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Nov 13 2023

SC Court of Appeals

**STATE OF SOUTH CAROLINA  
IN THE  
COURT OF APPEALS**

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Appeal from the Court of Common Pleas  
For Charleston County  
Honorable Mikell R. Scarborough, Master-In-Equity  
Civil Action No.: 2022-CP-10-03492  
**Appellate Case No.: 2023-001086**

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*Ex parte:* DeWayne Alphonza Sykes,

Appellant,

*In re:*

PVOne REO, LLC,

Respondent.

v.

The Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 1959 Jacksonville Road, Charleston County, South Carolina PIN 466-03-00-154, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 1959 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154,

Defendants.

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**MOTION TO REMAND APPEAL  
and to  
HOLD APPEAL IN ABEYANCE**

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*Attorneys for the Respondent,  
PVOne REO, LLC*

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS:

COMES NOW the Respondent, PVOne REO, LLC ("PVOne REO"), pursuant to Rule 240 of the South Carolina Appellate Court Rules, and respectfully requests this Court of Appeals to remand this matter to the Master-In-Equity so the Master-In-Equity can rule on Second Motion to Vacate filed by the Appellant, DeWayne Alphonza Sykes, appearing as *pro se* ("Mr. Sykes"), after he had filed his Notice of Appeal with the Charleston County Court of Common Pleas.<sup>1</sup> In addition, PVOne REO respectfully requests this Court of Appeals, should it grant the a remand, to hold this appeal in abeyance pending the Master-In-Equity's resolution of the *Motion to Vacate II*.

## I. STATEMENT OF THE CASE AND THE FACTS

On 3 August 2022, the Respondent, PVOne REO, LLC ("PVOne REO"), brought a quiet title to certain real property against the Defendants, The Estate of Mary A. White, and others claiming under or heirs and/or devisees to Mary A. White Respondents, Yvonne C. Knight, Eleanor C. Brown, and others (the "Estate of Mary White"). PVOne REO sought to confirm its tax title as "marketable, fee simple title" (*Final Order*, p.1)<sup>2</sup> to certain real property (the "Jacksonville Road Property"). An attorney was appointed to represent the estate and all heirs and claimants thereto, Written notice to Mary White's heirs and persons who might claim an interest in the Jacksonville Road Property and response was received.

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<sup>1</sup> See [Secon]d Motion to Vacate filed on 3 July 2023 (the "Motion to Vacate II"). A copy of the Motion to Vacate II is attached hereto as Exhibit "A" and incorporated herein by reference as are all other exhibits.

<sup>2</sup> A copy of the Final Order (Action to Quiet Tax Title) (Reference with Finality) dated and filed on 12 January 2023 (the "Final Order") is attached hereto as Exhibit "B".

The Master-In-Equity conducted a Bench Trial on 11 January 2023 (*Final Order*, p.1), and ultimately confirmed PVOne REO purchased a marketable, fee simple through its tax deed from Charleston County and all other claims, liens, rights, etc. to the Jacksonville Road Property were barred and extinguished. (*Id.*, at p.8).

On 31 January 2023, Mr. Sykes moved to both intervene and to vacate the *Final Order* confirming PVOne REO's marketable, fee simple tax deed title. (*Motion to Intervene and Vacate*, pp.1-21). The Master-In-Equity held a hearing on 13 April 2023 and, post-hearing, accepted various exhibits from both Mr. Sykes and PVOne REO. By order dated and filed on 21 June 2023, the Master-In-Equity denied Mr. Sykes' dual motions. (*Master's Order*, pp.5-6).<sup>3</sup>

Mr. Sykes filed his Notice of Appeal with the Court of Common Pleas on 23 June 2023, and with this Court of Appeals on 7 July 2023. In the interim, Mr. Sykes filed the *Motion to Vacate II* with the Master-In-Equity on 3 July 2023. This appeal followed and is currently before this Court of Appeals. PVOne REO now moves to have this matter remanded to the Master-In-Equity so the *Motion to Vacate II* can be ruled upon.

## **II. ARGUMENT AND CITIATION OF AUTHORITY**

After Mr. Sykes filed his appeal in this case, he filed the *Motion to Vacate II* seeking to vacated the *Master's Order*, as well the *Final Order*. The Master-In-Equity has not yet had an opportunity to address the *Motion to Vacate II* in light of Mr. Sykes' filing his Notice of Appeals with this Court of Appeals.<sup>4</sup> Given that Mr. Sykes' seeks in his *Motion to*

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<sup>3</sup> See Master's Order (Denying Motion to Intervene and Motion to Vacate) dated and filed 21 June 2023 (the "Master's Order"). A copy of the Master's Order is attached as Exhibit "C".

<sup>4</sup> See Rule 205, SCACR. ("Upon the service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal . . ."). See generally Tillman v. Oaks, 398

*Vacate II* to have the Master-In-Equity reconsider and/or vacate the Master's Order, any change and/or addition to the *Master's Order* in response to the *Motion to Vacate II*<sup>5</sup> most likely would affect this current appeal.

As noted by the North Carolina Court of Appeals, in *Bellamy v. Branson*, it appears it may be " 'the better practice . . . to allow the trial court to consider a Rule 60(b) motion filed while the appeal is pending for the limited purpose of indicating, by a proper entry in the record, how it would be inclined to rule on the [Rule 60(b)] motion were the appeal not pending.' "<sup>6</sup> In a somewhat analogous situation, this Court of Appeals, in *Branco v. Hull Storey Retail Group, LLC*, granted the appellants' remand motion and held the appeal in abeyance pending the trial court's resolution of [the] Appellants' [Rule 52(b), *SCRCivP*,] motion . . . ."<sup>7</sup> In *Coles v. Lawyers Title Ins. Corp.*, the Ohio Court of Appeals, Sixth District addressed a situation where there was still a motion to vacate pending in the trial court by:

remand[ing] th[e] case to the Erie County Court of Common Pleas for a [specific] period of [time] from the date of th[e] decision [granting the remand] and judgment entry for the

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S.C. 245, 728 S.E.2d 45 (Ct.App. 2012); *Wilson v. Walker*, 340 S.C. 531, 532 S.E.2d 19 (Ct.App. 2000).

<sup>5</sup> Mr. Sykes couched his *Motion to Vacate II* in terms of a Rule 60(b), *SCRCivP*, motion.

<sup>6</sup> See *Bellamy v. Branson*, 259 N.C.App. 937, 814 S.E.2d 920 (2018) (2018 WL 2652289, at \*2) (quoting *Bell v. Martin*, 43 N.C.App. 134, 142, 258 S.E.2d 403, 409 (1979), *reversed on other grounds*, 299 N.C. 715, 264 S.E.2d 101 (1980)). See also *In re Huntsman*, 2001 WL 128008, at \*1 (Ohio App. 8<sup>th</sup> Dist., filed 15 Feb. 2001) (Appellate court granted motion to remand to allow trial court to consider a Rule 60(b) motion); *Lizama v. Kintz*, 6 N.M.I. 473, 474-475 (Sup.Ct. Cmwlth. No. Marianas Isl. 2002) (2002 WL 32984070, at \*\*1-2) (same); (same).

<sup>7</sup> *Branco v. Hull Storey Retail Group, LLC*, 2021 WL 118536, at \*1 (S.C.App., filed 13 Jan. 2021), *certiorari granted* (7 June 2022), *reversed on other grounds*, 2023 WL 3614244 (S.C., filed 24 May 2023).

purpose of allowing that court to rule on the pending [Rule] 60(b) motion[ with] [t]he proceedings in th[e] [appellate] court [being] stayed until further order of the [appellate] court.¶

In conclusion, the Respondent, PVOne REO, LLC, respectfully requests this Court of Appeals to remand this matter back to the Master-In-Equity so that the trial court can consider and rule on Mr. Sykes' still pending *Motion to Vacate II*. In addition, PVOne REC respectfully requests that this Court of Appeals to hold this appeal in abeyance pending the Master-In-Equity's decision on the *Motion to Vacate II*.

Respectfully submitted:

*BUTLER SNOW LLP*

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*Attorneys for the Respondent,  
PVOne REO, LLC*

Charleston, South Carolina

10 November 2023

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¶ Coles v. Lawyers Title Ins. Corp., 163 OhioApp.3d 659, 839 N.E.2d 982 (6<sup>th</sup> Dist. 2005).

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STATE OF SOUTH CAROLINA )  
 COUNTY OF CHARLESTON )  
PV one REC, LLC )  
 Plaintiff, )  
 vs. )  
Marcy A. White et al )  
 Defendant. )

IN THE COURT OF COMMON PLEAS  
 JUDICIAL CIRCUIT  
 CASE NO.: 2022-CP-10-03492

MOTION AND ORDER INFORMATION  
 FORM AND COVERSHEET

|  |  |
|--|--|
| Plaintiff's Attorney:<br><u>John Dadds</u> , Bar No. _____<br>Address: <u>859 Low Country Blvd Ste 101</u><br>Phone: _____ Fax _____<br>E-mail: _____ Other: _____   | Defendant's Attorney:<br><u>DENNIS SIKES</u> , Bar No. _____<br>Address: <u>1953 JACKSONVILLE ROAD</u><br>Phone: <u>843 478 5735</u> Fax _____<br>E-mail: _____ Other: _____ |
| <input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)<br><input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)<br><input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)  |  |
| SECTION I: Hearing Information   |  |
| Nature of Motion: <u>2ND MOTION TO VACATE</u><br>Estimated Time Needed: _____ Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO   |  |
| SECTION II: Motion/Order Type  |  |
| <input checked="" type="checkbox"/> Written motion attached<br><input checked="" type="checkbox"/> Form Motion/Order<br>I hereby move for relief or action by the court as set forth in the attached proposed order.   |  |
| Signature of Attorney for <input type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant <u>John Dadds</u> Date submitted <u>June 3 / 2023</u> , 20____   |  |
| SECTION III: Motion Fee  |  |
| <input type="checkbox"/> PAID - AMOUNT: \$ _____<br><input type="checkbox"/> EXEMPT: (check reason)  |  |
| <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support<br><input type="checkbox"/> Domestic Abuse or Abuse and Neglect<br><input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party<br><input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief<br><input type="checkbox"/> Motion for Stay in Bankruptcy<br><input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP)<br><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<br>Name of Court Reporter: _____<br><input type="checkbox"/> Other: _____ |  |
| JUDGE'S SECTION  |  |
| <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order.<br><input type="checkbox"/> Other: _____   | JUDGE CODE _____<br>Date: _____, 20____  |
| CLERK'S VERIFICATION   |  |
| Collected by: _____ Date Filed: _____, 20____  |  |
| <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____<br><input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____   |  |

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS  
Case No. 2022-CP-10-03492

PVone REO, LLC,

2ND MOTION TO VACATE

Plaintiff,

Vs

The Estate of Mary A. White;  
Heirs-at-Law of Mary A. White;  
unknown Heirs-at-Law or Devisees of  
Mary A. White, Deceased; their Heirs,  
Personal Representatives,  
Administrators, Successors, and  
Assigns, and all other persons entitled to  
claim through them; all unknown  
owners, unknown heirs or unknown  
devisees of any deceased person, or by  
any such designation; and John Doe and  
Mary Roe, representing all unknown  
persons having or claiming to have any  
right, title, or interest in or to, or lien  
upon, the real estate described as 1935  
Jacksonville Road, Charleston County,  
South Carolina, PIN 466-03-00- 154,  
their heirs and assigns, and all other  
persons, firms, or corporations entitled  
to claim under, by or through the  
above-named Defendant(s), and all other  
persons or entities unknown claiming  
any right, title, interest, estate in, or lien  
upon, the real estate described as 1935  
Jacksonville Road, Charleston County,  
South Carolina, PIN 466-03-00-154,

Defendants.

DeWayne Alphonza Sykes

BY: WCL

JULIE J. ARMSTRONG  
CLERK OF COURT

2023 JUL -3 PM 12:54

FILED

**COMES NOW**, This is a special visitation by DeWayne Alphonza Sykes, damaged party of interest, hereinafter Movant, in a timely manner demanding all of his rights at all times and waiving none of his rights at any time, especially his rights protected under the South Carolina Constitution to be secure in his property from unreasonable seizures thereof. This Motion to Vacate is based upon the uncontroverted facts of the record in this case clearly reflect that this honorable court was without jurisdiction for a multitude of reasons that will be explained in the Memorandum. This motion to vacate is made timely in that this Movant, affected by the void judgment has never received any valid instrument that would invoke the court's jurisdiction or lead a court to a reasonable belief finding that the alleged plaintiff in this action was a valid creditor with standing or that alleged Movants were bona fide debtors to plaintiff. This Motion is moved pursuant to Rule 60(b)(4), Rules of Civil Procedure, to vacate all previously entered final orders.

Wherefore: this court being wholly without jurisdiction of the person or the subject matter as reflected by the record is respectfully requested to notice plaintiff and it's counsel of the void judgment and order all funds taken by plaintiff to be forthwith returned along with sanctions, out of pocket expenses, bank fees and attorney's fees to be paid to the Movant for violations of disciplinary rules of conduct, rules of procedure, violations of the Uniform Commercial Code and the Fair Debt Collections Practices Act and United States and State Constitutional protections.

**Notice South Carolina A void judgment** is one that, from its inception, is a complete nullity and is without legal effect." Thomas & Howard Co. v. T.W. Graham and Co., 318 S.C. 286, 291, 457 S.E.2d 340, 343 (1995). The definition of void under the rule only encompasses judgments from courts which failed to provide proper due process, or judgments from courts which lacked subject matter jurisdiction or personal jurisdiction." McDaniel v. U.S. Fid. & Guar. Co., 324 S.C. 639, 644, 478

S.E.2d 868, 871 (Ct. App. 1996). It is fundamental that no judgment or order affecting the rights of a party to the cause shall be made or rendered without notice to the party whose rights are to be affected." Tyron Fed. Sav. & Loan Ass'n v. Phelps, 307 S.C. 361, 362, 415 S.E.2d 397, 398 (1992). Generally, a person against whom a judgment or order is taken without notice may rightly ignore it and may assume that no court will enforce it against his person or property. The requirements of due process not only include notice, but also include an opportunity to be heard in a meaningful way, and judicial review. Grannis v. Ordean, 234 U.S. 385, 394 (1914) ("The fundamental requisite of due process of law is the opportunity to be heard."); S.C. Dep't of Soc. Servs. v. Holden, 319 S.C. 72, 78, 459 S.E.2d 846, 849 (1995).

Notice: I DeWayne Alphonza Sykes the real party in Interest gives Notice to STATE OF SOUTH CAROLINA, CHARLESTON, County, Clerk of Court, The Trier of Fact, And the Trier of the Case. That Master IN Equity Mikell R Scarborough, made no valid Order on 08/09/2022, 09/26/2022, 01/12/2023, 03/02/2023, 06/21/2023, the actions is Void due to abuse of process, lack of Jurisdiction and improper Service. I DeWayne Alphonza Sykes the real party in Interest makes this Motion and demand an emergency hearing of Rule 60 Void order for relief and to Notify the Charleston County Court **100 Broad Street, Suite 143. Charleston, SC 29401** and their Agents and Authorized Designee or Officers That I DeWayne Alphonza of the family name: Sykes the real party in Interest have a right to reclaim my home further to make an Special Appearance/Restricted Appearance and Challenges the Original jurisdictions of the Court at CHARLESTON COUNTY Master-IN-Equity Division. I Demand the Real party in interest who brought the claims and object to trustees and agents for PVONE REO LLC, as void actions and demand the real party in interest be present to testify under penalty of perjury. I was not Properly given full due process of law the PVONE REO LLC , Court Officers, and plaintiff caused me multiple injuries engaging in a fraudulent acts to violate my Personal Liberty to property protected and secured Under Article 1 sections 3 and 13 to SC constitution, Article 4 the 5th and 14th amendment of the federal constitution Prove by what constitutional authority did the plaintiffs, Officers and this court acted upon to force upon I DeWayne Alphonza Sykes a wrongful non-judicial foreclosure and to deprive me of my home, possessions and civil liberty on 5-7-18 as well a right to be heard in full. I DeWayne Alphonza Sykes do not wave any of my rights secured by the state and federal constitutions inclusive of Due Process of Law and a proper and competent Judicial Court hearing protecting my Primary rights and personal Liberties.

According to the rule of law A defect in service of process by publication is jurisdictional, rendering any judgment or order obtained thereby void. Jones v. Wallis, 211 NC App. 353, 712 S.E.2d 180 (2011).

**(4) Judgments After Service by Publication; Affidavit; Undertaking.**

In actions for the recovery of money only, when the summons has been served by publication and the defendant is a non-resident of the State, no default judgment shall be rendered unless the plaintiff or his

agent at or before the time of making the application for judgment shall have been examined on oath respecting any payments that have been made to the plaintiff or any one for his use on account of the demand mentioned in the complaint, and shall show by affidavit that an attachment has been issued in the action and levied upon property belonging to the defendant, which affidavit shall contain a specific description of such property, and a statement of its value and shall be filed with proof of publication. Before judgment is rendered the plaintiff shall, unless the court in its discretion dispenses with the same, cause to be filed an undertaking in such amount as shall be ordered by the court with security to be approved by the court or the clerk thereof, that the plaintiff will abide the order of the court touching the restitution of any estate or effects which may be directed by such judgment to be transferred or delivered, or the restitution of any money that may be collected under, or by virtue of, such judgment, in event the defendant or his representative shall apply and be admitted to defend the action and shall succeed in such defense.

Article 1 SECTION 23. Provisions of the Constitution are mandatory. The provisions of the Constitution shall be taken, deemed, and construed to be mandatory and prohibitory, and not merely directory, except where expressly made directory or permissive by its own terms. (1970 (56) 2684; 1971 (57) 315.), Rule 4(d) of the South Carolina Rules of Civil Procedure to be the equivalent of a statute, strict compliance with both that rule and section 15-9-740 would be required since service by publication is in derogation of the common law, therefore requiring strict compliance with the authorizing statute or rule. See, Wayne County, ex rel. Williams v. Whitley, 72 NC App. 155, 323 S.E.2d 458 (1984); see also, Caldwell v. Wiquist, 402 SC 565, 741 S.E.2d 583 (Ct. App. 2013) (to avoid resolving litigation by default, strict compliance with publication statutes is required).

Further When the Rules of Civil Procedure were promulgated by the Supreme Court and not rejected by the General Assembly, the latter also passed a bill which attempted to repeal those statutes previously enacted which were in conflict with the Rules of Civil Procedure. See 1985 Act 100 (effective 7/1/85). The legislature further provided that in the event of conflict between any provision of the South Carolina Rules of Civil Procedure and any other statutory provisions as to practice and procedure not otherwise repealed by the Act, the provisions of the rule would prevail. Since procedure concerns the machinery for carrying on a legal action, including pleadings, process, evidence and practice, it appears clear that service by publication concerns a matter of procedure. Based upon this Act, the dictates of Rule 4 would prevail over section 15-9-740. Accordingly, the commencement of any action requires service of both a summons and complaint. The plaintiff, PVONE REO LLC, and several other Officers of the Charleston acting criminally produced an Irregular Complaint by Publication which it cannot prove any set of Facts Rule 602

as used in Code, § 29, Emphasis added SC Rule 17 providing that an action must be prosecuted In the name of the real party in interest, means the person entitled to the avails of the suit; and a mere assignee, having no interest In the result of the suit, and who obtains an assignment on a promise to pay the assignor the amount he may derive from the action, is not the real party in interest, and cannot maintain the action. Hoagland v. Van Etten, 35 N. W.III, 870, 22 Neb. 681.

as used in Code, § 29, Emphasis added SC Rule 17 providing that an action must be prosecuted In the name of the real party in interest, means the person entitled to the avails of the suit; and a mere assignee, having no interest In the result of the suit, and who obtains an assignment on a promise to pay the assignor the amount he may derive from the action, is not the real party in interest, and cannot maintain the action. Hoagland v. Van Etten, 35 N. W.III, 870, 22 Neb. 681.

In order to establish standing, three elements must be established. First, the party must have suffered an injury in fact---an invasion of a legally protected interest which is (a) concrete and particularized and (b) actual or imminent, not conjectural or hypothetical. Second, there must be a causal connection between the injury and the conduct complained of---the injury has to be fairly traceable to the challenged action of the adverse party and not the result of independent action of some third party not before the court. Third, it must be likely as opposed to merely speculative, that the injury will be redressed by a favorable decision. See *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 112 S.Ct. 2130, 2136, 119 L.Ed.2d 351 (1992); *Chambers Medical Technologies of S.C. v. Bryant*, 52 F.3d 1252 (4th Cir. 1995). The plaintiff or the master in Equity Court does not satisfy any of the requirements required to establish standing.

Heirs are the Victim of Malicious prosecution and Void Order evidenced by the attachments proof that there was no true diligent search by J. A. Cox stating the place was unoccupied when that was never the case the court is in error by using that as proof of diligent service to service by publication. Since the service of a summons, which gives a court the power to render a judgment over a party within its jurisdiction, must be accomplished with service of the complaint, there is no personal jurisdiction over a party without the service of both summons and complaint together. Without personal jurisdiction, any judgment rendered by a court is void. *Universal Benefits, Inc. v. McKinney*, 349 S.C. 179, 561 S.E.2d 659 (Ct. App. 2002) (A judgment is void when a court lacks personal jurisdiction over a party). Because a void judgment is a nullity, it may be attacked at any time within "reason" without a showing of excusable neglect or meritorious defense. See *Flanagan, James F.*, South Carolina Civil Procedure (2d Ed.). Under Rule 60(b)(4), relief where a judgment is void is non-discretionary and a matter of right. *Richardson Construction Co. v. Meck Engineering & Construction Co.*, 274 S.C. 307, 262 S.E.2d 913 (1980). As a result, if the above analysis proves true, any service by publication upon a defendant which is undertaken in conformance with section 15-9-740 may have been improper and cause the judgment rendered upon a default to be void and subject to relief pursuant to Rule 60(b)(4) of the South Carolina Rules of Civil Procedure.

ONE: Frank White sr. died leaving his last will and testament a life Estate to Mary A White 1973 At the time of the November 16, 2020 Tax Sale (the subject of this action) the title owner of the Subject Property was Mary A. White and others being Dewayne White, William White, Clinton White, Frank White Jr. who had a fee simple interest by virtue of the adverse possession action against Monday Green, Ida Gadston, Sterling Jenkins, Frank White Sr. they initiated in the Court of Common Pleas for Charleston County in 1979, (Case Number 1979-CP-10-2289) which resulted in a Deed to Lucreita B. Lucado ( Lucreita Becude) from Mary A. White , dated 4/7/81 . recorded in the ROD on 4/7/81 in Book B-125 at page 221, and secondly a deed to Mary A. White from Lucreita B. Lucado ( Lucreita Becude), dated 4/20/81, recorded in the ROD on 4/20/81, in Book E-125, at page 036. In addition, the records reflect three out of four of her sons William White, Clinton White and Dewayne White ( Dewayne White also deemed incapacitated by Probate Court case # 88-747C/G) to grant Mary A. White a Life Estate but wasn't signed by Frank White Jr. and deemed void by Dewayne White, The other sons William White, a Clinton White attempted to conveyed their interest to her by Quitclaim deed recorded in Book T184, page 216 recorded May 30, 1989. Pryor Dewayne A. White signature was void due to his incapacitated appointment that he lacked sufficient understanding. Mary A. White thereafter died intestate on 11/27/96. Although an estate was opened for Mary Ancrum White as noted above, deed automatically transferred to her son DeWayne Alphonza White as a tenants in common. Dewayne A. White was deemed incapacitated by Probate Court case # 88-747C/G from 1988 till December 2016 see Exhibit C. DeWayne A. White

thereafter died intestate on 12/27/2016 Although an estate was opened DeWayne Alphonza Sykes as his personal representative and sole heir. The Charleston County Auditor identifies co owners WHITE MARY A, WHITE DEWAYNE A, & WILLIAM to Deed T184-216 05/15/1989.

1. LIFE ESTATES. *Grantee of life tenant, holding over after life tenant's death, becomes tenant at sufferance of remaindermen.*

Grantee of life tenant, holding over after the death of life tenant, becomes tenant at sufferance of the heirs at law, the remaindermen.

2. LIFE ESTATES. *Grantee of life tenant, holding over after life tenant's death, could not set up hostile claim against remaindermen based simply on possession ( Hemingway's Code, sections 2628, 2629, 2632).*

Grantee of life tenant, holding over after life tenant's death and thereby becoming a tenant at sufferance of remaindermen, could not set up a hostile claim of adverse possession, under Hemingway's Code, sections 2628, 2629, 2632 (Code 1906, sections 3090, 3091, 3094), against remaindermen, based simply on possession, in that the holding is consistent with title of remaindermen and in the absence of actual ouster or equivalent, and ten-year statute of limitations cannot be invoked against remaindermen so as to defeat their right to possession of, and title in, the land so held.

3. LIFE ESTATES. *Deed executed by life tenant was lawful notice after life tenant's death of only life estate.*

Deed executed by life tenant was, as against remaindermen, only lawful notice of its meaning, and legally gave notice only of a life estate, as respected adverse possession against remaindermen after life tenant's death.

**A claim of ownership through adverse possession will not succeed** when the trespasser actually had the authority to be on the premises. A trespasser who uses land by permission from the owner can never gain title by adverse possession, no matter how long that use might continue. you can't succeed on an adverse possession claim. There's no hostility, since Ida Green Gadsden, Mary White, Frank White Sr., William Timothy White, Frank White Jr., Clinton White, and DeWayne Alphonza White were given express permission by life estates as Children of Children of Monday Green see Estate of MONDAY GREEN 300-0003 last will and testament., as heirs of Ida Gadsden and life estate holder and remainder man under Frank White, Sr. last will and testament.

TWO: The court is in error findings that Mary A. White did not only had multiple life estates in the Subject Property and that Frank White, Sr. was not a life estate holder and Did not had an interest in the Subject Property are misplaced. There is a cloud deed on file giving the appearance that Frank White, Sr. transferred all his interest in the Subject Property to Ida Gadsden by Deed, dated 8/5/39, recorded in the Office of the Register of Deeds for Charleston County but the deed is missing Frank White Sr. Signature and also missing the Signatures of two witnesses there making the deed void. ("ROD") on 8/8/39, in Book O-40, at Page 739 and Mary A. White could not have fee simple title to the Subject Property by virtue of the adverse possession action her use of the land was by permission from the owner, she and Frank White Jr. William White, Clinton White and Dewayne Alphonza White initiated in the Court of

Common Pleas for Charleston County in 1979, C/A# 1979-CP-10-2289, because they already had permission from Frank White Sr. and Monday Green's last wills and testaments which should not have resulted in an order from Master in Equity confirming title and then a Deed to Lucreita B. Lucado ( Lucreita Becude) from Mary A. White , dated 4/7/81 . recorded in the ROD on 4/7/81 in Book B-125 at page 221, (straw buyer) and another Deed issued to Mary A. White from Lucreita B. Lucado, dated 4/20/81, recorded in the ROD on 4/20/81, in Book E-125, at page 036; (straw buyer) and finally the Quitclaim deed from some of her sons conveying their life estate interest in the property awarded from Monday Green Estate 300-0003 to Mary A. White by Deed T184, page 216 resulted in her life estate of the property. The hostility requirement was not met S.C. Code Ann. § 15-67-210) Exclusive possession requires that the squatter must not be cohabitating with the title owner.

A cloud on title is a colloquialism for a defect on a title (or an *apparent* defect) that can have short or long-term ramifications on the property and its owner. Someone looking at the deed that only knows the documents and not the story can tell that Frank's signature is missing, The deed from Frank white sr to Idea Gadsden is a cloud in title because there is no signature of Frank White on the deed . For a conveyance by deed to be operative in transferring title to land, the deed must be signed, sealed, and delivered. Johnson v. Johnson, 44 S.C. 364, 369, 22 S.E. 419, 422 (1895). 2. For cases in other jurisdictions see 23 Ame. Ju . 2d Deeds § 79 n.20 (1965). 3. 2 BLACKSTONE, COMMENTARIES 295 (10th ed. 1787). 299 A South Carolina deed is not valid unless it is signed as required by law. South Carolina deeds must meet the following signature requirements:

**Current Owner's Signature.** A South Carolina deed must include the original signature of the current owner (the *grantor*). Signatures should match and appear immediately above the signer's printed or typed name in the deed.

**Witnesses.** The current owner's signature must be acknowledged in the presence of two witnesses, who must also sign the deed.

THREE: Mr. Sykes could not have been aware of the Tax Sale of the Subject Property which occurred on November 16, 2020, there is no evidence on record that shows he has been served by service of processes or served with a summons or complaint of this action, in evidenced there is a letter to PINE VALLEY ONE REALTOR LLC dated April 5, 2022. referring to the property located 1953 Jacksonville Road the Delinquent Tax Office file shows that Notice of the Tax Sale was sent to Mary White's mail address of 1953 Jacksonville Road by both regular US Mail and by certified mail addressed to Ms. White but do not show any Notice of the Tax sale to co owners Dewayne White or William White the other owners of the title holders of record. The property was not properly posted for the Tax Sale on October 20, 2020 prior to the November 16, 2020 tax sale. In addition, Notice of Final Redemption was also not sent via Certified Mail to the mailing address to "Mary A White or if Dec'd Heirs of Same" but not to. Dewayne White or William White or if Dec'd Heirs of Same Mr. Sykes did challenge Plaintiff's title to the Subject Property, which has an address of 1959 Jacksonville Road. The Charleston County Auditor identifies co owners WHITE MARY A, WHITE DEWAYNE A, & WILLIAM Deed T184-216 05/15/1989. A deed is void in the first place if the deed signer has already declared legally incompetent.


FOUR: Edrian Trakas, Tax Collector for Charleston County, through an affidavit received in evidence at the merits hearing in this case, indicated that all notices of delinquent taxes, the execution, levy, posting,

advertisements, tax sale, and notices of right of redemption sent to Mary White but not in the name of her coowners who are also entitled to notice, error were performed in accordance with the procedures of the Tax Collector's Office and were not in strict conformity with all statutory requirements. PVONE REO LLC has presented no evidence to the contrary although the Court gave it the opportunity to submit whatever documents it desired. The Charleston County Auditor identifies co owners WHITE MARY A, WHITE DEWAYNE A, & WILLIAM Deed T184-216 05/15/1989.

FIVE: error of the court for ignoring that Dewayne Alphonza Sykes is a beneficiary of the trust and the trust is a matter of Equity that the title holder of the land property in question. Can a beneficiary be charged as a trespasser of land and dwellings owned by a Trust where the beneficiary house and lands be kept together as a home on the trust land and said children or grandchildren of Monday Green that they should live and reside on the place or places or in case they cannot do this that the property should be rented out and the proceeds divided among them share and share alike but in no case shall it be sold or encumbered in any manner whatsoever.

#### CONCLUSION

Wherefore: this court being wholly without jurisdiction of the person or the subject matter is respectfully requested to notice Plaintiff and his counsel of the void judgment and order all funds to be forthwith returned along with sanctions and out of pocket expenses, bank fees and attorney's fees paid, land title and property to the Movant for violations of Disciplinary rules of conduct, rules of procedure, violations of Fair Debt Collections Practices Act and Constitutional protections of property from unreasonable seizure.

  
DEWAYNE SYKES  
Damaged Party

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS  
Case No. 2022-CP-10-03492

PVone REO, LLC,

CERTIFICATE OF SERVICE

Plaintiff,

Vs

The Estate of Mary A. White; et al

2023 JUL -3 PM 12:55  
JULIE J. ARMSTRONG  
CLERK OF COURT

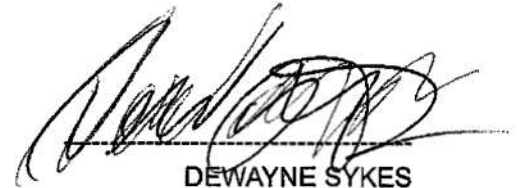
FILED

Come now movent first being sworn. Depos and says the on the 28th day of JUNE, 2023, mailed. by certified mail United States mail , a copy of the Notice of Appeal filed by me in the above reference case. also served Ralph Wetherell person, As well as a copy of Certificate of Mailing to the below-listed parties:

**John Dodds III**  
858 Low Country Blvd ste 101  
Mt Pleasant SC 29464

**A. Parker Barnes**  
P.O. Box 11889  
Columbia SC 29211

**Kelly Woody**  
P.O. Box 6432  
Columbia SC 29260



DEWAYNE SYKES  
1953 JACKSONVILLE ROAD  
CHARLESTON SC 29405

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS  
Case No. 2022-CP-10-03492

PVone REO, LLC,

Plaintiff,

Vs

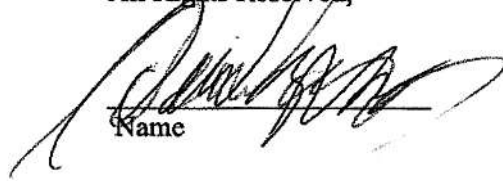
Mary A. White et al

FILED  
2023 JUL -3 PM 12:55  
JULIE J. ARMSTRONG  
CLERK OF COURT  
BY \_\_\_\_\_

**Certificate of Service**

I certify that a true and correct copy of the foregoing Motion and Notice of Appeal was sent by certified mail to the alleged counsel for Plaintiff, this 3 day of JULY, 2023.

All Rights Reserved,

  
Name

Hearing has been set for \_\_\_\_\_, \_\_\_\_\_, 2023

State of South Carolina.

City and County of Charleston.

In the Name of God Amen?

I Mondan Green of the County of Charleston and State aforesaid, and now residing on Charleston Neck, being desirous of settling my worldly affairs at this time, and being of sound and disposing mind, memory & understanding, do make this my last Will and Testament, hereby revoking all other wills by me at any time heretofore made.

Inprimis.

I direct that all my just debts and obligations due at the time of my death be paid as soon as possible after my decease. And I desire to be buried in the Sharon Cemetery, where my son is now interred. Giving my Executor full power of sale to pay my debts.

I give devise and bequeath, all the personal Estate of which I do possess, of any kind whatsoever, and of which I may become at any time possessed, to my three Children Flora Ann Green, Clara Green, & Ida Green. Share and Share alike, the Child or children of a deceased Child or children, to take by representation the parents share. Subject to the payment of my debts.

I give devise and bequeath

inc  
Mondan Green  
Munday  
Widow C. S. Davis.

CD

1 All my Real Estate, and Land, of which  
 2 I did possess, & Wherever situate, to  
 3 my said Three Children above named  
 4 for and during the term of their natural  
 5 lives, and from and after their death, to  
 6 the Child or children of any or all of  
 7 them, to such Child or children of such  
 8 deceased Child or children, share and  
 9 share alike, to them their heirs & assigns  
 10 forever. But should any of my said  
 11 Children die without issue, their her or their  
 12 shares or life estate to vest in the other  
 13 one or two, according to the terms as above  
 14 stated. But should any of my said  
 15 above named Children, die during my  
 16 life time, leaving Children or a child,  
 17 surviving them or her, then such Child  
 18 or children, shall take an estate in the  
 19 said Real Estate, which shall continue  
 20 during the lives of their Aunt or Aunts,  
 21 & which shall be in the nature of the  
 22 same Estate that their Aunt or Aunts  
 23 enjoy under this Will, but on the death  
 24 or deaths of their Aunt or Aunts, then  
 25 they shall take absolutely & in fee  
 26 simple, just as they would have taken  
 27 if their parent, or parents had survived  
 28 me. It is my desire that my house  
 29 and lands be kept together as a home  
 30 for my said Children or grand Children,  
 31 (if any of my Children should die before  
 32

his  
 Witness G. H. Lewis, Monday 20 Green  
 much

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 2 me and leaving Children, and that they  
 3 should live and reside on the place, or  
 4 places, or in case they cannot do this,  
 5 that the property should be rented out,  
 6 and the proceeds, divided among them,  
 7 But in no case shall it be sold or encumbered  
 8 in any manner whatsoever.

9 Item

10 It is my will and desire,  
 11 and my special request to my Children,  
 12 that should Louisa James wife of  
 13 James of Charleston, who was my late wife's  
 14 Cousin, who has been taking care and  
 15 attending to my Children so faithfully,  
 16 ever reside or be in want of a home,  
 17 that my said Children should provide  
 18 for her, and see as far as they are able  
 19 that she is provided for & well taken  
 20 care of.

21 Witness my hand & seal this Nineteenth  
 22 day of December A. D. 1883.

23 Monday <sup>his</sup> Green Seal  
 24 mark

25 Signed, Sealed, published and declared by  
 26 the aboves named Horatio Green as and for  
 27 his last Will & Testament in the presence of us  
 28 who at his request, in his presence and in  
 29 the presence of each other, have subscribed  
 30 our names as witnesses hereunto:

31 B. G. Shaffer }  
 32 E. H. Alley }  
 Chas. E. Carere }

Shaw's

Monday X Grew  
I hereby appoint Chas. Grew  
Executor of this my last will &  
Testament with full power of sale  
therein do with power to sell any  
or all of my cash & other things my debts.

Cordial to mee:

This Cordial made to my last  
will and Testament executed on  
the 19<sup>th</sup> of December 1883. hereby  
revoke and Cancel all provision  
as to Louisa Jane within named  
& I desire that such provision as was  
therein made for her be extended  
in all particulars to Nancy Johnson  
Wife of Frank Johnson, who has been  
my faithful friend in my sickness -  
Witness my hand and  
seal this 25<sup>th</sup> of June  
1885. his

Monday X Grew (Seal)

Signed sealed published & declared by  
- the above named Monday Grew  
and for the Cordial to his last will &  
Testament in the presence of us who at  
his request in his presence and in the  
presence of each other have signed our  
names as Witnesses hereunto:

J. W. Sumner  
Geo. Williamson  
Lucy Washington

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IT IS FURTHER ORDERED that WILLIAM T. WHITE in his capacity as conservator for DEWAYNE A. WHITE, shall pay out of the funds of DEWAYNE A. WHITE, the costs of this action, including, but not limited to a reasonable attorney's fee for the court-appointed attorney and guardian ad litem in his capacity as attorney/gal/visitor for the allegedly incapacitated person, DEWAYNE A. WHITE for his services rendered; a reasonable fee for the petitioner's attorney, ROBERT POLK, Esquire; a reasonable fee for the two court-appointed designated examiners for their examination and testimony in the within matter and any and all other costs normally and usually arising therefrom; and

IT IS FURTHER ORDERED that this order is subject to such further orders of the Probate Court of Charleston County as may be or shall become necessary for the custody, control, conduct, and administration of the estate, both personal and property of the said DEWAYNE A. WHITE.

AND IT IS SO ORDERED.

Executed this 12TH day of OCTOBER, 1988.

BERNARD R. FIELDING, ASSOCIATE  
JUDGE OF PROBATE OF AND FOR THE  
COUNTY OF CHARLESTON, STATE OF  
SOUTH CAROLINA

CHARLESTON, SOUTH CAROLINA

Attch: A True Copy

Clerk Probate Court, Therapeutic Determination Division  
Charleston County, South Carolina

E3

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

PROBATE COURT

IN THE MATTER OF DEWAYNE A. WHITE

CASE NUMBER 88-747C/G

CERTIFICATE OF APPOINTMENT

This is to certify that

WILLIAM T. WHITE

is/are the duly qualified

- PERSONAL REPRESENTATIVE
- GUARDIAN
- CONSERVATOR
- TRUSTEE

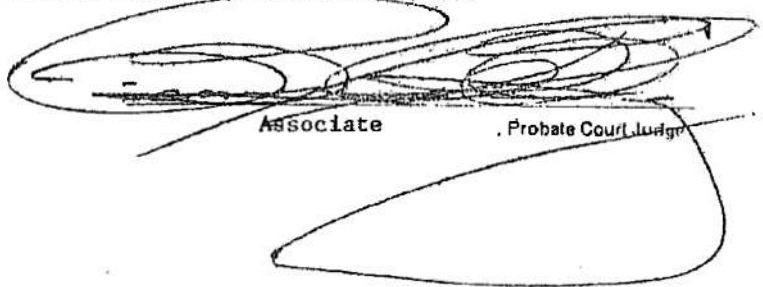
in the above matter and that this appointment, having been executed on the 17th day of October, 19 88 is now in full force and effect, including authorization to receive all monies, income, principal, interest & dividends of and belonging to said estate; and further that William T. White is expressly empowered to consent to medical treatment of any kind, including but not limited to A&D evaluations as to DeWayne A. White's drug abuse problem and/or psychiatric condition; and to the administration of appropriate medications.

RESTRICTIONS:

None

Executed this 17th day of October, 19 88

Do not accept a copy of this certificate without the raised seal of the Probate Court.



Associate Probate Court Judge

E4

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

IN THE MATTER OF: DEWAYNE A. WHITE

CASE NUMBER: 1988-GC-10-112

CERTIFICATE OF DISCHARGE

WILLIAM T. WHITE

appear(s) to have fully administered the above matter, having filed the receipts and other necessary proof that that all Orders Closing the Conservatorship has been complied with.

IT IS HEREBY ORDERED that this Conservatorship is hereby ended.

Effective the 25<sup>TH</sup> day of APRIL, 2011



IRVIN G. CONDON, PROBATE JUDGE

Judge Condon

JVI - Mr. White  
Returned the forms  
from this morning's  
RTSC - Should we  
close down consv.?  
4/17/11 [initials] 8tz  
4/18/11

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STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

PROBATE COURT

IN THE MATTER OF        DEWAYNE A. WHITE  
CASE NUMBER                1988GC10-0112

**CERTIFICATE OF APPOINTMENT**

This is to certify that

**LUKE DANIELS**

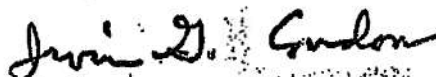
is the duly qualified

- PERSONAL REPRESENTATIVE
- TEMPORARY GUARDIAN
- CONSERVATOR
- TRUSTEE

In the above matter and that this appointment, having been executed on the 25th day of February, 2015 is now in full force and effect; and that **LUKE DANIELS** is expressly empowered to consent to medical treatment of any kind, including, but not limited to diagnostic evaluations as to **DEWAYNE A. WHITE'S** medical and/or psychiatric condition; to the administration of antipsychotic or any other psychiatric medications; and shall have the general powers and duties of a Guardian under S. C. Code 62-5-312.

**RESTRICTIONS:**

Effective this 25th day of February, 2015.



IRVIN G. CONDON, Judge of Probate

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STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

Case No. 2022-CP-10-03492

PVone REO, LLC,

Plaintiff,

vs.

The Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 1959 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 1959 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154,

Defendants.

**FINAL ORDER**  
(Action to Quiet Tax Title)  
(Reference with Finality)

THIS MATTER comes before me pursuant to the Order of Reference filed on September 26, 2022, for a merits hearing upon the action of Plaintiff PVone REO, LLC ("Plaintiff") to quiet its tax title to real property located in Charleston County and seeking an order of the Court confirming marketable, fee simple title. The hearing occurred on January 11, 2023.

## FINDINGS OF FACT

The real property that is the subject of this action is known as 1959 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154 (the "Property"), as is more fully described in Plaintiff's Notice of Lis Pendens and as follows:

ALL THAT CERTAIN piece, parcel or lot of land, located in Charleston County, South Carolina, shown and designated as "LOT Y" on a plat entitled "RESUBDIVISION OF PROPERTY IN THE 5 MILE SECTION OF CHARLESTON COUNTY" prepared by W. L. Gaillard, Registered Surveyor, dated July 27, 1981, revised October 20, 1983, and recorded in Plat Book AY, Page 192, Charleston County records. Said lot having such size, shape, dimensions, metes, buttings and boundings as will by reference to said plat, more fully appear.

BEING a portion of the property conveyed to Mary A. White by deed from Lucreita B. Lucado, dated April 20, 1981, and recorded April 20, 1981, in Book E125, Page 036; and being the same property conveyed to PVOne REO, LLC by tax deed dated March 18, 2022, and recorded on April 7, 2022, in the Charleston County Register of Deeds Office in Book 1098, page 183.

PIN 466-03-00-154.

### Amendment to Correct Property Address

Based on its title search, Plaintiff identified the Property address as 1935 Jacksonville Road in its prior pleadings and filings. At the hearing, it was determined that based on the Property's PIN of 466-03-00-154, and the GIS and Assessor's records of Charleston County, the correct address of the Property is 1959 Jacksonville Road. Accordingly, the case caption and all prior pleadings are hereby amended *nunc pro tunc* to reflect the correct address of 1959 Jacksonville Road, pursuant to Rules 15(a), (b), (c), and (d) SCRCF.

### The Tax Sale and Tax Deed

Plaintiff purchased the Property for \$88,000.00 at the Charleston County tax sale held on November 16, 2020 (the "Tax Sale"). After the expiration of the redemption period following the Tax Sale, Charleston County conveyed the Property to Plaintiff by tax deed dated March 18, 2022,

and recorded on April 7, 2022, in the Charleston County Register of Deeds Office (the “ROD”) in Deed Book 1098, page 183 (the “Tax Deed”). A copy of the Tax Deed was entered into evidence as Exhibit 1.

### **Procedural History and Relevant Title History**

On August 3, 2022, Plaintiff commenced this action by filing its Summons, Complaint, and Notice of Lis Pendens (collectively, the “Pleadings”).

By deed dated and recorded on April 20, 1981, in the Charleston County Register of Deeds Office (the “ROD”) in Book E125, page 36, Lucreita D. Lucado conveyed to Mary A. White two parcels of real property, one of which was the Property. As stated on the second page of this deed, the purpose of the deed was “to put on record in the [ROD] the fact that the [conveyed property] has a clear title as of March 31, 1981, Mary A. White et al. v. Monday Green et al., Court of Common Pleas, Charleston County, Case No. 79-CP-10-2289”. A copy of this deed was entered into evidence as Exhibit 2.

As noted in the letter referenced below, it appears that Mary A. White died in 1997, but Plaintiff did not find her obituary, a record of her estate being probated in Charleston County, or a deed of distribution for the Property. Accordingly, Plaintiff named the following as parties because they may claim to have some interest in the Property: Defendants the Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation (collectively, the “Estate”). Through the Tax Sale proceedings and this action, all interests that the Estate had or may claim to have in, to, or upon the Property have been eliminated.

Prior to filing this action, Plaintiff received a letter dated April 5, 2022, from DeWayne Sykes stating as follows:

This letter is to notify you that Mary A White is a Life Estate holder of a [sic] assignment on property located at 1953 Jacksonville Rd, North Charleston, SC Charleston County, South Carolina from the last will and testament of Frank White Sr. Mary A. White died in the year of 1997 at the time of her death the life Estate ended. 11/16/20 is 23 years after the ending of the life estate. Also PINE VALLEY ONE REAL ESTATE, LLC did not exist in The state of South Carolina until the day of 03/14/2022 it could not have done business in South Carolina in 11/16/2020.

Tax sale under execution issued against one who is not the owner of the land is void. Donohue v. Ward, 298 S.C. 75, 378 S.E.2d 261 (Ct.App.1989).

A copy of this letter was entered into evidence as Exhibit 4.

The Court finds that Mr. Sykes did not challenge Plaintiff's title to the Property, which has an address of 1959 Jacksonville Road, because Mr. Sykes' letter references property located at 1953 Jacksonville Road. Based on the GIS records of Charleston County, the Property is adjacent to 1953 Jacksonville Road. Additionally, Plaintiff's title search did not find that DeWayne Sykes holds an interest of record in the Property, and Plaintiff's title search and the Tax Collector's office did not find any records showing that Mary A. White held a life estate interest in the Property.

Pursuant to the Order Appointing Guardian Ad Litem Nisi and Order for Service by Publication filed on August 9, 2022, Kelley Y. Woody, Esq. was appointed Guardian Ad Litem Nisi for the Estate and John Doe and Mary Roe as fictitious defendants to represent the interests of any unknown persons or entities claiming any right, title, interest, estate in, or lien upon the Property (collectively, the "Estate and the Doe Defendants").

**Service of the Pleadings and Status of the Defendants**

Pursuant to the Order Appointing Guardian Ad Litem Nisi and Order for Service by Publication filed on August 9, 2022, Plaintiff served the Estate and the Doe Defendants by

publication in The Post and Courier on August 12, August 19, and August 26, 2022, as evidenced by the Affidavit of Publication filed on September 12, 2022. The Estate and the Doe Defendants timely served and filed their Answer, Consent to Reference, and Consent for Video/Teleconference Hearing on August 11, 2022, but they did not challenge the Tax Sale.

On December 20, 2022, Plaintiff served and filed the Notice of the Hearing upon the defendants, as evidenced by the Certificate of Service filed the same day. None of the defendants attended the hearing personally, through counsel, or through any other representatives.

#### **Evidence Presented at the Hearing**

No parties appeared in objection to or opposed Plaintiff's action to quiet its tax title. No objection being made to Plaintiff's action to quiet its tax title, the Court accepted the allegations of the Complaint as set forth therein and reaffirmed at the hearing.

In support of its claims, Plaintiff included an affidavit from Edrian Trakas, the Charleston County Tax Collector (the "Tax Collector"). In his affidavit, the Tax Collector testified, without objection, that all notices of delinquent taxes, the execution, levy, posting, advertisements, tax sale, and notices of redemption sent to the interested parties entitled to notice were performed in accordance with the usual procedures of the Tax Collector's office and were in strict conformity with all statutory requirements. A copy of the Tax Collector's affidavit was entered into evidence as Exhibit 3.

No other witnesses were called to testify by Plaintiff and none appeared on behalf of any other interested party. All exhibits offered by Plaintiff into evidence were admitted into evidence without objection.

### CONCLUSIONS OF LAW

Based upon the Pleadings, motions, and orders filed, the testimony and evidence presented, and the arguments of counsel at the merits hearing, I make the following conclusions of law:

1. Any finding of fact stated above that is also a conclusion of law is incorporated herein by reference.

2. This matter is properly before the Court. Notice of the hearing was properly given to all defendants, and the Court has personal jurisdiction over all defendants. Further, this matter is within the subject matter jurisdiction of this Court, having been properly referred for the purpose of taking testimony, receiving evidence, and making findings of fact and conclusions of law with respect to all issues with the authority and power to enter a final judgment in this cause, with any appeal to the Court of Appeals of South Carolina.

3. Mary A. White was the last record owner of the Property prior to the Tax Sale and held good, fee simple title to the Property.

4. In strict accordance with all statutory requirements, the Tax Collector provided all required notices to all interested parties entitled to notice, properly executed and levied upon the Property, and thereafter properly advertised and sold the Property at the Tax Sale.

5. After providing the statutorily required notice of the approaching end of the redemption period to all interested parties entitled to notice in strict compliance with S.C. Code Ann. § 12-51-120, the Tax Collector conveyed the Property to Plaintiff through the Tax Deed.

6. Plaintiff timely and properly served the Pleadings by publication, as evidenced by the affidavit of publication filed herein.

7. After being timely and properly served, the Estate and the Doe Defendants timely served and filed their answer, but these defendants did not challenge the Tax Sale of the Property.

8. At all times concerned, the provisions of Chapter 51 of Title 12 of the South Carolina Code of Laws entitled, "Alternative Procedure for Collection of Property Taxes," controlled. At the hearing, no issues were raised concerning the actions of the Tax Collector, and based upon the testimony of Edrian Trakas and the other evidenced received, I find that all requirements of the South Carolina Code of Laws with regard to the Tax Sale of the Property were properly followed and were in strict compliance therewith.

9. Because the Tax Sale of the Property was conducted in strict compliance with the statutory requirements pertaining to tax sales and no party has challenged the Tax Sale of the Property, all rights, titles, claims, interests, estates, liens, mortgages, judgments, and any other creditors' claims of any of the defendants in, to, or upon the Property were extinguished by the Tax Sale. Accordingly, all rights, titles, claims, interests, estates, liens, mortgages, judgments, and any other creditors' claims that any of the defendants had or claims to have in, to, or upon the Property are hereby extinguished, and all rights, titles, claims, interests, estates, liens, mortgages, judgments, and any other creditors' claims of any person or entity claiming under, by, or through any of the defendants in, to, or upon the Property are hereby extinguished. Thus, all adverse claims to the Property are forever barred, and Plaintiff's marketable, fee simple title to the Property is certain and free from all reasonable doubt.

10. Additionally, Plaintiff's tax title is incontestable on procedural or other grounds and all claims against or challenges to the Tax Sale of the Property are barred by the two-year

statute of limitations set forth in S.C. Code Ann. §§ 12-51-90(c) and 160, because more than two have passed since the date of the Tax Sale.

11. Any party occupying the Property must vacate the Property and remove all items of personal property as set forth below, and any party occupying the Property shall maintain the condition of the Property without causing any harm or damage to the Property.

NOW, THEREFORE, based upon the foregoing, it is hereby ordered as follows:

1. All claims, rights, titles, interests, estates, liens, mortgages, judgments, and any other creditors' claims of any of the defendants in, to, or upon the Property are forever barred, including, but not limited to, the prior ownership interests of the Estate.

2. All claims, rights, titles, interests, estates, liens, mortgages, judgments, and any other creditors' claims of any other person or entity claiming under, by, or through any of the defendants in, to, or upon the Property are forever barred.

3. The Tax Sale extinguished all rights, titles, claims, interests, estates, liens, mortgages, judgments, and other creditors' claims in, to, or upon the Property, and all claims to the Property adverse to Plaintiff are forever barred.

4. The two-year statute of limitations of S.C. Code Ann. §§ 12-51-90(c) and 160 render Plaintiff's tax title incontestable and bar any and all post, present, and future claims concerning the Tax Sale of the Property.

5. This Court hereby quiets and confirms marketable, fee simple title to the Property in Plaintiff, PVone REO, LLC, and the marketable, fee simple title of Plaintiff, PVone REO, LLC, to the Property is certain and free from all reasonable doubt.

6. In the event that any party is occupying the Property, Plaintiff shall provide a copy of this Final Order to the Charleston County Sheriff or his authorized deputies (collectively

the “Sheriff”), and upon receipt of a copy of this Final Order, the Sheriff is hereby ordered to perform as follows:

a. The Sheriff is hereby ordered, directed, and authorized to post a copy of this Final Order and/or to serve a copy of this Final Order upon any persons occupying the Property;

b. Not less than 15 days after said posting or service, the Sheriff shall be authorized to enter upon the Property, by force if necessary, and to seize the Property and to any persons occupying the Property from the Property, together with all of his/her/their personal property and possessions, and to put Plaintiff in full, peaceful and quiet possession of the Property without delay, and thereafter, within ten (10) days, make due Return to the Clerk of Court for Charleston County, South Carolina, showing how this Final Order has been executed; and

c. The Sheriff shall have discretion to extend the date of seizure, but not more than 30 days from the date of said service or posting, absent a further Order.

AND IT IS SO ORDERED.

JUDGE’S SIGNATURE PAGE TO FOLLOW



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|                         |                   |             |
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| <b>Master in Equity</b> | <b>Judge Code</b> | <b>Date</b> |
|-------------------------|-------------------|-------------|

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 2023 and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_\_ day of \_\_\_\_\_, 2023 to attorneys of record or to parties (when appearing pro se) as follows:

A. Parker Barnes III, Esq.  
PO Box 11889  
Columbia, SC 29211-1889  
**ATTORNEY(S) FOR THE PLAINTIFF(S)**

Kelley Y. Woody, Esq. (Via E-file)

**ATTORNEY(S) FOR THE  
DEFENDANT(S)/DEFENDANTS**

**CLERK OF COURT**

**Court Reporter:**

**E-Filing Note: In E-Filing counties, 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 judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.**

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Charleston Common Pleas

**Case Caption:** Pvone Reo Llc VS Mary A White Estate , defendant, et al  
**Case Number:** 2022CP1003492  
**Type:** Master/Order/Quiet Title and Form 4

So Ordered

s/Mikell R. Scarborough 3062

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STATE OF SOUTH CAROLINA )  
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COUNTY OF CHARLESTON )  
  
PVone REO, LLC, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
The Estate of Mary A. White, )  
et al., )  
 )  
Defendant. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
OF THE NINTH JUDICIAL CIRCUIT  
CASE NO.: 2022-CP-10-03492

**MASTER’S ORDER**  
(Denying Motion to Intervene and  
Motion to Vacate)

This matter came before me on April 13, 2023 pursuant to DeWayne Alphonza Sykes’ (“Mr. Sykes”) two Motions filed on January 31, 2023, to both Intervene in the case and to Vacate this court’s Final Order to Quiet Tax Title entered on January 12, 2023. Present at the Hearing was John J. Dodds III, attorney for Plaintiff (“Attorney Dodds”), and Mr. Sykes, appearing Pro Se. The Court heard oral argument from both Attorney Dodds and Mr. Sykes and, upon request, afforded both parties the opportunity to submit to the Court additional records from the Charleston County Probate Court as well as Deeds to the real property the subject of this action.

Mr. Sykes provided the Court with the following records from Probate Court:

1. Last Will and Testament of Frank White, Sr.;
2. Devise/Descent of Real Estate in the estate of Frank White, Sr., Case # 73-559, reflecting Mary Ancrum White, widow of Frank White, Sr., a life estate, and Frank White, Jr., William Timothy White, Clinton White, and Dewayne Alphonza White, remainder in fee simple, as to the property at 1953 Jacksonville Road, North Charleston, SC and also the property which lies adjacent to and immediately to the rear of 1953 Jacksonville Road;
3. Petition to Prove Will in Common Form of Law and for Letters, the Estate of Frank White, Sr.;
4. Order dismissing Mary Ancrum White as Executrix of Estate of Frank White, Sr.;
5. Application for Appointment, Estate of Mary Ancrum White, 96-ES-10-01600;

6. Exhibit A for Schedule A reflecting that Mary Ancrum White had a 100% ownership interest in Lot Y, Jacksonville Road, TMS# 466-03-00-154 (aka 1959 Jacksonville Road, North Charleston, SC 29405), the subject of this Quiet Title After Tax Sale action (“Subject Property”); and
7. Death Certificate of Mary Ancrum White.

Attorney Dodds provided the Court, with the following Deeds:

1. Deed from Frank White to Ida Gadsden, dated 8/5/39, recorded in the Office of the Register of Deeds for Charleston County (“ROD”) on 8/8/39, in Book O-40, at Page 739;
2. Deed from Mary A. White to Lucreita B. Lucado, dated 4/6/81, recorded in the ROD on 4/6/81, in Book B-125, at Page 221; and
3. Deed from Lucreita B. Lucado to Mary A. White, dated 4/20/81, recorded in the ROD on 4/20/81, in Book E-125, at page 036.
4. Deed from Clinton White, Dewayne A. White and William Timothy White to Mary A. White dated 5/15/89, recorded in the ROD on 5/30/89 in Book T184, at page 216.

Upon due consideration of the arguments of Attorney Dodds and Mr. Sykes, respectively and after carefully reviewing the Charleston County probate records, I find and conclude:

ONE: At the time of the November 16, 2020 Tax Sale (the subject of this action) the title owner of the Subject Property was Mary A. White who had a fee simple interest by virtue of the adverse possession action she and others initiated in the Court of Common Pleas for Charleston County in 1979, (Case Number 1979-CP-10-2289) which resulted in a Deed to Mary A. White from Lucreita B. Lucado, dated 4/20/81, recorded in the ROD on 4/20/81, in Book E-125, at page 036. In addition, the records reflect the remaindermen of Mary A. White’s Life Estate conveyed their interest to her by Quitclaim deed recorded in Book T184, page 216 recorded May 30, 1989. Mary A. White thereafter died intestate on 11/27/96. Although an estate was opened for Mary Ancrum White as noted above, no Deed of Distribution or Devise/Descent was ever

filed in her Estate despite it running from 1996 until closed in 2014 by Rule 4 for failure to complete the administration;

TWO: Mr. Sykes' argument that Mary A. White only had a life estate in the Subject Property and that Frank White, Sr. had an interest in the Subject Property are misplaced. As noted above, Frank White, Sr. transferred all his interest in the Subject Property to Ida Gadsen by Deed, dated 8/5/39, recorded in the Office of the Register of Deeds for Charleston County ("ROD") on 8/8/39, in Book O-40, at Page 739 and Mary A. White had fee simple title to the Subject Property by virtue of the adverse possession action she and others initiated in the Court of Common Pleas for Charleston County in 1979, C/A# 1979-CP-10-2289, which resulted in an order from Master in Equity confirming title and then a Deed issued to Mary A. White from Lucreita B. Lucado, dated 4/20/81, recorded in the ROD on 4/20/81, in Book E-125, at page 036; and finally the Quitclaim deed from her sons conveying their remainder interest in the property to Mary A. White by Deed T184, page 216 resulted in her fee simple ownership of the property.

THREE: Mr. Sykes was aware of the Tax Sale of the Subject Property which occurred on November 16, 2020, as evidenced by his letter to Plaintiff's prior legal counsel, A. Parker Barnes, Esq. dated April 5, 2022. In addition, the Delinquent Tax Office file shows that Notice of the Tax Sale was sent to Mr. Sykes and Ms. White's mail address of 1953 Jacksonville Road by both regular US Mail and by certified mail addressed to Ms. White as the title holder of record. The property was properly posted for the Tax Sale on October 20, 2020 prior to the November 16, 2020 tax sale. In addition, Notice of Final Redemption was also sent via Certified Mail to the mailing address to "Mary A White or if Dec'd Heirs of Same" as well. Mr. Sykes did not challenge Plaintiff's title to the Subject Property, which has an address of 1959 Jacksonville Road, because Mr. Sykes' letter references only property located at 1953 Jacksonville Road.

Plaintiff's title search and the title search performed by the Tax Collector's Office did not find Mr. Sykes had any interest in the Subject Property, nor that Mary A. White only had a life estate. Mr. Sykes could have timely intervened during this action and asserted the claims he propounded in his letter of April 5, 2022, but did not do so;

FOUR: Edrian Trakas, Tax Collector for Charleston County, through an affidavit received in evidence at the merits hearing in this case, indicated that all notices of delinquent taxes, the execution, levy, posting, advertisements, tax sale, and notices of right of redemption sent to interested parties entitled to notice were performed in accordance with the usual procedures of the Tax Collector's Office and were in strict conformity with all statutory requirements. Mr. Sykes has presented no evidence to the contrary although the Court gave him the opportunity to submit whatever documents he desired prior to the Court issuing this ruling on his Motion to Intervene and to Vacate;

FIVE: Per Section 12-51-160, Code of Laws of South Carolina, 1976, as amended, in all cases of tax sale the deed of conveyance is prima facie evidence of a good title in the holder, that all proceedings have been regular and that all legal requirements have been complied with. An action for the recovery of land sold pursuant to Chapter 51 entitled "Alternate Procedure for Collection of Property Taxes" or for the recovery of possession must not be maintained unless brought within two (2) years from the date of the sale as provided in Section 12-51-90(C). Mr. Sykes was clearly aware of the tax sale in April, 2022, prior to the expiration of two (2) years from the tax sale, but took no action.

Moreover, Mr. Sykes is judicially estopped from asserting that Mary A. White did not acquire fee simple title to the Subject Property through the action she initiated in 1979 and 1989 Quitclaim deed as noted above. Cothran v. Brown, 357 SC 210, 592 S.E.2d 629 (2004); and

SIX: The decision to grant or deny a motion to intervene in an action pursuant to Rule 24, SCRCP, lies within the sound discretion of the trial court. Government Employee's Ins. Co., Ex parte, 644 S.E.2d 699 (2007). After considering the arguments of Attorney Dodds and Mr. Sykes, respectively, at the Motions Hearing and upon review of all the evidence before the Court, including the documents presented to the Court by Attorney Dodds and Mr. Sykes after the Motions Hearing, the Court denies Mr. Sykes' Motion to Intervene as untimely.

SEVEN: Mr. Sykes also seeks to have this Court's Quiet Title Order vacated pursuant to Rule 60(b)4, SCRCP on the basis that it is void for lack of subject matter jurisdiction and insufficient service of process. His argument is that he was a remainderman and, as a Life Tenant, Mary A. White could not affect his ownership interest in the property. The court has addressed above its basis for finding that, upon her death, Ms. White owned fee simple title to the property and that the Life Tenancy had been extinguished through both the court action as well as the recording of multiple deeds conveying title to her in fee. As this argument is the sole basis for his Rule 60 motion, the Court finds it unfounded and denies the motion.

**NOW, THEREFORE, it is HEREBY ORDERED, ADJUDGED and DECREED:**

ONE: That the Motion to Intervene and Motion to Vacate this Court's final order (Action to Quiet Tax Title) shall be, and is hereby, DENIED;

TWO: That Plaintiff shall be entitled to immediate possession of the Subject Property, together with improvements, located at 1959 Jacksonville Road, North Charleston, SC, TMS# 466-03-00-154; and

THREE: That as set forth in this Court's Final Order (Action to Quiet Tax Title) filed on January 12, 2023, in the event the Subject Property is occupied, the Sheriff shall be authorized to enter upon the Subject Property, by force if necessary, and to seize the Subject Property and remove any persons occupying the Subject Property, together with all his/her/their belongings and possessions, and to put Plaintiff in full, peaceful and quiet possession of the Subject Property without delay, and thereafter, within ten (10) days, make due return to the Clerk of Court for Charleston County showing how this Order has been executed.

**SIGNATURE PAGE TO FOLLOW**



**Charleston Common Pleas**

**Case Caption:** Pvone Reo Llc VS Mary A White Estate , defendant, et al  
**Case Number:** 2022CP1003492  
**Type:** Master/Order/Other

So Ordered

s/Mikell R. Scarborough 3062

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STATE OF SOUTH CAROLINA )  
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 COUNTY OF CHARLESTON )  
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 PVOne REO, LLC, )  
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 Plaintiff, )  
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 vs. )  
 )  
 The Estate of Mary A. White, )  
 et al., )  
 )  
 Defendant. )

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IN THE COURT OF COMMON PLEAS  
 OF THE NINTH JUDICIAL CIRCUIT  
 CASE NO.: 2022-CP-10-03492

**NOTICE OF MOTION  
 AND MOTION TO LIFT  
 AUTOMATIC STAY OR,  
 IN THE ALTERNATIVE,  
 TO REQUIRE APPELLANT  
 TO POST APPEAL BOND  
 (Rule 241(b)(4), SCACR)  
 (Rule 62(d), SCRCivP)**

**TO: DeWayne Alphonza Sykes a/k/a DeWayne A. Sykes  
 1953 Jacksonville Road, North Charleston, South Carolina  
 Appearing Pro Se:**

YOU WILL PLEASE TAKE NOTICE that the Plaintiff (and Appeal - Respondent), PVOne REO, LLC ("PVOne REO"), by and thru its undersigned attorneys, pursuant to Rule 241(b)(4), SCACR; Rule 62(d), SCRCivP; and S.C. Code Ann. § 18-9-170 (Thomson Reuters West 2012), shall move before the Honorable Mikell R. Scarborough, Master-in-Equity for Charleston County, State of South Carolina, at a date and time to be set by Judge Scarborough, for an Order (a) lifting the Rule 205, SCACR, automatic stay resulting from the currently pending appeal filed by the Defendant (and Appeal - Appellant) DeWayne Alphonza Sykes a/k/a DeWayne A. Sykes ("Mr. Sykes") in the South Carolina Court of Appeals (Appellate Case No. 2023-001086), or, in the alternative, (b) requiring Mr. Sykes to secure a written bond security undertaking in favor of PVOne REO with two known, sufficient, and solvent sureties doing business in South Carolina in a sufficient sum and amount to be determined by Judge Scarborough

in accordance with S.C. Code Ann. § 18-9-170 or to post such determined sum amount in cash with the Office of the Clerk of Court for the Charleston County Court of Common Pleas for placement in a reputable local banking institution during the pendency of this appeal.

The basis of this motion is PVOne REO is the lawful owner of the real estate, together with improvements, designated as 1959 Jacksonville Road, North Charleston, South Carolina (the "1959 Jacksonville Road Property"). Judge Scarborough's order, dated and filed on 21 June 2023, from which Mr. Sykes has appealed, granted PVOne REO immediate and exclusive possession of the 1959 Jacksonville Road Property. Pursuant to Judge Scarborough's decision, PVOne REO contracted in September 2023, to sell the 1959 Jacksonville Road Property to third-parties for Two Hundred Twenty-Five Thousand and No/100 (\$225,000.00) Dollars. Due to Mr. Sykes' appeal, which has encumbered the real property, the pending sale has been delayed. Furthermore, PVOne REO has been, is now, and will be for the pending appellate process incurring electrical utility and casualty and liability insurance costs associated with PVOne REO's ownership of the 1959 Jacksonville Road Property.. Mr. Sykes has interfered with PVOne REO's quiet possession and enjoyment of the 1959 Jacksonville Road Property.<sup>1</sup>

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<sup>1</sup> This motion will be supported by the Affidavit of Mark Lehrer sworn to on 26 October 2023 (the "Lehrer Affidavit"). A copy of the Lehrer Affidavit is attached hereto as Exhibit "A" and incorporated herein by reference..

Furthermore, during the process before Judge Scarborough and in the South Carolina Court of Appeals Mr. Sykes has asserted his claim, albeit a claim which is non-existent under the law and the casts of this case, involves real property located at “**1953 Jacksonville Road**, North Charleston, South Carolina”, which, while admittedly in the vicinity of and close to the 1959 Jacksonville Road Property, is clearly not the 1959 Jacksonville Road Property which is the real estate addressed by Judge Scarborough in his 21 June 20223 order and for which he awarded PVOne REO exclusive and unhindered possession and control.

It is manifestly unjust for PVOne REO’s sale of the 1959 Jacksonville Road Property to be unnecessarily delayed or for PVOne REO to be forced to incur costs and expenses (*i.e.*; utilities, insurance, *etc.*) while Mr. Sykes’ appeal is pending when the real property involved in apparently not the 1959 Jacksonville Road Property.

PVOne REO respectfully requests this Court to lift the automatic stay and permit PVOne REO to proceed with the pending sale of 1959 Jacksonville Road or, in the alternative, to require Mr. Sykes to post an appeal bond in an amount to cover (a) the potentially lost real estate sales amount, (b) the past, current, and anticipated future utility costs, (c) the past, current, and anticipated future casualty/liability insurance costs, and (d) PVOne REO’s incurred appellate costs and expenses.

PVOne REO certifies that consultation between its attorneys and Mr. Sykes regarding a resolution of PVOne REO’s instant motion would serve no useful purpose.

Respectfully Submitted,

*JOHN J. DODDS III LLC*

By: **s/John J. Dodds, III**  
John J. Dodds, III, Esquire  
S.C. Bar No. 1707  
858 Lowcountry Blvd., Suite 101  
Mount Pleasant, South Carolina 29464  
Telephone: 843.881.6530  
Telecopier: 843.881.5433  
E-Mail: [john@cisadodds.com](mailto:john@cisadodds.com)

*BUTLER SNOW LLP*

By: s/Stephen P. Groves, Sr.  
Stephen P. Groves, Sr., Esquire  
S.C. Bar No. 7854  
25 Calhoun Street, Suite 250  
Charleston, South Carolina 29401  
Telephone: 843.277.3704  
E-Mail: [Stephen.Groves@butlersnow.com](mailto:Stephen.Groves@butlersnow.com)

*Attorneys for the Plaintiff,  
PVOne REO, LLC*

Charleston, South Carolina

26 October 2023

I, Stephen P. Groves, Sr., Esquire, hereby certify that on 26 October 2023, I served a copy of the **Motion to Lift Stay or, in the alternative, to Require Appeal Bond** and the **Affidavit of Mark Lehrer** submitted by the Plaintiff, PVOne REO, LLC, on the *pro se* Intervenor, DeWayne Alphonza Sykes a/k/a DeWayne A Sykes via electronic mail ([Mrsykes79@gmail.com](mailto:Mrsykes79@gmail.com)) and also via the U.S. Mail and addressed as follows:

Mr. DeWayne A. Sykes  
1953 Jacksonville Road  
North Charleston, South Carolina 29405  
Telephone: 843.345.9870

*Appearing Pro Se*

Signed: **Stephen P. Groves, Sr.**  
Stephen P. Groves, Sr.

Charleston, South Carolina

26 October 2023  
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STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )  
  
PVOne REO, LLC, )  
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Plaintiff, )  
 )  
vs. )  
 )  
The Estate of Mary A. White, )  
et al., )  
 )  
Defendant. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
OF THE NINTH JUDICIAL CIRCUIT  
CASE NO.: 2022-CP-10-03492

**AFFIDAVIT  
OF  
MARK LEHRER**

*FLORIDA*  
STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF *BROWARD* )

PERSONALLY APPEALED BEFORE ME, one **MARK LEHRER**, who after being duly sworn, attests as follows:

1. I am Mark Lehrer, and I am the *Manager* of the Plaintiff, PVOne REO, LLC ("PVOne REO") in the above-captioned matter.
2. I am above the age of twenty-one (21) years and submit this affidavit in support of the **Motion to Lift Automatic Stay or, in the Alternative, to Require Appellant to Post an Appeal Bond** contemporaneously filed with this affidavit.
3. I make this affidavit of my own personal knowledge and to any statements made upon information and belief, I believe those statements to be true and correct.
4. Even though I did not draft this affidavit, I have read each line and agree and attest to the contents of this affidavit as if I had prepared it myself.

5. PVOne REO purchased certain real property, known as 1959 Jacksonville Road, North Charleston, South Carolina (the "1959 Jacksonville Road Property"), at a Charleston County Delinquent tax sale for Eighty-Eight Thousand and No/100 Dollars (\$88,000.00) on 16 November 2020.

6. The statutory interest accrual at twelve percent (12%) for the 12-month redemption period through 16 November 2021, put the total redemptive value of the 1959 Jacksonville Road Property at Ninety-Five Thousand Six Hundred and No/100 Dollars (\$95,600.00).

7. The Charleston County tax lien was not redeemed by the owner of the 1959 Jacksonville Road Property during the 12-month redemption period and, therefore, Charleston County issued a tax deed to PVOne REO on 18 March 2022.

8. PVOne REO retained A. Parker Barnes, III, Esquire of the Columbia, South Carolina office of Haynsworth Sinkler Boyd, P.A. to pursue a Quiet Title action to final judgment.

9. I received a letter dated 5 April 2022 (the "Sykes Letter"), from the putative intervenor, DeWayne Alphonza Sykes a/k/a DeWayne A. Sykes ("Mr. Sykes"), in which he asserted the prior owner – Mary A. White ("Mrs. White") only possessed a life estate and he was a remainderman heir to certain real property located at 1953 Jacksonville Road, North Charleston, South Carolina ("1953 Jacksonville Road") and that the relevant tax sale ostensibly involving the 1953 Jacksonville Road property was void.

10. The Sykes Letter was submitted to Judge Scarborough prior to the final hearing in the Quite Title action and it was made a part of the court record.

11. The Hon. Mikell R. Scarborough, Master-In-Equity for Charleston County ("Judge Scarborough") issued his *Final Order* in this Quiet Title action on 12 January 2023, making the following determinations, conclusions, and rulings:

- A. [Barring] [a]ll claims, rights, titles, interests, estates, liens, mortgages, judgments, and any other creditors' claims of any of the defendants in, to, or upon the Property. . . , including, but not limited to, the prior ownership interests of the Estate.
- B. [Barring] [a]ll claims, rights, titles, interests, estates, liens, mortgages, judgments, and any other creditors' claims of any other person or entity claiming under, by, or through any of the defendants in, to, or upon the Property . . . .
- C. [Recognizing] [t]he Tax Sale extinguished all rights, titles, claims, interests, estates, liens, mortgages, judgments, and other creditors' claims in, to, or upon the Property . . .
- D. [Barring] all claims to the [1959 Jacksonville Road] Property adverse to [PVOne REO] . . . .
- E. [Recognizing] [t]he two-year statute of limitations [contained in] S.C. Code Ann. §§ 12-51-90(c) and 160 render[ed] [PVOne REO's] tax title incontestable and bar[red] any and all post, present, and future claims concerning the Tax Sale of the [1959 Jacksonville Road] Property.
- F. [Q]uiet[ed] and confirm[ed] marketable, fee simple title to the [1959 Jacksonville Road] Property in [PVOne REO with such] marketable, fee simple title . . certain and free from all reasonable doubt.
- G. Directing the Sheriff of Charleston County to remove all property and persons from the 1959 Jacksonville Road Property and "put [PVOne REO] in full, peaceful and quiet possession of the [1959 Jacksonville Road] Property without delay.

12. After Judge Scarborough issued his Final Order, Mr. Sykes filed a *Motion to Intervene and to Set Aside* Judge Scarborough's Final Order.

13. PVOne REO ultimately transferred this action to John J. Dodds, III, Esquire of the Mount Pleasant, South Carolina law firm of John J, Dodds, III, LLC to complete this Quiet Title and defend against Mr. Sykes' motion.

14. PVOne REO took possession of the 1959 Jacksonville Road Property on 20 January 2023.

15. PVOne REO worked closely with the Office of the Charleston County Sherriff to help with removal of personal articles and motor vehicles located on the 1959 Jacksonville Road Property.

16. As the owner of the 1959 Jacksonville Road Property PVOne installed its own locks on the doors, etc. at the 1959 Jacksonville Road Property

17. Notwithstanding PVO REO's ownership and possession of the 1959 Jacksonville Road Property Mr. Sykes broke the newly installed locks on the 1959 Jacksonville Road Property and resumed his occupation of the 1959 Jacksonville Road Property.

18. Judge Scarborough held a hearing on 13 April 2023, to address and consider Mr. Sykes' Motion to Intervene and to Set aside.

19. By Master's Order dated and filed 21 June 2023, Judge Scarborough (a) denied Mr. Sykes' dual motions, (b) granted PVOne REO "immediate possession of [the] 1959 Jacksonville Road [Property], and (c) again directed the Sheriff of Charleston County to remove all property and persons from the 1959 Jacksonville Road Property

and "put [PVOne REO] in full, peaceful and quiet possession of the [1959 Jacksonville Road] Property without delay . . . ."

20. PVOne REO regained possession of the 1959 Jacksonville Road Property in July 2023.

21. Mr. Sykes filed his Notice of Appeal with the South Carolina Court of Appeals on 23 June 2023, and again on 7 July 2023.

22. PVOne REO has a signed sales contract for the 1959 Jacksonville Road Property with a third-party buyer for the sum of Two Hundred Twenty-Five and No/100 Dollars (\$225,000.00) which real estate sales contract was scheduled to close in September 2023.

23. Due to Mr. Sykes' pending appeal in the South Carolina Court of Appeals the real estate sales transaction has not been able to close as the appeal is an encumbrance, as well as a cloud on the title to the 1959 Jacksonville Road Property.


24. PVOne REO is currently paying the cost of forced-placed casualty/liability insurance on the 1959 Jacksonville Road Property, as well as the monthly electrical utility costs.

25. I believe that this Court should lifting the Rule 205, SCACR, automatic stay imposed by Mr. Sykes' filing of the Notice of Appeal with the South Carolina Court of Appeals (Appellate Case No. 2023-001086), or, in the alternative, require Mr. Sykes to secure a written bond security undertaking (the "Appeal Bond") in favor of PVOne REO with two known, sufficient, and solvent sureties doing business in South Carolina in a sufficient sum and amount to be determined by the Court.

26. Should the Court decide to require Mr. Sykes to post an Appeal Bond, I believe that the amount, if Mr. Sykes' appeal was to fail, should be sufficient to compensate and reimburse PVOne REO for (a) the potentially lost real estate sales amount, (b) the past, current, and anticipated future utility costs, (c) the past, current, and anticipated future casualty/liability insurance costs, and (d) all incurred appellate costs and expenses.

27. Again, I certify and attest that, even though I did not draft this affidavit, I have read each line and agree and attest to the entire contents of this affidavit as if I had prepared it myself.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
Mark Lehrer

Sworn before me this 26th day of October 2023

  
\_\_\_\_\_  
Notary Public for the State of ~~South Carolina~~ *FLORIDA*  
*Traci Maher*



My Commission Expires: 3/10/2026

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**RECEIVED**

**Nov 13 2023**

**SC Court of Appeals**

**STATE OF SOUTH CAROLINA  
IN THE  
COURT OF APPEALS**

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Appeal from the Court of Common Pleas  
For Charleston County  
Honorable Mikell R. Scarborough, Master-In-Equity  
Civil Action No.: 2022-CP-10-03492  
**Appellate Case No.: 2023-001086**

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*Ex parte:* DeWayne Alphonza Sykes,

Appellant,

*In re:*

PVOne REO, LLC,

Respondent.

v.

The Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 1959 Jacksonville Road, Charleston County, South Carolina PIN 466-03-00-154, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 1959 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154,

Defendants.

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**PROOF OF SERVICE FOR  
MOTION TO REMAND APPEAL  
and to  
HOLD APPEAL IN ABEYANCE**

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*Attorneys for the Respondent,  
PVOne REO, LLC*

I, Stephen P. Groves, Sr., Esquire, hereby certify that on 10 November 2023, I served a copy of the **Motion to Remand Appeal and to Hold Appeal in Abeyance** submitted by the Respondent, PVOne REO, LLC, on the *pro se* Appellant, Mr. DeWayne A Sykes via electronic mail ([Mrsykes79@gmail.com](mailto:Mrsykes79@gmail.com)) and on 10 November 2023, via the U.S. Mail and addressed as follows:

Mr. DeWayne A. Sykes  
1953 Jacksonville Road  
North Charleston, South Carolina 29405  
Telephone: 843.345.9870

*Appearing Pro Se*

Signed: **Stephen P. Groves, Sr.**  
Stephen P. Groves, Sr.

Charleston, South Carolina

10 October 2023