

State of South Carolina

Kline Thomas, Karen  
vs  
Plaintiffs

Horry county  
15th Judicial Circuit  
Common Pleas

RECEIVED  
2023 CP-26-  
4863

Merritt Rhonda  
Defendant  
Motion for Judgment

JUL 06 2023

SC Court of Appeals

Defendant is in favor of withdrawal of counterclaim in accordance with rule 41 and any other laws or rules that may apply.

Defendant with the evidence provided this honorable court motions for a judgment dismissing plaintiffs suit on the grounds defendant by any standard of law was under duress at the time of signing the contract in question and thereby is entitled by law to have same voided in accordance with South Carolina contract laws and any other rules, ordinances, or laws which may apply.

Defendant is dependant on this honorable court to secure the just, speedy and inexpensive determination of this action as is provided for in rule 81 of the rules of civil procedure.

### Element 1.

upon returning to South Carolina after being away for several months, defendant was served with foreclosure docs while she should have been protected under the forbearance program, this was filed 1 day after she got into town see exhibit 1 pages 2

### Element 2.

Riverward HOA disputes were ongoing from March 2021 to current. See exhibits 2 pages 7.

### Element 3.

Oak forest HOA whom defendant never belonged to filed a lien against defendant which will be shown to be unfounded, exhibit 3 pages 2

### Element 4

Defendant endured continuous stalking, threatening, and harrassing during the time the contract was signed, witness available upon requirement of the court. The enclosed exhibit 4 is a picture of 1 of 2 vehicles who darked towards defendant in a parking lot spinning in a donut before reaching defendant.

The proceeding 4 elements would cause any person duress and if needed there were additional happenings defendant can show this honorable court which constitutes severe distress upon an individual.

Respectfully Submitted by:

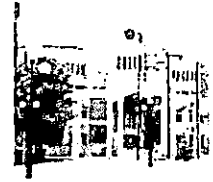
Defendant Rhonda Merritt  
3832 State Hwy 50 B  
Mooreland, OK 73852

Feb 2, 2023

Exhibit 1  
142



## Horry County Fifteenth Judicial Circuit Public Index



[Horry County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

Switch View

<b>Rocket Mortgage Llc , plaintiff, et al VS Rhonda Merritt , defendant, et al</b>					
<b>Case Number:</b>	2022CP2602785	<b>Court Agency:</b>	Common Pleas	<b>Filed Date:</b>	05/03/2022
<b>Case Type:</b>	Common Pleas	<b>Case Sub Type:</b>	Foreclosure 420	<b>File Type:</b>	Non-Jury
<b>Status:</b>	Pending	<b>Assigned Judge:</b>	Clerk Of Court C P, G S, And Family Court		
<b>Disposition:</b>		<b>Disposition Date:</b>		<b>Disposition Judge:</b>	
<b>Original Source Doc:</b>		<b>Original Case #:</b>			
<b>Judgment Number:</b>		<b>Court Roster:</b>			

Case Parties	Judgments	Tax Map Information	Associated Cases	Actions	Financials		
Click the  icon to show associated parties.							
Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
✓ Beumer, Jordan Daniel	2712 Middleburg Drive, Suite 200 Columbia SC 29604				Plaintiff Attorney		05/03/2022
Merritt, Rhonda					Defendant		05/03/2022
Merritt, Rhonda Marie					Defendant		05/03/2022
Merritt, Rhonda M					Defendant		05/03/2022
Quicken Loans Inc					Plaintiff		05/03/2022
Quicken Loans Llc					Plaintiff		05/03/2022
Riverbend Community Association Inc					Defendant		05/03/2022
✓ Rocket Mortgage Llc					Plaintiff		05/03/2022



# ROCKET Mortgage

1050 Woodward Avenue | Detroit, MI 48226

*Exhibit 1  
2 of 2*

## COVID-19 Forbearance Plan Extension

Rhonda Merritt  
723 Riverward Dr  
Myrtle Beach, SC 29588

### Loan Information

Loan Number: 3388811911  
Property Address: 723 Riverward Dr  
Myrtle Beach, SC 29588  
Notice Date: 12/1/2021

Hi Rhonda Merritt,

We hope you and your family are healthy and safe during this situation. We wanted to reach out to confirm that you have been approved for a forbearance extension to help you through this difficult time.

#### What Is A Forbearance Extension?

A forbearance extension is the continuation of a temporary reduction of your mortgage payments, intended to allow you the time and flexibility to manage financial challenges resulting from the COVID-19 situation.

#### How Does The Plan Work?

Under the CARES Act, which was established to provide relief during COVID-19, you have a right to an initial forbearance of 6 months, which we provide in 3-month increments. You can extend your forbearance to cover up to 12 months total.

Your forbearance begins December 1, 2021, and will run through February 28, 2022. This includes this month's payment if you haven't already paid it. Although you will not be required to make those payments, paying what you can during those months will benefit you later; you'll owe less when your forbearance period ends, and it will be easier for you to catch up.

Any payments that are paused during forbearance won't be reported late to the credit bureaus. You'll still receive monthly billing statements that show the unpaid amounts, so you understand what you have to pay at the end of your forbearance.

For your convenience, we'll cancel autopay or any payments you've scheduled with us for future dates.

If you have automatic payments set up with your bank's bill pay, please contact your bank directly to cancel those payments.

We will continue to check in with you monthly during your forbearance. It's important that we get in touch with you so we can review your situation and determine your next steps.

Please see the plan detail chart below.

Forbearance Extension Details	Due Date	Amount
Payment	12/01/2021	\$0.00
	01/01/2022	\$0.00
	02/01/2022	\$0.00

*This was extended  
as was verified by phone  
on May 5, 2022 through  
6/1/22*

continued →

Phone: (800) 508-0944  
Email: AccountResolution@RocketMortgage.com  
Secure Fax: (877) 380-5084

Hours: Monday - Friday: 8:30 a.m. - 9:00 p.m. ET  
Saturday: 9:00 a.m. - 4:00 p.m. ET

# Riverbend Community Assoc.

Post Office Drawer 9000  
Myrtle Beach, SC 29578 9000

EXhibit 2  
1 of 8 pages

## VIOLATION FINE NOTIFICATION

May 07, 2021

Rhonda Merritt  
2724 Temperance Drive  
Myrtle Beach SC 29577

RE: 723 Riverward Drive

Dear Rhonda Merritt:

You have been previously notified that your property was cited as not being kept in accordance with our Association's governing documents.

Only vehicles with current, valid highway registrations may be parked outdoors in any location in Riverbend. Vehicles with missing or expired license plates, missing window glass, or significant exterior damage must be parked exclusively in the owner's private garage.

The van with a flat tire is still parked in your driveway and must be removed or repaired immediately. Fines will be assessed and increased weekly until this violation is resolved.

It is the opinion of the Board of Directors that this activity is in clear violation of our Association's governing documents. Since no action has been taken to resolve this violation, the Board has no other option than to fine you \$50 for the incident. This fine is hereby levied on your property, and will be subject to late fees and other collection actions as may be necessary to collect. If the violation continues, further violations notices and fines will be issued.

On Behalf of the Board of Directors,

Kristi Thompson  
Property Manager  
(843) 448-9000 Ext. 125  
Kthompson@litustolet.com

Cc: HOA file

Riverbend Community Assoc.  
Post Office Drawer 9000  
Myrtle Beach, SC 29578 9000

Exhibit of 2  
2-16-8

**VIOLATION NOTIFICATION**

July 09, 2021

Rhonda Merritt  
2724 Temperance Drive  
Myrtle Beach SC 29577

RE: 723 Riverward Drive

Dear Rhonda Merritt:

Allow this letter to serve as notification that your property was cited as not being kept in accordance with our Association's governing documents.

You were previously notified that that dead Palm Tree at your property needed to be removed/replaced.

**You have 10 days from the date of this letter to remove the Palm Tree or you will be assessed \$50 per day until it is removed/replaced.**

If further violations occur, you will be fined. Any fine levied on your unit and will be subject to late fees and other collection actions as may be necessary to collect.

Should you have any questions or comments you can reach me using the information below.

Sincerely,

Kristi Thompson  
Property Manager  
843-448-9000 x 125

Cc: Owner HOA file

Exhibit 2  
3-68

**Riverbend Community Assoc.**  
Post Office Drawer 9000  
Myrtle Beach SC 29578-9000  
843-448-9000

**Statement of Account - 10/20/21**

Re: 723 Riverward Drive	Account # : 723
<b>Rhonda Merritt</b>	Lot # : 123
<b>723 Riverward Drive</b>	Bill Period: Late Notice
<b>Myrtle Beach SC 29588</b>	Payment Due: 10/01/21
	<b>Amount Due: 1,430.00</b>

**CURRENT CHARGES/PAYMENTS**

Date	Description	Charges	Credits	Balance
09/30/21	Balance Forward			1,329.00
10/01/21	ASSESSMENT	276.00		1,605.00
10/12/21	Payment Rec'd 31563582		200.00	1,405.00
10/20/21	Late Fees	25.00		1,430.00
New Balance - Please Pay This Amount				1,430.00

**BALANCE SUMMARY AS OF 10/20/21**

Description	Balance
ASSESSMENT	334.00
Late Fees	146.00
Violations/fine	950.00
Total	1,430.00

Make Checks Payable to: **Riverbend Community Assoc.**

PLEASE REMIT UNPAID BALANCE  
IF YOU HAVE ANY QUESTIONS  
PLEASE CALL KRISTI THOMPSON AT  
843-448-9000 EXT. 125. THANK YOU.

Riverward HOA,

3/4/22

Several ~~months~~ months ago, I sent a Certified letter addressing my concerns regarding sprinkler systems as well as harrassment and the replacement of dead palm tree in which I believe died due to the sprunker system not working, I have yet to recieve any response from the board or property management. This is my second request for an answer to these concerns.

Respectfully submitted

Rhonda Merritt

723 Riverward Dr.

MB, SC 29588

Exhibit 2  
5.7.22

**Cindy Hommes**

---

**From:** Janine Thompson <jthompson@litustolet.com>  
**Sent:** Wednesday, July 06, 2022 9:50 AM  
**To:** Cindy Hommes  
**Subject:** RE: 22-MB 4026LES 723 Riverward Drive, Myrtle Beach, SC 29588 Merritt to Kline  
COA REQUEST - CONTRACT CLOSE DATE IS JULY 7, 2022  
**Attachments:** Riverbend Acct Ledger.pdf  
**Importance:** High

Hi Cindy,

Please see attachment for the updated account ledger on this property.

If seller (Merritt) has any other specific questions in regards to this account, she can contact the property manager at:

**Kristi Cramer, Property Manager**

**LITUS\* To Let**

**Our Street Address:**

1551 21st Avenue North Suite 24

Myrtle Beach, SC 29577

**Hours:**

Monday-Friday

9am to 12pm

1pm to 5pm

**Our Mailing Address:**

P.O. Box 9000

Myrtle Beach, SC 29578

**Phone-** 843-448-9000 ext. 125

**Fax-** 843-626-0101

**Email-** [Kcramer@litustolet.com](mailto:Kcramer@litustolet.com)

Thank you.

Janine Thompson

LITUS\* To Let

843-448-9000 ext. 110

843-626-0101 Fax

[jthompson@litustolet.com](mailto:jthompson@litustolet.com)



**Mailing Address:** PO Box 9000, Myrtle Beach, SC 29578

**Physical Address:** 1551 21st Ave. N., Suite 24, Myrtle Beach, SC 29577

**Office Hours are Monday-Friday, 9a – Noon & 1 – 5 pm – Closed Saturday & Sunday**

Exhibit 2  
6-6-8

From: **Rhonda Merritt** rhonda.herplace.777@icloud.com  
Subject: **Determination**  
Date: **Dec 14, 2022 at 12:57:11 PM**  
To: **Kristi Cramer** kocramer@litustolet.com

**Good morning Mrs.Kramer, I'm writing to inquire about the determination of my situation which was submitted for review several weeks ago, I have had problems with my email so if you have already responded I regret to say that I haven't received any further emails or letters from the HOA. Please advise as to where we are in this process as the longer the delay the further behind in dues I am being put as you are aware my dues were refused. Thank you for your prompt reply.**


**Respectfully submitted 12/14/2022**

**Rhonda Merritt**

**Lot 723**

**Sent from my iPhone**

Exhibit 2 8.158

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<input checked="" type="checkbox"/> Complete items 1, 2, and 3. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Address	B. Received by (Printed Name) <i>[Signature]</i>
1. Article Addressed to:  Board of Directors P.O. Box 9000 MB, SC 29578	C. Date of Delivery NOV 08 2021	D. Is delivery address different from item 1? If YES, enter delivery address below: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
 9590 9402 1496 5329 7976 08	3. Service Type <b>USPS</b> <input checked="" type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail Restr. Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <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"/> Insured Mail Restricted Delivery (over \$500)	
2. Article Number (Transfer from service label) 7020 31600002 22431687	PS Form 3811, July 2015 PSN 7530-02-000-9053	


SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<input checked="" type="checkbox"/> Complete items 1, 2, and 3. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Address	B. Received by (Printed Name) <i>[Signature]</i>
1. Article Addressed to:  Kristi OR Janine Thompson P.O. Box 9000 MB, SC 29578	C. Date of Delivery 10/11/12	D. Is delivery address different from item 1? If YES, enter delivery address below: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
 9590 9402 6975 1225 7316 20	3. Service Type <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail Restr. Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <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"/> Insured Mail Restricted Delivery (over \$500)	
2. Article Number (Transfer from service label) 7021 2720 0003 2988 0126	PS Form 3811, July 2020 PSN 7530-02-000-9053	

Exhibit 1-2-18

**SENDER: COMPLETE THIS SECTION**

- 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.

1. Article Addressed to:

Litus fo let  
 Kristi or Janine  
 Box 9000  
 MB, SC 29578



9590 9402 5805 0034 8267 44

2. Article Number (Transfer from service label)

7022 1670 0001 7501 7521

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 Agent  
 Address

B. Received by (Printed Name)  
 SARAH KLOSSA

C. Date of Delivery  
 11-8-22

D. Is delivery address different from Item 1?  Yes  
 If YES, enter delivery address below:  No

Box 9000  
 29578

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation
  - Signature Confirmation Restricted Delivery

**SENDER: COMPLETE THIS SECTION**

- 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.

1. Article Addressed to:

Riverbend HOA  
 P.O. Box 9000  
 MB, SC 29578



9590 9402 6796 1074 5873 36

2. Article Number (Transfer from service label)

7021 0350 0001 9107 7557

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 Agent  
 Address

B. Received by (Printed Name)  
 Gill Fary

C. Date of Delivery  
 4/8/22

D. Is delivery address different from Item 1?  Yes  
 If YES, enter delivery address below:  No

POB 9000  
 29578

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Signature Confirmation
  - Signature Confirmation Restricted Delivery





Exhibit 3  
2062

**HORRY COUNTY REGISTER OF DEEDS  
TRANSMITTAL SHEET**

**TO BE FILED WITH EACH INSTRUMENT PRESENTED ELECTRONICALLY FOR RECORDING.  
HORRY COUNTY REGISTER OF DEEDS, 1301 SECOND AVENUE POST OFFICE BOX 470 , CONWAY ,  
SOUTH CAROLINA 29526**

DOCUMENT TYPE OF INSTRUMENT BEING FILED: Condo Lien

DATE OF INSTRUMENT: .

DOCUMENT SHALL BE RETURNED TO:

NAME: Moore, Johnson & Saraniti Law Firm, P.A.

ADDRESS:

PO Box 14737

Surfside Beach, SC 29587

TELEPHONE: (843) 650-9757

FAX: (843) 650-9757

E-MAIL ADDRESS: moore@Grandstandlawyers.com

Related Document

(s):

**PURCHASE PRICE / MORTGAGE AMOUNT: \$.**

**BRIEF PROPERTY DESCRIPTION: OAK FOREST LOT 32**

**TAX MAP NUMBER (TMS #) 180-21-02-032 / PIN NUMBER: .**

**GRANTOR / MORTGAGOR / OBLIGOR / MARKER (FROM WHO):**

FULL BUSINESS NAME

1. OAK FOREST HOMEOWNERS ASSOCIATION INC

**GRANTEE / MORTGAGEE / OBLIGEE (TO WHO):**

LAST NAME

FIRST NAME

MIDDLE NAME

1. MERRITT . . .

- RHONDA -

M -

Exhibit 4 1062



Mailed 5/23/23

<input checked="" type="checkbox"/> County Court <input type="checkbox"/> District Court <u>Horry</u> County, <u>15th Judicial Circuit</u> Court Address: <u>1301 3rd Ave Conway, SC 29526</u>		▲ COURT USE ONLY ▲
Plaintiff(s)/Petitioner(s): <u>Kline Thomas</u> v. Defendant(s)/Respondent(s): <u>Merritt Rhonda</u>		
Attorney or Party Without Attorney (Name and Address):  Phone Number:                      E-mail: FAX Number:                         Atty. Reg. #:		Case Number:  Division                      Courtroom
<b>MOTION TO <u>Dismiss</u></b>		

For the following reasons: (cite any applicable law)  
S.C. Code of law 27-23-20 and  
any other applicable law or code that  
may be available.

I request the Court to:  
Dismiss plaintiffs petition on  
the grounds that under S.C. law the  
contract in dispute is invalid by law.

Date: 5/19/23

Rhonda Merritt  
 Signature of  Petitioner/Plaintiff or  Respondent/Defendant  
3832 State Hwy 50 B  
 Address  
Mooreland, OK 73852  
 City, State and Zip Code  
580-461-7203  
 Telephone Number (Home)                      (Work)

**CERTIFICATE OF SERVICE**

I certify that on 5/19/23 (date) a true and accurate copy of the Motion to Kline Thomas was served on the other party by:

Hand Delivery,  E-filed,  Faxed to this number \_\_\_\_\_, or  
 by placing it in the United States mail, postage pre-paid, and addressed to the following (include name and address):

To: Zayicek  
P.O. Box 357  
MB, SC 29578

Rhonda Merritt  
 Petitioner/Plaintiff or  Respondent/Defendant

Kline Thomas  
vs Plaintiff

Merritt Rhonda  
defendant

## Motion to Dismiss

### Cause of actions:

1. South Carolina code of laws, Section 27-23-20 States that any contract for the sale of real estate may be canceled or avoided if it was obtained by fraud, misrepresentation, duress, or coercion.

(A) Defendant previously submitted supporting documentation of duress, the submitted documents clearly supports the claim that defendant was under duress do to the threat of foreclosure, among other things.

2. Federal and State law States that in order for a contract to be valid, all parties involved must freely enter into the contract.

(A) Defendant entered into contract under the real threat of foreclosure, which constitutes 27-23-20 of South Carolina law.

(B.) The defendant to this contract was

proven to have been under the threat of foreclosure among other things at the time this contract was signed by the defendant, South Carolina law recognizes that contracts signed, made, and/or agreed too under the threat of foreclosure (Duress) are not legally enforceable because they are not freely entered into by both parties.

In accordance with South Carolina law 27-23-20 the contract in dispute is not a valid contract, therefore this litigation must be dismissed.

Respectfully Submitted by the defendant:  
Rhonda Merritt 5/23/23  
3832 State Highway 50B  
Mooreland, OK 73852



Retail

P

US POSTAGE PAID

\$9.65

Origin: 73852  
07/03/23  
3956100952-15

PRIORITY MAIL®

0 Lb 4.80 Oz  
RDC 04

EXPECTED DELIVERY DAY: 07/07/23

C076

SHIP TO:

1220 SENATE ST  
COLUMBIA SC 29201-3769



USPS TRACKING® #



9505 5161 8131 3184 1888 79



USPS TRACKING



USPS.COM/PICKUP

EP14F July 2022  
OD: 12 1/2 x 9 1/2

PRIORITY MAIL  
FLAT RATE ENVELOPE  
POSTAGE REQUIRED

FROM:

PRIORITY  
★ MAIL ★



VISIT US AT USPS.COM  
ORDER MAKE SUPPLIES ONLINE

FROM:

Merritt  
3832 State Hwy 50 B  
Mooreland, OK 73852

RECEIVED

JUL 06 2023

TO: SC Court of Appeals  
Clerk of Appellate at  
1220 Senate Street  
Columbia SC 29201

Label 228, March 2016

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