

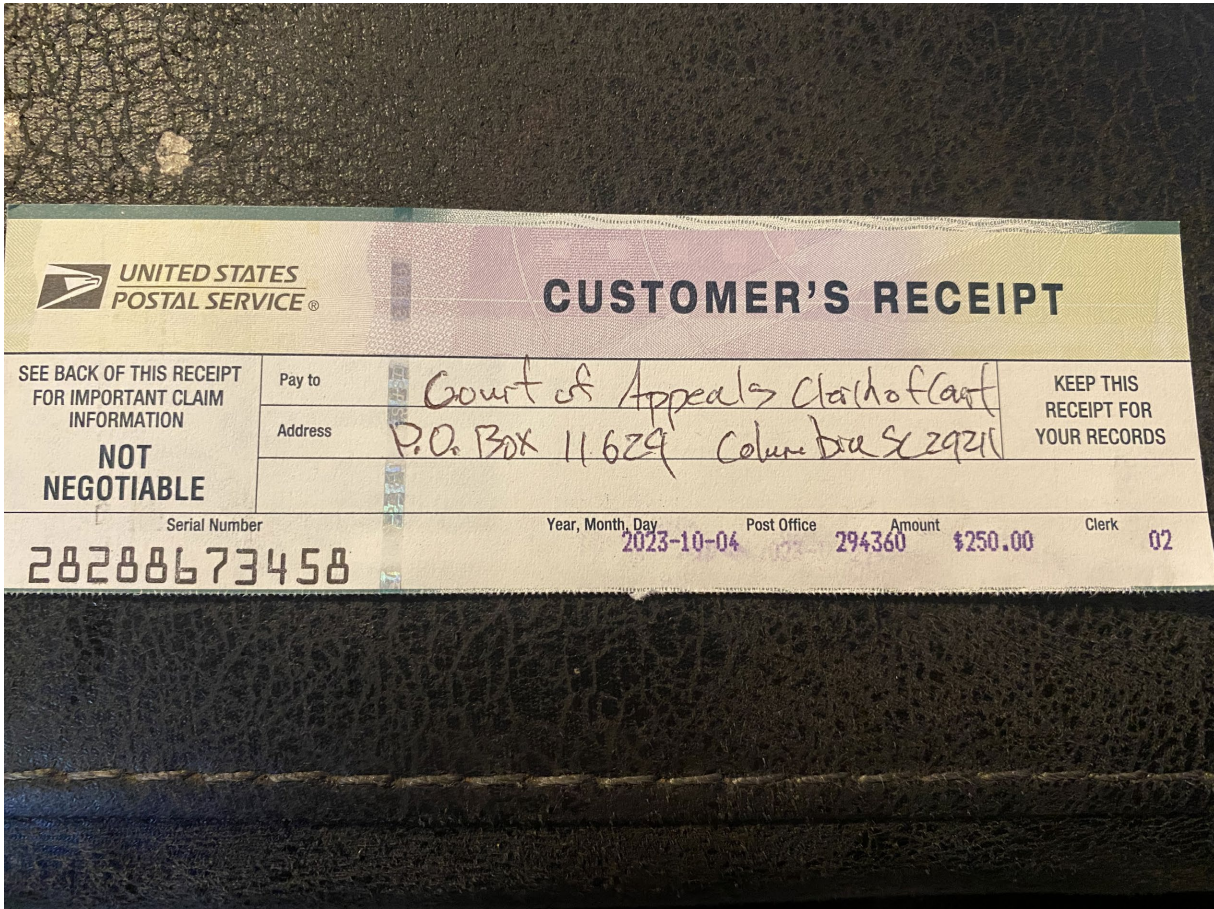
RECEIVED

Oct 04 2023

SC Court of Appeals

From: [Aubrey schultz](mailto:Aubrey.schultz)
To: Court Of Appeals Filings
Subject: Re: This is the corrections to the appeal 2023-001509
Date: Wednesday, October 4, 2023 12:33:09 PM

*** **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***



Payment is on the way

On Tue, Oct 3, 2023 at 8:45 AM Court Of Appeals Filings <ctappfilings@sccourts.org> wrote:

The Court has received your filing. A stamped copy is attached for your records.

Thank you.

From: Aubrey schultz <teatea9125@gmail.com>
Sent: Monday, October 2, 2023 11:45 PM
To: Court Of Appeals Filings <ctappfilings@sccourts.org>

Subject: This is the corrections to the appeal 2023-001509

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

**NOTICE OF APPEAL IN COURT OF
COMMON PLEAS**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Case No. 2018-CP-0802131

The Estate of Mary Westbrooks a/k/a Mary Y. Westbrooks, and John Doe and Richard Roe, as Representatives of all heirs and devisees of Mary Westbrooks a/k/a Mary Y. Westbrooks, deceased, and all persons entitled to claim under or through them; also, all other persons, corporations or entities unknown claiming any right, title interest in or lien upon the subject real estate described herein, any unknown adults, whose true names are unknown, being a class designated as John Doe, and any unknown infants, persons under disability, or person in the Military Service of the United States of America whose true names are unknown, being a class designated as Richard Roe, Aubrey Schultz, Kadeem Gaddist, The United States of America acting by and through its agent the Secretary of Housing and Urban Development, South Carolina Department of Motor Vehicles, CIT Group Consumer Finance, N/K/A CIT Loan Corporation,

Respondent,

v.

Kadeem Gaddist, Aubrey Schultz Appellant.

NOTICE OF APPEAL

Aubrey Schultz and Kadeem Gaddist appeals the order of Writ of Assistance of the Honorable Dale E. Slambrook dated on September 19 2023. Appellant received written notice of entry of this order of Writ Of Assistance on September 25 2023

On September 14 2023 Aubrey Schultz and Kadeem Gaddist were summons to court of another rule to show cause and judgment of the courts was found for a writ of assistance of 30 days due to a no show court date when aubrey schultz nor kadeem gaddist where giving notice to the hearing and proof that mrs. schultz was not notified is that Mrs.

PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

George E. Brown, Circuit Court Judge

Case No. 2023-001509

The Estate of Mary Westbrooks a/k/a Mary Y. Westbrooks, and John Doe and Richard Roe, as Representatives of all heirs and devisees of Mary Westbrooks a/k/a Mary Y. Westbrooks, deceased, and all persons entitled to claim under or through them; also, all other persons, corporations or entities unknown claiming any right, title interest in or lien upon the subject real estate described herein, any unknown adults, whose true names are unknown, being a class designated as John Doe, and any unknown infants, persons under disability, or person in the Military Service of the United States of America whose true names are unknown, being a class designated as Richard Roe, Aubrey Schultz, Kadeem Gaddist, The United States of America acting by and through its agent the Secretary of Housing and Urban Development, South Carolina Department of Motor Vehicles, CIT Group Consumer Finance, N/K/A CIT Loan Corporation,

Respondent,

v.

Kadeem Gaddist and Aubrey Schultz

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the above named Respondents by United States Mail, postage prepaid, on September 19 2023, addressed to his attorney of record, Bell Carrington Price and Gregg LLC, 2100 Southbridge Parkway Suite 650 Birmingham AL 35209.

September 19 ,2023

s/ Kadeem Gaddist and Aubrey Schultz

Appellants

The Plaintiff is the owner of the subject property because it purchased the property at the June 7, 2023, foreclosure sale and recorded the deed in the Register of Deeds Office, Berkeley County in Deed Book 4608 at Page 987.

Upon Motion of the Plaintiff, IT IS ORDERED that the Movant is entitled to recover possession of the below described property:

Land Situated in the County of Berkeley in the State of SC

ALL that certain piece, parcel or lot of land located in 2nd St. Johns Parish, County of Berkeley, State of South Carolina, shown and designated as a portion of Lot "B-1" containing 2.325 acres, more or less, as shown on a plat entitled "SUBDIVISION SURVEY OF 6.417-AC. CREATING LOTES "A-1", "A-2", "B-1", "B-2" and "C-1" OWNED BY DAVID WOODARD 2ND ST. JOHNS PARISH-CROSS BERKELEY COUNTY, SOUTH CAROLINA", made by Robert J. Sample dated July 9, 2001, revised August 6, 2001, duly recorded in the ROD Office for Berkeley county in Plat Cabinet P, page 302-E, reference to said plat is hereby made for a more full and complete description thereof. This parcel is being added to the original Lot B-1 to make it a total acreage of 2.325 acres, more or less.

Being the same property conveyed to MARY WESTBROOKS by GLENN G. JOHN, by deed dated December 2, 2005 and recorded December 5, 2005 of record in Deed Book 5200, Page 320, in the County Clerk's Office.

<i>Parcel No.</i>	042-00-03-110
<i>Property Address:</i>	2492 Ranger Drive Cross, SC 29436

IT IS FURTHER ORDERED that, if all occupants have not vacated the premises on or before October 16, 2023, the Sheriff of Berkeley County, South Carolina or his authorized deputies be and are hereby directed and authorized to enter upon the aforescribed property, by force if the same be necessary, at a time and date to be determined by the Sheriff or his deputies, and seize the said property and to remove therefrom any and all such persons including the Occupants who may be occupying the same, together with all their possessions, and to put the Movant in full, peaceful and quiet possession of the property without delay, and thereafter make immediate Return to the undersigned showing how this Order has been executed. Any personal property removed must be done so as not to cause a public nuisance. All valid tenant rights pursuant to Protecting Tenants at Foreclosure Act of 2009 shall be protected.

SIGNATURE PAGE TO FOLLOW



Berkeley Common Pleas

Case Caption: Bank Of America, N.A. VS Mary Westbrooks , defendant, et al
Case Number: 2018CP0802131
Type: Order/Writ Of Assistance

AND IT SO ORDERED!

s/Dale E. Van Slambrook #3079

Schultz was incarcerated in the FBOP from July 27th of 2022 till June 2, 2023 and records of mail from the FBOP and the affidavit of service was sent to her address and not to the FBOP for Mrs Schultz to be served her notice of court hearing **South Carolina Rules of Civil Procedure § 15-9-510**, S.C. Code, 1976 states Service on imprisoned persons or persons confined in a state hospital or similar institution, in or out of this State, shall be made by delivering a copy of the summons and complaint to the confined person personally; and service shall be made by the sheriff of the county in which the person is imprisoned or confined. In cases of persons imprisoned, and patients in a state hospital or similar institution, personal service of process may be made by the superintendent of the institution or by the director of the prison system or by assistants duly designated by the superintendent or the director in writing for the purpose of making service of process, instead of the sheriff. The superintendent or the director or their designated assistants shall not be entitled to any costs therefore. Service on confined or imprisoned persons shall also conform to the provisions of § 15-9-510, S.C. Code, 1976.

Fact 2SEC. 702. EFFECT OF FORECLOSURE ON PREEXISTING TENANCY. (a) In General- In the case of any foreclosure on a federally-related mortgage loan or on any dwelling or residential real property after the date of enactment of this title, any immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to-- (1) the provision, by such successor in interest of a notice to vacate to any bona fide tenant at least 90 days before the effective date of such notice; and (2) the rights of any bona fide tenant-- (A) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90 day notice under paragraph

.Aubrey Schultz and Kadeem Gaddist both have a written lease that is filed with Berkeley County courts and were not giving their rights as bona fide tenants even when their lease was presented to Bank of America and proof of that will be attached to appeal. Aubrey Schultz and Kadeem Gaddist both fall under all the rules to the PFTA and we are afforded their rights as tenants.

September 25 2023

s/ Aubrey
Schultz and
Kadeem
Gaddist

2492 Ranger dr
Cross South Carolina 29436
843-964-4756
Appellants

other counsel of record
Bell Carrington Price and
Gregg LLC
2100 south bridge pkwy

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.