

THE STATE OF SOUTH CAROLINA  
South Carolina Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Honorable Marvin H. Dukes, III, Master-In-Equity

Case No.: 2022-CP-07-00967

RECEIVED

Jul 07 2023

SC Court of Appeals

Rachel M. Polite a/k/a Rachel Chaplin ..... Respondent

v.

Karen P. Polite ..... Appellant

MOTION TO  
CORRECT THE RECORD ON APPEAL

Respondent, Rachel Polite, respectfully moves this Honorable Court to dismiss Appellant’s appeal, or in the alternative, order Appellant to amend the Record on Appeal filed June 21, 2023, certified June 27, 2023, on the following grounds:

1. Respondent’s Designation of Matter to be Included on Appeal includes Plaintiff’s Exhibits 1, 2, 3, 4, 5 and 7. Plaintiff’s Exhibit 1 on page 172 in the Record on Appeal is incomplete in that it contains only the first page of a four page document; Plaintiff’s Exhibit 2 on page 173 contains only the first of a three page document; Plaintiff’s Exhibit 3 on page 174 in the Record on Appeal is not the plat entered into evidence as Plaintiff’s Exhibit 3; The correct Plaintiff’s Exhibits 1, 2 and 3, in their entirety are attached hereto as Exhibits 1, 2 and 3
2. Rule 210(c), SCACR requires “When a portion of an order, judgment, decision or pleading is to be included in the Record on Appeal, the entire order, judgment, decision or pleading is to be included in the Record on Appeal...”. The Judgment and Final Order, found on pages 3-8

and pages 108-113 of the Record on Appeal, fail to include the last three (3) pages of the Judgment and Final Order filed at the Office of the Clerk of Court for Beaufort County, South Carolina on April 27, 2022. These final three pages contain the orders of the Court and not only form the basis for the appeal, but they are also essential for a just adjudication of the matters on appeal. The entire Judgment and Final Order is attached hereto as Exhibit 4.

Additionally, the Order on Plaintiff's Motion for Relief from Stay and Defendant's "Motion Automatic Stay and Automatic Freeze on Tax Map Because of Notice of Appeal of Defendant", found on pages 38-39 and pages 145-146 of the Record on Appeal, fails to include the last page of the Order and is necessary for a just adjudication of this appeal. The entire Order is attached hereto as Exhibit 5.

3. Rule 210(c), SCACR requires "Where a portion of a page of the trial transcript, or a page of an exhibit or document is to be included in the Record on Appeal, the entire page shall be included." Here Appellant has copied the condensed version of the trial transcript thereby including pages not identified by Respondent to be included in the Record on Appeal, making it impossible for Respondent to comply with the required form for citations under Rule 211(b)(1), SCACR.
4. Pages 102 and 103 in the Record on Appeal are not part of the Divorce Decree as indicated in Appellant's Index but contain copies of portions documents with handwritten notations that were not entered into evidence.

For the foregoing reasons, Respondent moves to this Honorable Court to Correct the Record on Appeal filed by Appellant ("Record) and include the attached documents as follows"


Plaintiff's Exhibit 1 found on page 172 of the Record;

Plaintiff's Exhibit 2 found on page 173 of the Record;

Plaintiff's Exhibit 3 found on page 174 of the Record;

The Judgment and Final Order found on pages 3-8 and pages 108-113 of the Record; and  
The Order on Plaintiff's Motion for Relief from Stay and Defendant's "Motion Automatic Stay  
and Automatic Freeze on Tax Map Because of Notice of Appeal of Defendant" found on pages  
38-39 and pages 145-146 of the Record.

Respectfully Submitted,



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Alysoun M. Eversole, Esquire  
Eversole Law Firm, PC  
1509 King Street  
Beaufort, SC 29902  
(843) 379-3333  
Attorney for Respondent Rachel M. Polite



544

State of South Carolina,

COUNTY OF BEAUFORT

2365

02222

KNOW ALL MEN BY THESE PRESENTS, THAT

I, BUBBY POLITE,

in the State aforesaid \_\_\_\_\_ for and \_\_\_\_\_ in consideration of the sum of  
ONE AND NO/100 (\$1.00) DOLLAR AND DECREE OF DIVORCE ~~DOLLARS~~,  
to me in hand paid at and before the sealing of these presents by RACHEL M. POLITE,  
Route 2, Box 557-A, St. Helena Island, South Carolina 29920  
in the State aforesaid \_\_\_\_\_ for which \_\_\_\_\_ the receipt whereof is hereby  
acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and  
release unto the said RACHEL M. POLITE, Her Heirs and Assigns, forever, the following  
described real property, to-wit:

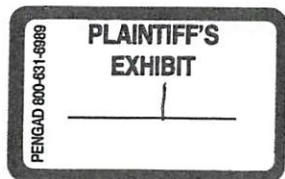
ALL that certain piece, parcel or lot of land, with improvements thereon, if any,  
situate, lying and being in the Southeastern corner of Lot 51, Section 22, 1S1E,  
on St. Helena Island, Beaufort County, South Carolina, and being more particularly  
bounded and described as follows, to-wit: On the North by a public road and on the  
East, South and West by lands now or formerly of Emily Holmes. For a more  
complete description as to metes, bounds, courses and distances, reference is made  
to that certain plat made by H. F. Wilson, Jr., R.L.S., dated April 13, 1972, a  
copy of which is recorded in the Office of the RMC for Beaufort County, South  
Carolina in Deed Book 197 at Page 679.

This is the same property as conveyed to the within Grantor by deed of Emily  
Holmes a/k/a Emily M. Holmes dated April 18, 1972 and recorded in the Office  
of the RMC for Beaufort County, South Carolina in Deed Book 197 at Page 678 on  
April 19, 1972.

This deed was prepared by the Law Firm of Moss, Dore, Kuhn & McIntyre, P.A.,  
1501 North Street, Beaufort, South Carolina 29902, by H. Fred Kuhn, Jr., Esquire,  
without the benefit of title examination.

BEAUFORT COUNTY TAX MAP REFERENCE

Dist	Map	Submap	Parcel	Block
300	17		114A	



TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

THE SAID PARTY AND TO HOLD all and singular the said Premises before mentioned unto the said



AND I do hereby bind my Heirs, Assigns  
Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said  
. RACHEL M. POLITE, Her 2367

Heirs and Assigns, against me and my Heirs, and all persons whomso-  
ever \_\_\_\_\_ lawfully claiming, or to claim the same or any part thereof.

WITNESS my Hand and Seal, this 12<sup>th</sup> day of December  
in the year of our Lord one thousand nine hundred and eighty-nine and in the two hundred and  
thirteenth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF

Joyce D. Kerley (L. S.)  
Bobby Polite (L. S.)  
BUBBY POLITE

**The State of South Carolina,**

Beaufort County.

PERSONALLY appeared before me the first witness above named  
and made oath that s/he saw the within named BUBBY POLITE  
sign, seal, and as his act and deed, deliver the within written Deed,  
and that s/he with the second witness above named  
\_\_\_\_\_ witnessed the execution thereof.

SWORN to before me, this 12<sup>th</sup>  
day of December A.D. 1989  
(SEAL)  
Notary Public of South Carolina  
My Commission Expires: 9-23-90

Joyce D. Kerley  
(signature of first witness above)

RENUNCIATION OF DOWER

**The State of South Carolina,**

\_\_\_\_\_ County.

NOTE REQUIRED

I, \_\_\_\_\_, a Notary Public for South Carolina  
do hereby certify unto all whom it may concern, that Mrs. \_\_\_\_\_  
\_\_\_\_\_ the wife of the within named \_\_\_\_\_

did this day appear before me, and upon being privately and separately examined by me, did declare that she does  
freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever, renounce, re-  
lease and forever relinquish unto the within named \_\_\_\_\_

Heirs and assigns, all her interest and estate, and also all her right and claim of dower, of, in or to all and singular  
the premises within mentioned and released.

Given under my Hand and Seal, this \_\_\_\_\_ day of \_\_\_\_\_ Anno Domini 19\_\_\_\_  
\_\_\_\_\_(SEAL) \_\_\_\_\_

Notary Public of South Carolina  
My Commission Expires:

2368

Moss  
State of South Carolina,

COUNTY OF BEAUFORT

BUBBY POLITE

TO

RACHEL M. POLITE

TITLE TO REAL ESTATE

Filed 23<sup>rd</sup> day  
of January A.D. 19 90  
at 4:13 o'clock P M.  
and recorded in Book 544  
Page 2365 Fee, \$ 4.00  
Sharon A. Smith  
R. M. C. or Clerk Court C.P. & G. S. in  
Beaufort County, S.C.

Recorded this 31<sup>st</sup> day  
of January, 19 90  
in Book W Page 917  
Fee, \$ May Ann Gray Lusk  
Auditor Beaufort County, S. C.

CT 4 01 02 1007 01

EXHIBIT  
2

TITLE TO REAL ESTATE Short Form V. C. 97248

197 / 678

©1964, Form 9 Copyright Co., U.S.A. S.C.

STATE OF SOUTH CAROLINA,  
BEAUFORT COUNTY

Know All Men by These Presents:

That I, EMILY HOLMES, of St. Helena Island, Beaufort County,

in consideration of the sum of ----- TEN AND NO/100 (\$10.00) ----- in the State aforesaid,  
DOLLARS,

to the grantor(s) in hand paid at and before the sealing of these presents by the grantee(s) (the receipt whereof is hereby acknowledged), have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said

BUBBY POLITE, his Heirs and Assigns, the following described property, to-wit:

ALL that certain piece, parcel or lot of land situate, lying and being in the Southeastern corner of Lot 51, Section 22, 1S1E, on St. Helena Island, Beaufort County, South Carolina, and being more particularly bounded and described as follows, to-wit: On the North by a public road and on the East, South and West by lands of the Grantor, Emily Holmes. For a more complete description as to metes, bounds, courses and distances reference is made to that certain plat made by H. F. Wilson, Jr., P.L.S. dated April 13, 1972, which is hereto attached and made a part hereof.

This is a part of the property conveyed to the within Grantor by deed from Nazarine Holmes dated Oct. 5, 1960 and recorded in the office of the Clerk of Court for Beaufort County, S. C. in Deed Book 104 at Page 20.

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 said Premises before mentioned unto the grantee(s) hereinabove named, and his Heirs and Assigns forever.

And the grantor(s) do(es) hereby bind the grantor(s) and the grantor's(s) Heirs, Executors and Administrators to warrant and forever defend all and singular the said premises unto the grantee(s) hereinabove named, and the grantee's(s) Heirs and Assigns against the grantor(s) and the grantor's(s) Heirs and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness the grantor's(s) hand and seal this 18th day of April in the year of our Lord One Thousand Nine Hundred and Seventy two.

Signed, Sealed and Delivered in the Presence of

Margaret T. Rodgers  
T. Legare Rodgers

Emily M. Holmes (Seal)  
Emily Holmes (Seal)

State of South Carolina,  
BEAUFORT County

Personally appeared before me Margaret T. Rodgers

and made oath that s. he saw the within named grantor(s) EMILY HOLMES sign, seal and as her act and deed deliver the within written deed, and that he, with T. Legare Rodgers witnessed the execution thereof.

Sworn to before me this 18th day of April A. D. 1972  
T. Legare Rodgers (Seal)  
Notary Public for South Carolina

Margaret T. Rodgers

State of South Carolina,  
County

NO RENUNCIATION OF DOWER GRANTOR IS A WOMAN  
I, Notary Public, do hereby certify

unto all whom it may concern, that Mrs. wife of the within named did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever, renounce, release, and forever relinquish unto

Heirs and Assigns, all her interest and estate, and also all her right and claim of Dower of, in or to all and singular the premises within mentioned and released.

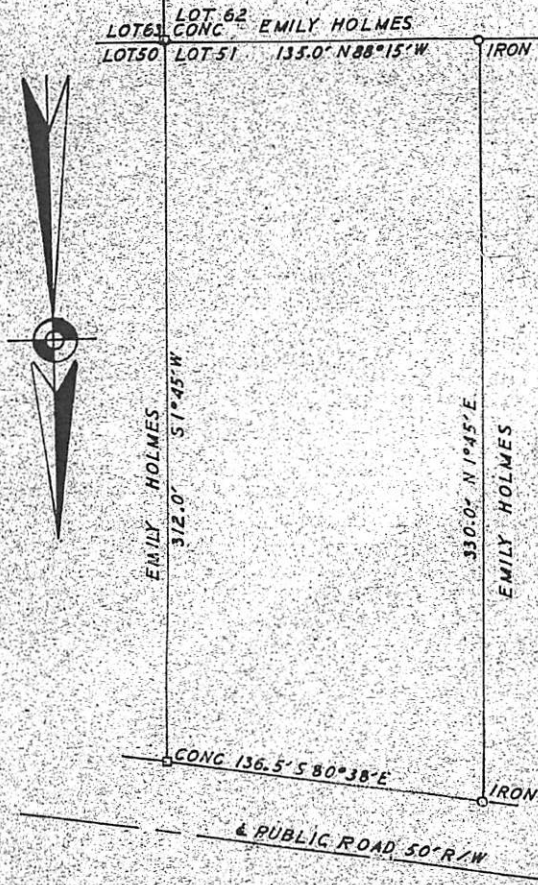
GIVEN under my hand and seal this day of A. D. 19 (Seal)  
Notary Public for South Carolina

Recorded this day of 19 at M., No.

1972 APR 2

PENGAD 800-031-6889  
PLAINTIFF'S  
EXHIBIT  
2

679



PLAT PREPARED FOR

**BUBBY POLITE**

ST. HELENA ISLAND

BEAUFORT COUNTY, S.C.

SITUATE IN LOT 51, SECTION 22, TOWNSHIP 1 SOUTH, RANGE 1 EAST.

SCALE 1"=50'

APRIL 13, 1972

INDICATED MARKERS

I HEREBY CERTIFY THAT THE MEASUREMENTS AS SHOWN ON THIS PLAT ARE CORRECT AND THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

*Hardwick F. Wilson, Jr.*  
HARDWICK F. WILSON, JR.  
REG. LAND SURVEYOR NO. 1838

1356 IV-2

WILL PICK UP

State of South Carolina,

EMILY HOLMES,

TO

BUBBY POLITE

Rt. 1, Box 144, Promora, S. C.

**TITLE TO REAL ESTATE**

680

Filed 19th day  
of April A. D. 1972  
at 8:30 o'clock A. M.  
and recorded in Book 197  
Page 678, Fee, \$ 11.50

*M. N. Linder*  
R. M. C. or Clerk Court C. P. & G. S.  
*Dig* BENJAMIN County, S. C.

Recorded this \_\_\_\_\_ day  
of \_\_\_\_\_ 19\_\_\_\_

in Book \_\_\_\_\_ Page \_\_\_\_\_  
Fee, \$ \_\_\_\_\_

Auditor \_\_\_\_\_ County, S. C.

State Law & Equity Co., Inc.  
Short Form, W. C.

2-AM-9481-2

CHRISTENSEN ~ KHALIL SURVEYORS, INC.

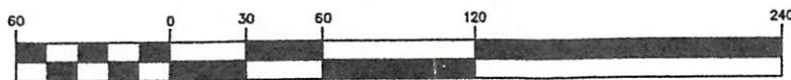
S-9196

1816 BOUNDARY STREET, BEAUFORT, S.C. 29902  
(843) 524-4148, FAX (843) 524-4149

LEGEND

- CM(O) = CONCRETE MONUMENT OLD
- CM(N) = CONCRETE MONUMENT NEW
- RB(O) = 1/2" REBAR FOUND
- RB(N) = 1/2" REBAR SET
- OHP = OVERHEAD POWER LINES

GRAPHIC SCALE



( IN FEET )  
1 inch = 60 ft.

GENERAL NOTES:

- PRESENT OWNER OF PROPERTY SHOWN HEREON: RACHEL M. POLITE
- TMN # 300-17-114A
- THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH SUBJECT TO LOCAL ATTRACTION.
- PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "A-10" ELEVATION (14.00) PER FEMA PANEL #450025-0130-F DATED: NOV. 4, 1992

REFERENCE PLATS & DEEDS

- DEED 544/2365, 197/678

CERTIFICATION:

I, ZYAD A. KHALIL, HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" AS SPECIFIED THEREIN:

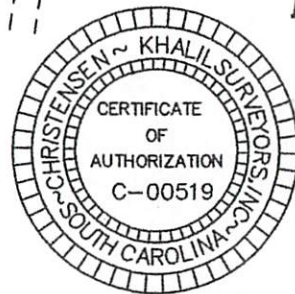
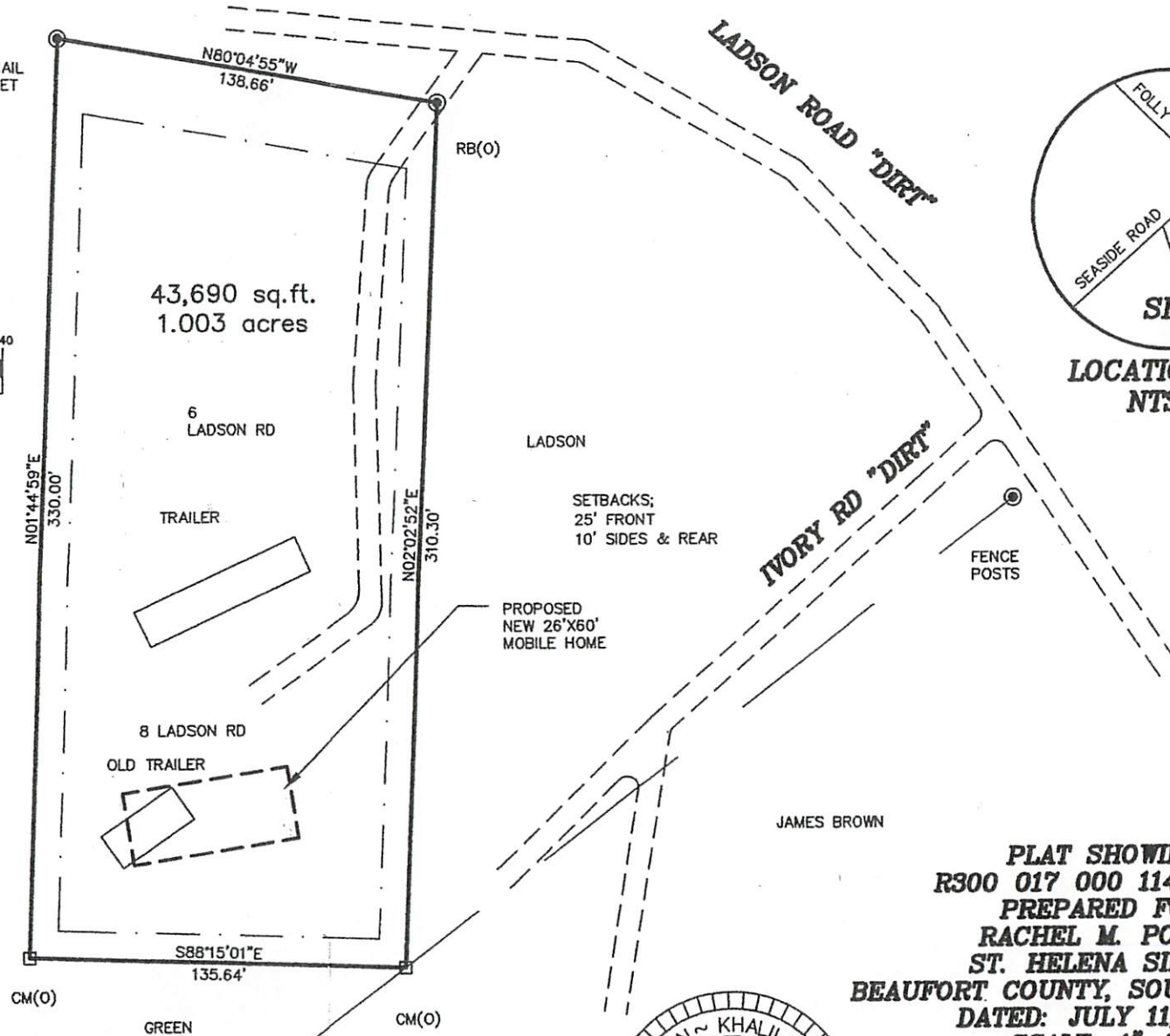
ZYAD A. KHALIL RLS  
S.C. REG. NO. 15176

[ THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND EMBOSSED SEAL ]

BEAUFORT COUNTY ZONING & DEVELOPMENT  
11366 ZONING PERMIT  
This is to certify that the site plan shown hereon is in compliance with the Beaufort County Community Development Code.

Certified By: [Signature]

Date: 7/11/16



PLAT SHOWING  
R300 017 000 114A 0000  
PREPARED FOR:  
RACHEL M. POLITE  
ST. HELENA SILAND,  
BEAUFORT COUNTY, SOUTH CAROLINA  
DATED: JULY 11, 2016  
SCALE: 1"=60'

PENGAD 800-631-6888

PLAINTIFF'S EXHIBIT

3



set for a hearing. At trial the parties agreed the issues raised in the said Motion would be addressed during the trial.

Now therefore, from the pleadings, the credible testimony and the relevant evidence presented, I make the following findings of fact and conclusions of law:

#### FINDINGS OF FACT

1. The property mentioned and referred to in this Complaint (hereinafter the "Property") and the basis of this cause of action herein is described as follows:

ALL that certain piece, parcel or tract of land, with improvements thereon, if any, situate, lying and being in the Southeastern corner of Lot 51, Section 22, 1S1E, on St. Helena Island, Beaufort County, South Carolina, and being more particularly bounded and described as follows, to-wit: On the North by a Public road and on the East, South and West by land now or formerly of Emily Holmes. For a more complete description as to metes, bounds, courses and distances, reference is made to that certain plat made by H.F. Wilson, Jr., R.L.S, dated April 13, 1972, a copy of which is recorded in the Beaufort County Register of Deeds Office in Deed Book 197 at Page 679.

R300 017 000 114A 0000

2. The Property had at one time belonged to the Plaintiff's mother, who lost title to it many years ago. In 1972 the Plaintiff wanted to re-acquire the Property but was unable to obtain a bank loan on her own, so her husband, Bubby Polite, obtained the financing. The deed was put in his name. **Plaintiff's Exhibit 2.** The Plaintiff made the payments on the loan. Later, the Plaintiff and Bubby Polite divorced. Pursuant to the Divorce Decree, **Defendant's Exhibit 1,** Bubby Polite was ordered to deed the property to the Plaintiff, which he did in 1989. **Plaintiff's Exhibit 1.**

3. The Defendant is the Plaintiff's youngest daughter. In about 1983 the Defendant was given permission by Bubby Polite to put a mobile home on the Property. The Plaintiff also gave permission but on the condition that the Defendant would contribute to payment of the real

property taxes and not make any changes to Defendant's mobile home, or the Plaintiff's Property without the Plaintiff's permission. The Defendant contributed to the payment of the real property taxes up until 2013.

4. Beginning in about 2016, disagreements and numerous personal problems arose between the Plaintiff and the Defendant, including but not limited to, the Defendant interfering with the Plaintiff bringing in a new double-wide mobile home to install on the Property, the Defendant constructing additions to her mobile home without Plaintiff's permission and disregarding Plaintiff's demands to stop the construction. The Defendant's construction resulted in Beaufort County Codes Enforcement issuing a Notice of Violation and assessing the fine against the Plaintiff as the landowner. **Plaintiff's Exhibit 5.**

5. On October 31, 2019, the Plaintiff wrote and delivered a letter to the Defendant giving the Defendant thirty (30) day's notice to vacate the Property. **Plaintiff's Exhibit 4.** The Defendant did not respond to the letter. On July 23, 2020, the Plaintiff filed an action in the Beaufort County Magistrate's Court to eject Defendant from the Property. **Plaintiff's Exhibit 7.** The Defendant, in her written response and in court, claimed she owned the Property. The Magistrate entered an Order stating there were competing claims of ownership, therefore it lacked jurisdiction to hear the matter, and this suit resulted.

6. With respect to the Defendant's "Notice of Motion and Motion for Violation or in the Alternative a Motion for Preliminary Injunction against the Plaintiff" filed September 28, 2021 (hereinafter "Motion"), the Defendant presented video evidence to support her Motion, **Defendant's Exhibit 20.** The videos were date stamped July 18, 2020. I find the date stamps of July 18, 2020 in the videos pre-date the entry of the Consent Order for Temporary Injunction filed December 2, 2020.

### CONCLUSIONS OF LAW

7. I conclude that the real property that is the subject of this litigation is situated in Beaufort County, South Carolina, and this court has jurisdiction to hear the matters set forth in the pleadings and venue is proper.

8. In order for the Defendant to prevail in her counter claim for Adverse Possession, she must prove that she has been in open, notorious, hostile, exclusive and continuous occupation of the Property against the true legal owner for the statutory period. Each and every element must be proven by clear and convincing evidence. I find the Defendant has failed to prove the elements of exclusivity and hostility. Exclusivity does not exist because the parties together occupied the Property, consisting of (.79) acres of land, and the Defendant contributed to the payment of the real property taxes as required by the Plaintiff by paying her portion to the Plaintiff up until 2013.

Under South Carolina law, hostile possession requires an intent to dispossess the true paper title holder of the property. The intent should be so notorious that the legal owner by ordinary diligence should have known about possessors intent to claim the property adversely. *Graniteville Co. v. Williams*, 209 S.C., 120-21, 39 S.E. 2d at 206; *Jones v. Leagan*, 681 S.E.2d 6, 384 S.C. 1, (SC App. 2009) Here, the Plaintiff is the true paper title holder of the Property having acquired it by deed of Bubby Polite in 1989, **Plaintiff's Exhibit 1**. the Defendant's occupancy was permissive until October 31, 2019, when the Plaintiff wrote the letter to the Defendant giving her thirty (30) days notice to vacate the Property. Thus, the permissive occupancy became hostile on October 31, 2019 and now constitutes a trespass. The statutory period required to obtain title by adverse possession has also not been met.

9. I conclude that the video evidence presented by the Defendant to support her Motion is date stamped July 18, 2020 which predates the Consent Order for Temporary Injunction

entered December 20, 2020. The Plaintiff cannot, as a matter of law, violate a court order that was entered after the complained of activity took place. Therefore, the Defendant's Motion is Denied.

10. I conclude from the facts and evidence presented in in this case that the Plaintiff is entitled to Judgment in her favor, and a Writ of Ejectment.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiff, Rachel M. Polite, is the lawful paper title holder of the Property described in Paragraph 1, above, who possesses all rights and incidents of ownership in the Property, and that the Defendant has not proven by clear and convincing evidence that she has adversely possessed the Property against the true owner, the Plaintiff Rachel M. Polite; It is further,

ORDERED, ADJUDGED AND DECREED that as of October 31, 2019 the Defendant has been trespassing on the Plaintiff's Property and, therefore, the Defendant shall, within thirty (30) days from the date of this order, remove her mobile home from the Property and permanently vacate the Property. It is further,

ORDERED, ADJUDGED AND DECREED that the Defendant's "Notice of Motion and Motion for Violation or in the Alternative a Motion for Preliminary Injunction against the Plaintiff" is Denied for the reasons set forth in Paragraph 9, above; It is further,

ORDERED, ADJUDGED AND DECREED that the Consent Order for Temporary Injunction entered December 2, 2020, is hereby lifted and terminated with respect to the Plaintiff's method of ingress and egress to her home, and Plaintiff is free to access her property from Ladson Road. However, the portion of the Consent Order enjoining and restraining the parties, or their guests, invitees or agents, from harassing, threatening, intimidating, molesting, assaulting, stalking or destroying personal property of the other party, shall remain in full force and effect until such

time that the Defendant's mobile home from the Property and, thereby, has permanently vacated the Property. It is further,

ORDERED, ADJUDGED AND DECREED that if you, the Defendant, Karen P. Polite, fail to remove the mobile home and vacate the Property within sixty (60) days from the date of this Order, a Writ of Ejectment shall be issued without further delay for the Sheriff of Beaufort County, South Carolina to proceed to the Property to gain access and forthwith remove the mobile home and its contents from the Property, and deposit the said mobile home and personal property at or near, but not obstructing, the nearest public roadway, or otherwise disposing of your mobile home and personal property as allowed by law.

DONE AND ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Marvin H. Dukes, Master-in-Equity and Special  
Circuit Court Judge for Beaufort County, South  
Carolina







**Beaufort Common Pleas**

**Case Caption:** Rachel M Polite , plaintiff, et al VS Karen P Polite  
**Case Number:** 2020CP0700899  
**Type:** Order/Judgment and Form 4

So Ordered:

s/Marvin H. Dukes III #3069

Electronically signed on 2022-04-26 15:01:52 page 9 of 9



from seeking relief from the automatic stay in the Court of Appeals pursuant to the South Carolina Rules of Appellate Procedure.

IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Marvin H. Dukes, Master-in-Equity and Special  
Circuit Court Judge for Beaufort County, South  
Carolina



Beaufort Common Pleas

**Case Caption:** Rachel M Polite , plaintiff, et al VS Karen P Polite  
**Case Number:** 2020CP0700899  
**Type:** Order/Other

So Ordered:

s/Marvin H. Dukes III #3069

Electronically signed on 2022-08-11 09:47:08 page 3 of 3

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF BEAUFORT	)	CIVIL ACTION NO. 2020-CP-07-00899
	)	
RACHEL M. POLITE	)	NON-JURY
	)	
	)	
Plaintiff(s),	)	
	)	<b>Order on Plaintiff's Motion for Relief</b>
vs	)	<b>from Stay</b>
	)	<b>and Defendant's "Motion Automatic Stay</b>
	)	<b>and Automatic Freeze on Tax Map</b>
KAREN P. POLITE	)	<b>Because of Notice of Appeal of Defendant"</b>
	)	
Defendant(s).	)	
	)	
	)	
	)	
	)	

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THIS MATTER CAME BEFORE ME upon Plaintiff's Petition Motion for Relief from Automatic Stay filed July 11, 2022, and Defendant's competing motion to enforce the automatic stay filed July 13, 2022. A WebEx hearing was begun on July 28, 2022, before the Honorable Marvin H. Dukes, III and, due to technical difficulties with WebEx, was resumed on August 1, 2022. Present at the hearing was the Plaintiff, Rachel M. Polite and her attorney, Alysoun M. Eversole, Esq., and Defendant Karen P. Polite, appearing pro-se. After consideration of the arguments raised and laws pertaining to automatic stays under the Rule 62(c) and (d), SCRCP and Rule 225(a) and (b), SCRAP, I find that a reasonable bond pending the appeal is for the Defendant to pay \$500.00 per month to the Plaintiff beginning August 15, 2022. In the event Defendant fails to pay the bond amount to the Plaintiff within five (5) days of its due date, i.e., the 20<sup>th</sup> day of each month, the Plaintiff may Petition this court for issuance of the Writ of Ejectment forthwith as provided in this court's order entered April 27, 2022. Nothing herein shall prevent the Plaintiff

from seeking relief from the automatic stay in the Court of Appeals pursuant to the South Carolina Rules of Appellate Procedure.

IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Marvin H. Dukes, Master-in-Equity and Special  
Circuit Court Judge for Beaufort County, South  
Carolina



**Beaufort Common Pleas**

**Case Caption:** Rachel M Polite , plaintiff, et al VS Karen P Polite  
**Case Number:** 2020CP0700899  
**Type:** Order/Other

So Ordered:

s/Marvin H. Dukes III #3069

Electronically signed on 2022-08-11 09:47:08 page 3 of 3