

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

NOV 29 2023
SC Court of Appeals

Mikell R. Scarborough, Master in Equity Judge

Case No. 2022-CP-10-03492
Appellate Case No.: 2023-001086

PVONE REO LLC

Respondent,

v.

Mary A. White et al,

Appellant.

APPELLANT OPPOSITION TO RESPONDENT MOTION TO REMAND AND
HOLD APPEAL IN ABEYANCE

DeWayne A. Sykes
1953 Jacksonville road
N. Charleston, South Carolina 29405
(843) 345-9870
Appellant

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

Comes now the Appellant to oppose the respondent's motion to remand in the above-mentioned case. Appellant contends that the lower court's exercise of discretion in not dismissing the case for lack of jurisdiction due to improper service of process, and entering inadmissible evidence was an abuse of discretion. "An abuse of discretion occurs when the decision is controlled by some error of law or is based on findings of fact that are without evidentiary support." Eason, 384 S.C. at 479, 682 S.E.2d at 807.

I. STATEMENT OF THE CASE AND THE FACTS

On 5 April Appellant in his official capacity as trustee and beneficiary of the Trust responded to a letter to a company named PINEVALLY ONE REAL ESTATE LLC, it is important to identify PINEVALLY ONE REAL ESTATE LLC is not a plaintiff in this case and the Sykes letter from April 5 is inadmissible evidence.

On 3 August 2022-14:27, the Respondent, PVOne REO, LLC ("PVOne REO"), Filed a Lis Pendens, Summons & Complaint all with a address of 1935 Jacksonville road (the "frivolous address") that do not exist, only 6 days after on 08/09/2022 the Respondent, PVOne REO, LLC Filed Stipulation & Consent to Reference, Consent to Act as Guardian Ad Litem Nisi, Notice of Filing of Complaint, Notice of Order Appointing GAL Nisi, Motion/Appointment of GAL Nisi & Order/Service Publication, which resulted in a Order/Appt GAL & Order for Service by Publication the same day. **Fraud** was practiced in Respondent obtaining "judgment" **No Proof of Service:** As required by the South Carolina Rules of Civil Procedure, a valid proof of service must be filed with the court to demonstrate that proper service has been achieved. To date, I have not received any evidence of such filing, which further underscores the inadequacy of the service of process.

The Sykes Letter

COFITACHIQUI
The English translation
Brethren of Love Society

April 5, 2022
Attn: Mark Lehrer, Portfolio Manager
PINEVALLY ONE REAL ESTATE , LLC
650 SE 12TH ST.
Dania Beach FL, 33004

"Lack of jurisdiction cannot be corrected by an order nunc pro tunc. The only proper office of a nunc pro tunc order is to correct a mistake in the records; it cannot be used to rewrite history." *E.g., Transamerica Ins. Co. v. South*, 975 F.2d 321, 325-26 (7th Cir. 1992); *United States v. Daniels*, 902 F.2d 1238, 1240 (7th Cir. 1990); *King v. Ionization Int'l, Inc.*, 825 F.2d 1180, 1188 (7th Cir. 1987). Also see *Central Laborer's Pension and Annuity Funds v. Griffee*, 198 F.3d 642, 644(7th cir. 1999).

Re: Rebuttal to Affidavit of Mark Lehrer

Defendant response to the Affidavit submitted by Mark Lehrer in this case. It is essential to highlight several key points that cast doubt on the validity and relevance of Mr. Lehrer's affidavit as a firsthand witness to the allegations and issues at hand.

First and foremost, Mr. Lehrer's Affidavit fails to establish him as a firsthand witness to the allegations. He admits that he did not draft the affidavit, raising questions about its accuracy and the source of the information presented therein. This lack of firsthand involvement in the drafting process diminishes the credibility of his testimony and raises concerns about the potential for miscommunication or misrepresentation of the facts.

Secondly, Mr. Lehrer lacks firsthand knowledge of the true owner of the property located at 1959 Jacksonville Road. 1959 road is located on lot# 29 ownership of the Brethren of Love Society, There is no tax sale against the Brethren of Love Society. Given the centrality of this issue to the case, it is imperative that any witness providing testimony has direct knowledge of the property's ownership. Without such knowledge, his assertions regarding the property's ownership are purely speculative and should be treated as such.

Furthermore, it is worth noting that Mark Lehrer is also the portfolio manager for Pine Valley One Real Estate LLC in Florida. It is crucial to emphasize that Pine Valley One Real Estate llc is not the plaintiff in this case. As such, any references to a letter addressed to Pine Valley One Real Estate llc, or any actions taken by Mr. Lehrer in his capacity as a representative of Pine Valley One Real Estate llc, should be considered inadmissible evidence in this case. The involvement of an unrelated entity in the proceedings could potentially confuse the facts and mislead the court.

Lastly, it has come to our attention that Judge Scarborough's final order may be null and void due to the failure of PV One REO llc to serve an amended summons and complaint in accordance with the court rules for corrected address to perfectuate service. This failure to adhere to the court's directives raises significant questions about the procedural integrity of this case and casts doubt on the validity of any subsequent actions taken in response to the order.

In conclusion, Mark Lehrer's Affidavit lacks the necessary credentials to establish him as a firsthand witness to the allegations, the property's ownership, or other critical aspects of this case. His affiliation with Pine Valley One Real Estate llc, which is not the plaintiff, and the potential nullification of Judge Scarborough's final order further undermine the foundation of this case.

I respectfully request that the court carefully consider these points and take them into account when evaluating the validity of Mark Lehrer's affidavit and its relevance to the ongoing proceedings. The integrity of the legal process relies on the accuracy and credibility of the evidence presented, and it is essential that only firsthand, relevant, and properly substantiated information is admitted.

The central issue at hand pertains to the respondent's failure to effectuate proper service of the summons and complaint, as well as the lower court's failure to explicitly direct the respondent to re-serve the amended summons and complaint to ensure proper service on the correct property address. This oversight has created a situation where the corrected information remains unacknowledged by the respondent, potentially infringing upon my right to due process and denying me the opportunity to fully present my case.

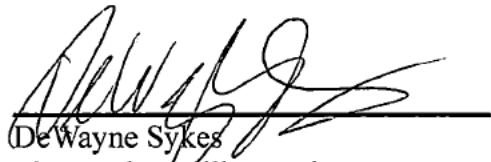
It is crucial to emphasize that these facts have been brought before the lower court on multiple occasions in a Rule 60(b) motion. Despite this, the lower court has yet to rectify the jurisdictional issue caused by the improper service of process. The purpose of this

appeal is to highlight and rectify the abuse of discretion evident in the lower court's handling of this matter.

The respondent's motion to remand appears to disregard the gravity of the jurisdictional defects that have persisted throughout the proceedings. The failure of the lower court to address these issues adequately has led to an unjust situation where my rights are jeopardized, and the proper resolution of the case is impeded.

In light of the aforementioned circumstances, I request that the court carefully reevaluate the respondent's motion to remand and consider the significant impact of the lower court's oversight on my ability to present a fair and complete case. I trust that upon further examination, the court will recognize the abuse of discretion in this matter and take appropriate measures to address the underlying jurisdictional defects.

August 21, 2023



(DeWayne Sykes
1953 Jacksonville Road
North Charleston, South Carolina 29405
(843) 345-9870
In Propria Persona

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PVONE REO LLC

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PROOF OF SERVICE

I certify that I have served the Notice John Dodds III, Stephen Peterson Groves, Kelly Woody by depositing a copy of it in the United States Mail, Postage prepaid, on November 21, 2023, addressed to its attorney of record, 858 Low county Bld ste, 101, Mt, Pleasant, South Carolina 29464; 25 Calhoun street, Suite 250 Charleston, South Carolina 29401 , and P.O. Box 6432, Columbia SC 29260.

November 21, 2023

Sincerely,



DeWayne A. Sykes
1953 Jacksonville road
N. Charleston, South Carolina 29405
(843) 345-9870
Appellant

**LETTER TO THE APPELLATE COURT CLERK
FILING THE NOTICE OF APPEAL**

August 21, 2023

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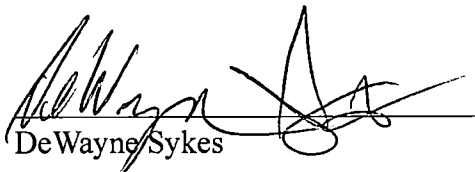
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: PVone REO LLC v. Mary A White et al, Case No. 2022-CP-10-03492

Dear Ms. Kitchings:

Enclosed for filing is a Appellant Opposition to Respondent Motion to Remand and hold appeal in Abeyance, Certificate of Service on the respondent.

- (1) Appellant Opposition to Respondent Motion to Remand and hold appeal in Abeyance
- (2) Certificate of Service



DeWayne Sykes
1953 Jacksonville Road
North Charleston, South Carolina 29405
(843) 345-9870
In Propria Persona

CC: John Dodds III
858 Low County Bld ste, 101, Mt, Pleasant, South Carolina 29464

Stephen Peterson Groves
25 Calhoun street, Suite 250 Charleston, South Carolina 29401

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

DEWARNE A. WHITE, Estate
1953 Jacksonville Road
Charleston County, SC 29405

CERTIFIED MAIL®



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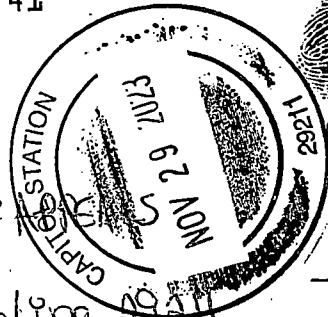
CHARLESTON SC 29
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USPS Int'l, Mail Manual
742.1 Marking Postage Paid
742.2 Parcels w/o Stamps Postage Paid

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NOV 29 2023
SC Court of Appeals

Attn: Jenny Kitchings
SOUTH CAROLINA COURT OF APPEALS
P.O. BOX 11629
Columbia, South Carolina 29211



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