"/> Partition (440)
<input type="checkbox"/> Possession (450)
<input type="checkbox"/> Building Code Violation (460)
<input type="checkbox"/> Other (499) _____
<input type="checkbox"/> Appeals
<input type="checkbox"/> Arbitration (900)
<input checked="" type="checkbox"/> Magistrate-Civil (910)
<input type="checkbox"/> Magistrate-Criminal (920)
<input type="checkbox"/> Municipal (930)
<input type="checkbox"/> Probate Court (940)
<input type="checkbox"/> SCDOT (950)
<input type="checkbox"/> Worker's Comp (960)
<input type="checkbox"/> Zoning Board (970)
<input type="checkbox"/> Public Service Comm. (990)
<input type="checkbox"/> Employment Security Comm (991)
<input type="checkbox"/> Other (999) _____ |
|---|--|---|--|

Submitting Party Signature: Bertram Gaines
Sheila Wilson

Date: 03/14/2023

FILED
JASPER COUNTY 2023-CP-2700-120
CLERK OF COURT COMMON PLEAS CASE NUMBER

STATE OF SOUTH CAROLINA 2023 MAR 14

A 10:51

COUNTY OF Jasper

2023CV2710300076
MAGISTRATE CIVIL CASE NUMBER

Bertram Gaines and
Sheila Wilson APPELLANT(S)

IN THE COURT OF COMMON PLEAS

VS.

NOTICE OF CIVIL APPEAL

Joanne Fields and
Frank Fields RESPONDENT(S)

The plaintiff/defendant (circle one), ~~Bertram Gaines~~ ^{Jr.} ~~Sheila~~ ^{wilson} hereby gives
notice of appeal from the judgment of the magistrate's court in the above action, to the Circuit Court of
Common Pleas, in the county of Jasper.

This notice of appeal is made subsequent to personal notice of the judgment which was received
on the 13 day of March, 2023.

The appellant's exceptions to the judgment of the magistrate are set forth as follows:

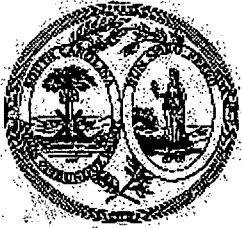
The Defendant, Joanne misused her power
of attorney to benefit her husband & self
~~from the Estate of Gertrude Gaines in~~
her late years. In a Previous Eviction
hearing the judge found in the presence
of all parties including the late Ms. Gaines
that Ms Gaines was intent on having
her son and niece, Sheila, live with her
as her. The judge also had concerns about
how Ms Gaines' monies were handled
by Ms Fields. The judge also had concerns
about how Ms Gaines' property became
titled to Mrs Fields and her husband.
And dismissed the case with prejudice
deeming an eviction improper. (04/17/2009)
2009CV27103016

Dated: 03/14/2023

Bertram Gaines Sheila
Appellant (or his attorney)

In the eviction hearing held on 03/08/2023, (2023CV2710300076) once Judge Carter was provided with the previous decision she asserted that she could not hear the issues regarding the possession of the property. She also explained to Mrs Fields the definition of a dismissal with prejudice, "meaning it could never be brought back before the Magistrate Court." She then advised Mrs. Fields that she should go to the Circuit Court building and speak with her attorney. Also, she told all parties that if she could hear the case she would mail another court date to give all parties their day in court. She then asked the Defendants (Bertram Gaines and Sheila Wilson) to leave the court so she could talk to just the two plaintiffs (Joanne Fields and Frank Fields JR.

STATE OF
SOUTH CAROLINA



NOTICE OF MOTION SCHEDULING

March 24, 2023

Motion "MOTAPP - Motion/Appeal" for Case: 2023CP2700120 - Bertram Bertram Gaines & Sheila Wilson VS Joanne Fields and Frank Fields Jr. has been added to the following Motions Roster:

**159 - Jasper County Common Pleas Motions Roster beginning @ 9:00 am. WEB-EX
This hearing of this motion has been scheduled for 4/20/2023 at 9:00 AM.**

This case appears on the Jasper County Common Pleas Motions Roster with the Honorable R. Keith Kelly, presiding. Hearings will be held at 9:00 a.m. on Thursday, April 20, 2023 by WEB-EX. The courtroom can be accessed by going to www.sccourts.org under the calendar tab and selecting "Monthly View." Please click the "Circuit" link on the day that the hearing is scheduled. You will be directed to a list of the circuit court judges. Scroll down the Judge Kelly and click the link for his "Virtual Courtroom." **IF YOU ARE NOT ABLE TO ATTEND THE ROSTER MEETING BY WEB-EX, JUDGE KELLY IS OK TO HEAR YOUR MOTION IN-PERSON.** In-Person motion hearings will be held at the Jasper County Courthouse located on 265 Russell Street, Ridgeland, SC 29936. Please **DO NOT** call the Clerk's office with updates. **ALL** updates should be made in writing via email to qtruesdale@jaspercountysc.gov and kkellyc@sccourts.org.

Mail Notice To:	Court Info:
Joanne Fields 18 Mount Pleasant Rd Yemassee, SC 29945	Common Pleas 265 Russell Street Ridgeland, SC 29936-0248

If you have any questions regarding the scheduling of this motion, please contact the courts at:

(843)726-7710

Respectfully,

Margaret Bostick
Clerk of Court

STATE OF SOUTH CAROLINA
COUNTY OF Jasper
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2023CP2700120

Bertram Bertram Gaines & Sheila Wilson
PLAINTIFF(S)

Joanne Fields and Frank Fields Jr.
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

After careful review, Appellant raised no error of law by the trial court. Proceedings in Magistrate Court are summary; it is not a court of record. Here, the trial judge filed a detailed Return with exhibits. The trial judge correctly determined Appellees are the record owners of the property and proceeded with the eviction.

ORDER INFORMATION

This order ends does not end the case.

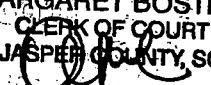
See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 04/26/2023 .

Frank Fields for Joanne Fields and Frank Fields Jr.
Sheila Wilson for Bertram Bertram Gaines & Sheila Wilson
Bertram Gaines for Bertram Bertram Gaines & Sheila Wilson
Joanne Fields for Joanne Fields and Frank Fields Jr.
Joanne Fields and Frank Fields Jr. for Joanne Fields, Frank Fields
Bertram Bertram Gaines & Sheila Wilson for Bertram Gaines, Sheila Wilson

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

TRUE COPY Page 1 of 2
MARGARET BOSTICK
CLERK OF COURT
JASPER COUNTY, SC
BY: 
DATE: 4-20-2023

ELECTRONICALLY FILED - 2023 Apr 26 1:59 PM - JASPER - COMMON PLEAS - CASE#2023CP2700120

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Jasper Common Pleas

Case Caption: Bertram Bertram Gaines & Sheila Wilson VS Joanne Fields and Frank Fields Jr.
Case Number: 2023CP2700120
Type: Order/Electronic Form 4

It is so Ordered.

s/ R. Keith Kelly - 2165

STATE OF SOUTH CAROLINA)

COUNTY OF JASPER)

2023CV2710300 076
CIVIL CASE NUMBER

IN THE MAGISTRATES COURT
NOTICE TO QUIT PREMISES

Name: Joanne Fields
Address: 107 ALLEN DR.
Ridgeland, SC 29936
Phone: 843-255-0714
Email: _____

PLAINTIFF(S)

VS

Name: Ms. Sheila Wilson & Mr. Benjamin Gaines
Address: 102 Mt. Pleasant Rd
Yemassee, SC 29945
Phone: 843-599-8520
Email: _____

DEFENDANT(S)

Plaintiff Joanne Fields appearing before me states that he/she of the premises within the jurisdiction of the Ridgeland Magistrate which are located at 102 MOUNT PLEASANT RD in Yemassee (city), SC (state) 29945 (zip code) has no Landlord/Tenant relationship exists between himself/herself and the defendant.

Section 15-67-610 may be used to remove a person from the premises when there is no Landlord/Tenant relationship. Examples of when section 15-67-610 could be used would include the following

- a. An ex-lover who will not leave the premises
- b. An adult son or daughter who refuses to leave the parent's home
- c. A girlfriend who owns the home and wants to evict boyfriend (or vice versa).

The plaintiff Joanne Fields requests by this Notice to Quit the premises be initiated against the Defendant is based on the facts described below:

- Ex-boyfriend/Ex-girlfriend refuses to leave home.
- Adult son/daughter refuses to leave the home.
- Other SISTER & FRIEND REFUSES TO LEAVE THE HOME

Danie Mowen
Notary Public or Judge
My commission expires: 11-13-2028

Joanne Fields
Plaintiff

STATE OF SOUTH CAROLINA

2023CV2710300076

CIVIL CASE NUMBER

COUNTY OF JASPER

IN THE MAGISTRATE'S COURT
NOTICE TO QUIT PREMISES

Joanne Fields
107 Allen Drive
Ridgeland, SC 29936-9136
(843) 258-0714

PLAINTIFF(S)

Vs

Sheila Wilson And Bertram Gaines
102 Mount Pleasant Rd
Yemassee, SC 29945

DEFENDANT(S)

Upon an affidavit filed by the plaintiff which states you:

Sheila Wilson And Bertram Gaines

defendant(s), are a trespasser(s) and are occupying the premises at

102 Mount Pleasant Rd

Yemassee, SC 29945

without permission of the owner of said premises. You are required to immediately vacate the premises or contact the:

**Ridgeland Magistrate
967 West Adams Street
Post Office Box 748
Ridgeland, SC 29936-0166
Phone: (843) 726-7933
Fax: (843) 726-4191**

within five (5) days to show cause, if any you can, why you should not be ejected from these premises.

FAILURE TO VACATE THE PREMISES OR TO CONTACT THIS OFFICE WITHIN FIVE (5) DAYS MAY RESULT IN THE ISSUANCE OF A WRIT OF EJECTMENT.

Dated: February 10, 2023

PERSONALLY appeared before me, the undersigned deponent, who being duty sworn, says that s/he served the herein Notice to Quit Premises/Rule to Show Cause on _____

_____ on the _____ day of _____,
20____ at _____ AM PM

Sworn to and subscribed before me
this _____ Day of _____, 20____

Sheriff's Deputy or Constable

NOTARY PUBLIC or JUDGE
My Commission Expires: _____

THE STATE OF SOUTH CAROLINA)
IN THE COUNTY OF JASPER)

IN THE MAGISTRATE'S COURT OF THE)
FOURTEENTH JUDICIAL CIRCUIT)

BERTRAM GAINES)
&)
SHEILA WILSON,)
Appellants;)

Warrant No. / Indict. No.
2023-CP-27-0120 / 2023CV2710300076

-v-

JOANNE FIELDS)
&)
FRANK FIELDS, JR.)
Respondents.)

EX PARTE ORDER
SETTING APPEAL BOND
and
EX PARTE ORDER
STAYING WRIT OF EJECTMENT
PENDING APPEAL

THIS MATTER COMES NOW before the Court upon the petition of the Appellant, Sheila Wilson, by and through her Counsel, Jonathan E.B. Lewis, Esq., of The Law Office of Jonathan Lewis, LLC, to set an Appeal Bond in this matter and to issue an Order staying the Writ of Ejectment issued on or about March 9, 2023 by the Hon. Jennifer A. Carter, Magistrate Judge for Jasper County, in case number 2023CV2710300076.

On or about March 8, 2023 Judge Carter ruled against the Appellant in this matter, and issued a Writ of Ejectment. The matter was timely appealed to the Court of Common Pleas of Jasper County in case number 2023-CP-27-0120. The Hon. R. Keith Kelly heard the matter and sustained the holding of the court below in an Order of Judgement issued on April 26, 2023. The Appellant did file an appeal of Judge Kelly's ruling to the South Carolina Court of Appeals on May 8, 2023, and has served Judge Kelly, Judge Carter, and the Plaintiff Respondents on the same date. This petition for an Order setting an Appeal Bond and an Order staying the Writ of Ejectment Pending Appeal now follow.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Court finds that it has jurisdiction to set and order an appeal bond in this matter with the authority as the Magistrate Judge who initially issued the Writ of Ejectment, and has the authority to stay it's own order.
2. The Court further finds that this Court is the appropriate venue in this matter as this action deals with an eviction in Jasper County, and this Court heard the initial case, and the matter was returned to this court following an appeal to the Jasper County Court of Common Pleas.
3. The Court further finds that, as a matter of law, an appeal bond is required in order to stay a Writ of Ejectment and an eviction from a residence.
4. The Court further finds that the Appellant Defendant has filed a timely Notice of Appeal in this action, and that any eviction action should be stayed pending a final decision of the Court of Appeals.

ORDER SETTING APPEAL BOND

IT IS ORDERED that the Appellant Defendant shall post a surety or cash bond with the Jasper County Clerk of Court on May 10, 2023 in this matter in the amount of \$ 500.00, or the first business day following this date should the Clerk's Office be closed for the State Holiday of Confederate Memorial Day.

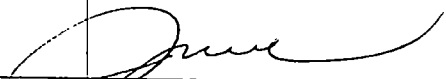
ORDER STAYING EVICTION AND WRIT OF EJECTMENT

TO THE SHERIFF OF JASPER COUNTY AND ANY AND ALL LAW ENFORCEMENT OFFICERS WITHIN OR OF THE COUNTY OF JASPER, AND/OR ANY OTHER LAW ENFORCEMENT OFFICER OF THE STATE OF SOUTH CAROLINA:

IT IS ORDERED that the Writ of Ejectment issued by this Court in case number 2023CV2710300076 is hereby **STAYED**, and that no law enforcement officer shall evict the Appellant from the address of 102 Mount Pleasant Rd, Yemassee, S.C. 29945 until further Order of this Court, and that the Appellant shall be permitted and allowed to maintain her person and possessions at the same address until further Order of this Court, or until such time as a new Writ of Ejectment is issued by this Court.

AND IT IS SO ORDERED!

Very Respectfully Submitted,



The Hon. Jennifer A. Carter
Jasper County Magistrate Court Judge

By My Hand and Seal
This May 10, 2023
In Jasper, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

ON APPEAL FROM JASPER COUNTY
In the Court of Common Pleas

RECEIVED

The Hon. R. Keith Kelly, Circuit Court Judge MAY 18 2023

SC Court of Appeals

Case No. 2023-CP-27-00120

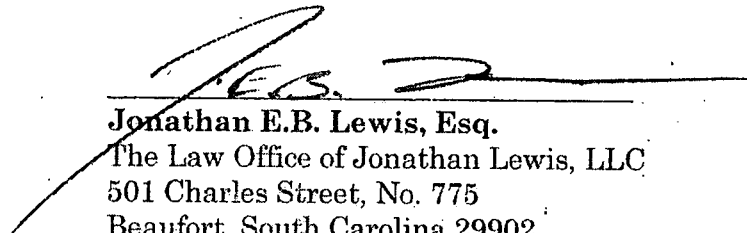
BERTRAM GAINES & SHEILA WILSON
Defendant Appellants

-v-

JOANNE FIELDS & FRANK FIELDS, JR.
Plaintiff Respondents

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the Plaintiff Respondents, Joanne Fields and Frank Fields, Jr., by depositing a copy of it in the United States Mail, postage prepaid, on May 8, to their mailing address of 107 Allen Drive Ridgeland SC 29936-9136.


Jonathan E.B. Lewis, Esq.
The Law Office of Jonathan Lewis, LLC
501 Charles Street, No. 775
Beaufort, South Carolina 29902
(803) 995-2748
Jonathan@lawofficeofjlewis.com
S.C. Bar No. 103847
Counsel for the Defendant Appellants

This May 8, 2023
In Beaufort, South Carolina

Counsels of Record:

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FROM: (PLEASE PRINT) PHONE: () - -
Joanne Fields
107 Allen Dr.
Ridgeland, SC 29935

RECEIVED
MAY 18 2023

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 OOD Fee: \$
 Return Receipt Fee: \$
 Live Aerial Transportation Fee: \$

Special Handling type: \$
 Service/Industry Premium Fee: \$
 Total Postage & Fees: **\$ 28.75**

Weight: **2.0** lbs. net. Acceptance Employee Initials: **JF**

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TO: (PLEASE PRINT) PHONE: () - -

The Hon. Jenny A. Kitchings
Clerk of SC Court of Appeals
PO Box 11629
Columbia, SC

ZIP+4 (U.S. ADDRESS ONLY): **29211-1129**

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