

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF Horry )  
 )  
Kline Thomas )  
 Plaintiff, )  
 vs. )  
Merritt Rhonda )  
 Defendant. )

IN THE COURT OF COMMON PLEAS  
15th JUDICIAL CIRCUIT  
 CASE NO.: 2022-CP-26-04863  
 MOTION AND ORDER INFORMATION  
 FORM AND COVERSHEET

Plaintiff's Attorney: <u>Zayicek</u> Bar No. _____ Address: <u>1000 29th Ave N.</u> <u>MB, SC 29577</u> Phone: <u>448-2900</u> E-mail: _____ Other: _____	Defendant's Attorney: <u>PROSE</u> Bar No. _____ Address: _____ Phone: <u>580-461-7203</u> Fax: _____ E-mail: _____ Other: _____									
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input checked="" type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input checked="" type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)										
<b>SECTION I: Hearing Information</b> Nature of Motion: <u>Dismiss</u> Estimated Time Needed: _____ Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO										
<b>SECTION II: Motion/Order Type</b> <input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. <u>Rhonda Merritt</u> Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant <u>5/19/23</u> Date submitted										
<b>SECTION III: Motion Fee</b> <input type="checkbox"/> PAID - AMOUNT: \$ <u>25.00</u> <input type="checkbox"/> EXEMPT: (check reason) <table border="0"> <tr> <td><input type="checkbox"/> Rule to Show Cause in Child or Spousal Support</td> </tr> <tr> <td><input type="checkbox"/> Domestic Abuse or Abuse and Neglect</td> </tr> <tr> <td><input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party</td> </tr> <tr> <td><input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief</td> </tr> <tr> <td><input type="checkbox"/> Motion for Stay in Bankruptcy</td> </tr> <tr> <td><input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)</td> </tr> <tr> <td><input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions</td> </tr> <tr> <td>Name of Court Reporter: _____</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> </tr> </table>		<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support	<input type="checkbox"/> Domestic Abuse or Abuse and Neglect	<input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party	<input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief	<input type="checkbox"/> Motion for Stay in Bankruptcy	<input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)	<input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions	Name of Court Reporter: _____	<input type="checkbox"/> Other: _____
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Name of Court Reporter: _____										
<input type="checkbox"/> Other: _____										
<b>JUDGE'S SECTION</b> <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____									
<b>CLERK'S VERIFICATION</b> Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____										

FILED  
 Horry County  
 2023 SEP 25 P 3:48  
 REBECCAH ELVIS  
 CLERK OF COURT  
 Horry County, SC

<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>		FILED HONRY COURT 2023 SEP 25 P REBECC H. ELM CLERK OF COU HONRY COURT 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: <u>48</u>  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:

FILED  
HORRY COUNTY  
2023 SEP 25 P 3:48  
REBEEL H. ELMIS  
CLERK OF COURT  
HORRY COUNTY, SC

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

FILED  
HORRY COUNTY  
2023 SEP 25 P 3:48  
RENEE N. ELYS  
CLERK OF COURT  
HORRY COUNTY, SC

**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:

Zayicek  
 P.O. Box 357  
 MB, SC 29578



9590 9402 7815 2152 6470 35

2. Article Number (transfer from service label)

7019 0700 0001 3155 1846

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee  
*X B.W. Baker*

B. Received by (Printed Name) *Bruce Baker*

C. Date of Delivery *5-19-2023*

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

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

Domestic Return Receipt

RENEE H. ELVIS  
 CLERK OF COURT  
 Horry County, SC

2023 SEP 25 P 3:48

FILED  
 Horry County



---

**Renee N. Elvis**  
**Horry County Clerk of Court**  
P.O. Box 677  
1301 2<sup>nd</sup> Avenue  
Conway, SC 29526

September 27, 2023

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

Dear Ms. Merritt:

I have received your recent filings for a Motion to Dismiss and Motion for Appeal of Judgment. I have filed your documents, however there is a \$25.00 filing fee for each motion submitted. Once payment has been received, we will be able to schedule these motions.

If you have any questions, please feel free to contact me.

Sincerely,

Bridgett Williamson  
Common Pleas Supervisor  
[williamb@horrycountysc.gov](mailto:williamb@horrycountysc.gov)  
843-915-6747