

BRIEF OF APPELLANT

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

· APPEAL FROM
ORANGEBURG COUNTY
Court of Common Pleas

Heath P. Taylor,

Circuit Court Judge

Case No. 2023-000564

RECEIVED

DEC 20 2023

SC Court of Appeals

Scottie Gordon,

Appellant,

v.

Anan Hussein,

Respondent.

[INITIAL] BRIEF OF APPELLANT

Scottie Gordon
569 Butler Drive
Livingston, South Carolina
29107
(803) 552-7490
Appellant

TABLE OF CONTENTS

Table of Authorities ii

Statement of Issues on Appeal.....4

Statement of the Case.....5

Standard of Review.....5

Facts.....6

 1. All Parties and Their Actions of Involvement.....6

 2. Appellant Testimony of Ownership History and Case.....7

Arguments.....11

Conclusion.....13

TABLE OF AUTHORITIES

CASES

Johnson v. Arbabi, 347 S.C. 132, 553 S.E.2d 453 (CT.App. 2001)

Manji v. Black, 323 S.C. 91 (S.C. Ct. App 1996)

Dibble v. Bryant, 274 S.C. 481, 483, 265 S.E.2d 673, 675 (1980)

Aldridge v. Rutledge, 269 S.C. 475 (S.C. 1977)

STATUTES

1. Declaration of Independence (US 1776)
2. U.S. Constitution (amend. 14, sec.1, cl.3)
3. Fed.R.Evid.402.
4. S.C. Code Ann. § 8-21-1010
5. S.C. Code Ann. § 8-21-1080
6. S.C. Code Ann. § 12-37-250
7. S.C. Code Ann. § 12-51-130
8. S.C. Code Ann. § 12-51-160
9. S.C. Code Ann. § 15-67-10
10. S.C. Code Ann. § 15-67-20
11. S.C. Code Ann. § 15-67-230
12. S.C. Code Ann. § 15-67-452
13. S.C. Code Ann. § 15-67-460
14. S.C. Code Ann. § 22-3-10

15. S.C. Code Ann. § 22-3-20
16. S.C. Code Ann. § 22-3-25
17. S.C. Code Ann. § 22-3-30
18. S.C. Code Ann. § 22-3-920
19. S.C. Code Ann. § 22-3-1110
20. S.C. Code Ann. § 22-3-1120
21. S.C. Code Ann. § 22-3-1140
22. S.C. Code Ann. § 22-3-1150
23. S.C. Code Ann. § 22-3-1320
24. S.C. Code Ann. § 22-3-1330
25. S.C. Code Ann. § 30-7-10
26. S.C. Code Ann. § 30-7-40
27. S.C. Code Ann. § 40-5-80

OTHER AUTHORITIES

1. ABA Basic Principles of a Civil Right to Counsel
2. Black's Law Dictionary
3. National Coalition for Civil Right to Counsel

STATEMENT OF ISSUES ON APPEAL

1. DID THE TRIAL COURT(S) ERR BY FAILING TO RECOGNIZE MY CONSTITUTIONAL RIGHTS OF DUE PROCESS, WHEN NOTICES AND PROPER PROCEDURES OF SEIZURE AND POSSESSION WERE NOT GIVEN BEFORE MY PROPERTY WAS SOLD AT A TAX SALE FOR A TAX DEED; OR WHEN THE PROPERTY SOLD AS A QUITCLAIM DEED, ESCAPING REQUIRED PROCEDURES OF CLEARING THE TITLE OF A TAX DEED, BEFORE SELLING PROPERTY FOR MONETARY GAIN?
2. DID THE TRIAL COURT(S) ERR BY DENYING ME RIGHTS OF COUNSEL DUE TO THIS BEING A CIVIL CASE IN MAGISTRATE'S COURT? DID THESE ACTIONS CAUSE UNEQUAL PROTECTION OF LAW AND A BIASED JUDGMENT?
3. DID THE TRIAL COURT(S) ERR BY DENYING MY RIGHTS TO PRESENT EVIDENCE ON GROUNDS OF "HEARSAY", BEFORE CAREFULLY EXAMINING MY FILED DOCUMENTS TO SEE THEIR RELEVANCE? DID THIS ACTION INFRINGE ON MY DUE PROCESS RIGHT FOR THE OPPORTUNITY TO BE HEARD ?
4. DID THE TRIAL COURT(S) ERR BY DENYING MY REQUEST (MADE BEFORE AND DURING) TO TRANSFER THE CASE TO PROPER VENUE? DID THEY FAIL TO RECOGNIZE THE RESPONDENT WAS TRYING TO USE ADVERSE POSSESSION TO GAIN PHYSICAL POSSESSION OF MY PROPERTY? DID THEY IGNORE THE FACT THAT A TITLE TO REAL PROPERTY WAS PRESENTED, WHICH REQUIRES IMMEDIATE CHANGE OF VENUE?
5. DID THE TRIAL COURT(S) AND THE PARTIES INVOLVED MAKE HONEST MISTAKES, OR WERE THEY ACTS OF TYRANNY CONSPIRING TO DEPRIVE A CITIZEN OF HIS CONSTITUTIONAL RIGHTS OF "LIFE, LIBERTY, AND PROPERTY"? WAS POOR, BIASED JUDGMENT COMBINED WITH DISHONEST, UNETHICAL BUSINESS PRACTICES USED TO DEPRIVE ME OF MY PROPERTY AND HOME?

STATEMENT OF THE CASE

On November 23rd, 2021, an Orangeburg County Deputy served me, Scottie Gordon, a summons to answer a complaint and a notice to quit property, both in the name of David Cody New as the defendant. After I explained that I purchased the property from Mr. New in 2013, the deputy took down my name, to be added to the case as the current owner.

On November 29th, 2021, I personally went to the Western Region Magistrate's Clerk of Court to turn in the answer of dispute within the five (5) day limit to prevent writ of ejection. The Clerk refused to receive and file the answer, since she could not find my name in her system, even though she found the case and I was the one served the papers. She said I would receive a letter once my name was added to the case, then she would accept it. According to the courts case history, my name was added to their system on December 6th, 2021, but they failed to send notice. On February 8th, 2022, I received a summons to appear in court on February 16th, 2022. The case was tried in Magistrates Court by Doremus, which ruled in favor of the plaintiff. On March 9th, 2022, I served the Notice of Appeal on Respondent.

On February 6th, 2023, the appeal was heard in the Court of Common Pleas by Heath P. Taylor. He found the Magistrate's judgment to be affirmed. On March 21st, 2023, I served a notice of appeal on Respondent. On April 6th, 2023, my appeal was accepted. On May 19th, 2023, I discovered Anan Hussein had sold his quitclaim deed, when the purchaser showed up on my property claiming to be the new owner. Since then, we have been harassed, threatened and attacked by multiple parties claiming ownership because that deed has been resold three times, Orangeburg County Sheriff's Office was called to the scene multiple times due to these attacks, recorded under case #2023-0008190. On October 10th, 2023, I was served eviction papers by Orangeburg County Sheriff's Office. I sent in a written statement of dispute notifying them we are already involved in this case over the same issue because the Respondent sold his deed before these proceedings are finished. They are proceeding anyway with another court hearing in a different Magistrates Court.

STANDARD OF REVIEW

DE NOVO, as there are mixed issues of fact and law pertaining to this case. Viewed as such, like these cases, Johnson v Arbabi, Manji v Blackwell, Dibble v Bryant, and Aldridge v Rutledge, that pertained to real property sold in tax sales. Each case had extenuating circumstances along with statutes not being held in strict compliance. The tax sales were deemed void and reverted the property back to true owners who did not receive due process, like me.

FACTS

1. All Parties and Their Actions of Involvement

A. ORANGEBURG COUNTY DELINQUENT TAX DEPARTMENT

1. DID NOT SERVE DUE PROCESS BY FAILURE TO NOTIFY TRUE OWNER OF PROPERTY NOTIFICATION CONCERNING TAX SALE
2. DID NOT SERVE DUE PROCESS BY FAILURE TO NOTIFY TRUE OWNER OF A CHANCE TO REDEEM PROPERTY SOLD AT TAX SALE
3. FAILED TO SEIZE AND TAKE POSSESSION BY BY MEANS OF "STAKING" CLAIM BY PLACING A SIGN OF NOTICE OF TAX SALE IN LIEU OF DELINQUENCY IN A CONSPICUOUS PLACE TO BE OBVIOUS TO PUBLIC VIEW

B. REDROCK CAPITAL, LLC, (GRANTEE OF TAX DEED)

1. FOR UNETHICAL BUSINESS PRACTICE BY FAILING TO RESPOND TO MY LETTER OF DISPUTE BEFORE SELLING PROPERTY IN AN ONLINE AUCTION BEFORE THE TWO YEAR STATUTE OF LIMITATIONS CONCERNING TAX SALES HAD BEEN REACHED
2. UNETHICAL BUSINESS PRACTICE BY FAILURE TO PROPERLY CLEAR CLOUDS ON TITLE BEFORE PUTTING PROPERTY ON MARKET. TAX DEEDS ARE UNINSURABLE MAKING THEM UNMARKETABLE FOR TEN YEARS COINCIDING WITH ADVERSE PROPERTY POSSESSION LAW'S OF A TEN YEAR STATUTE OF LIMITATIONS ALLOWING DISPUTES FROM UNKNOWN PERSONS HOLDING INTEREST IN OWNERSHIP

C. ANAN HUSSEIN (RESPONDENT),

1. BY BRINGING A CASE BEFORE COURT BY MEANS OF FALSE REASONS STATED IN HIS CAUSES OF ACTION, IN ORDER TO GO TO A LOWER COURT WHO'S NOT QUALIFIED TO MAKE PROPER JUDGMENT CONCERNING REAL PROPERTY
2. BY COMMITTING PERJURY ON AFFIDAVIT NOVEMBER 3rd, 2021
3. BY SELLING HIS QUITCLAIM DEED DURING CASE PROCEEDINGS MAY 19th, 2023

D. ATTORNEY MICHAEL TANNER (RESPONDENT'S ATTORNEY)

1. BY KNOWINGLY FILING COMPLAINT BY MEANS OF PERJURY
2. BY OTHER SHYSTER ACTIONS TRYING TO PREVENT ME FROM EXERCISING MY RIGHTS

E. WESTERN REGION MAGISTRATE'S COURT AND HIS CLERK

1. FOR REFUSAL TO ACCEPT AND FILE MY ANSWER ON NOVEMBER 29th, 2021
2. BY USING DOUBLE STANDARDS IN SERVING AND FILING PAPERS
3. BY DENYING MY REQUEST TO HAVE COUNSEL
4. BY DENYING MY RIGHT TO ENTER EVIDENCE BEFORE CAREFUL CONSIDERATION OF RELEVANCE
5. BY DENYING REQUEST TO TRANSFER CASE TO PROPER COURT IVENUE, (WHEN GOVERNMENT AGENCIES ARE A PARTY INVOLVED WITH CASE EVENTS, OR WHEN DISPUTES OF OWNERSHIP IS PRESENTED DUE TO DETERMINATION OF THE PERCENTAGE OF EACH PARTY'S TRUE EQUITABLE INTEREST FOR FAIRNESS OF CAREFUL CONSIDERATION TO DETERMINE RIGHTFUL OWNERSHIP)
6. BY NOT INCLUDING MY FILED DOCUMENTS WITH THE RETURN TO COURT OF COMMON PLEAS TO BE ABLE TO HAVE THE CHANCE TO ENTER MY EVIDENCE.

2. Appellant Testimony of History Concerning Ownership of Property

On June 21st, 2013, David Cody New and I, Scottie Gordon, signed a handwritten bill of sale (DoM # 2) for final payment of \$5000.00, granting me all rights of exclusive ownership, along with his original title, deed and affidavit to the real property, land and improvements, located at 569 Butler Drive, Livingston, SC 29107 (DoM #1). For the sake to defend and show my initial investment of purchasing my property for a sum total of \$20,000, I have included the handwritten receipts showing the other \$15,000 was paid to Brian Robinson (DoM # 2), who originally was purchasing the property from Mr. New by means of owner financing, but could not afford to continue his payments. In August 2013, I started paying the property taxes beginning with the delinquent taxes from 2012. (DoM #3) Prior to my purchase, the house had been completely vandalized, requiring repair of plumbing, electrical wiring, window, floor, wall and door replacements. On August 19th, 2013, I personally applied for an electric and plumbing permit at the building permit office and signed an Owner Builder Disclosure Statement, in compliance with S.C. Code §40-59-260 in order to obtain an owner building permit, and to do certain work exempt of permit in accordance with S.C. Code §40-59-265. Before the building department would approve my permits, the Orangeburg Register of Deeds had to accept my original copies of the handwritten bill of sale, title, deed and affidavit, as written instrument of ownership conveyance, along with the Owner Builder Disclosure to be kept on file in OCROD with the permits issued (DoM# 4).

After the new title and deed was ready to sign, Mr. New did not show up to sign the new deed. For the next four(4) years, my wife, Shawn Gordon, consistently went several times each year to the tax office to discuss our options, seeking remedy to obtain the

title and deed in my name, since we could not locate Mr. New to amend the issue by traditional means. Due to my wife's declining health (who had been deemed permanently disabled before purchasing our home), we were eligible for real property tax exemption through the Homestead Exemption Act (S.C. Code Ann. § 12-43-220(c)). We were eager to obtain remedy of title and deed in order to receive it. In October 2016, my health started declining, when I had a stroke. Since both mine and my wife's health was deteriorating, I closed my shop permanently, placing us in a position of living on limited income, consisting of just my wife's monthly disability check and full-time homesteading, in order to supplement our essential needs. When my wife paid the property taxes redeeming our property on December 1st, 2017 (DoM # 3), she sought to find remedy to correct deed and title again, by speaking with the Assistant Assessor, who finally accepted our application for the Homesteader's Act Exemption (SC Code 12-37-250), which provides an exemption for the real property market value up to \$50,000, and Legal Residence Form to claim owner occupation of residence. The Assistant Assessor spent about forty-five(45) minutes putting all of the information in the computer, but then could not print a receipt due to the redemption room taking over use of her printer, because their printer quit working during this time. My wife did not feel comfortable leaving without any kind of receipt, even though she watched her type all the information into the computer, but she had no choice. The Assistant Assessor told my wife they would mail us a letter if anything else is needed after reassessing our property. No letters came from the tax office after this, not even in the name of David Cody New. I called the tax office in 2018 to see if we owed any taxes and was told no. We assumed we were granted the tax exemption after they reassessed the property. On October 16th, 2020, a "terryhowe.com" auction sign (DoM # 5) was placed in front of my property (the same day Orangeburg County seized my horses without due process). I looked up the website to find, it is an online auction company that sells quitclaim deeds for homes acquired from tax sales. I immediately called the tax office and spoke to Kathy in the delinquent tax office to be told my property had been sold to Redrock Capital, LLC at a tax auction on December 3rd, 2018 (DoM # 3). I explained that I never received a letter notifying me before the tax sale, nor was there a tax auction sale sign ever placed on my property, which is the required action for the delinquent tax collector to seize and take possession of the property before the tax sale is held. The action of placing a for sale sign on the physical property is only allowed by this government official; all other's must actually take physical possession of property to be considered possessor. I also told her about my wife's meeting with the Asst. Assessor on December 1st, 2017, so she transferred my call to the Assessor's office. I spoke to Dianne and explained the entire situation to find insight on what happened after the application was accepted in 2017, only to be told that she could not find either of our names in her system. We had been totally wiped out of their system , like we never existed. She told me that I had the right to get a lawyer and that it is possible to get the title and deed reversed, but only through the court system.

After searching for an attorney that could help us, we hired Attorney Bill Conner on November 12th, 2020, to contact Redrock Capital LLC to inform them of our dispute and position as true owner, by honest purchase, physical possession, with all rights exclusively granted in conveyance to me by written bill of sale by Mr. New, five (5) years prior to the tax sale. I have the rights to defend my property because I was not served due process as the true property owner. On November 12th & 16th, 2020, Me. Conner sent two(2) letters

(DoM # 6) to the email of Matthew Klein of Redrock Capital, LLC stating our dispute over property ownership and asking them to take the property off the market, in order to work something out. We never received a response and he proceeded to sell my property through terryhowe.com. Through this website, the Respondent knowingly purchased a Quit Claim Deed, which as advertised, is sold with no guarantee of a clear title, since most of the properties being sold were acquired through tax sales without a title search done. So contrary to his claims in his complaint and affidavit, that the property was not taken for taxes, fines, or assessments (DoM#3.) was in fact a lie. The quitclaim deed was sold to Mr. Hussein by Redrock Capital LLC, who held the tax deed to my property.. In order to guarantee a deed acquired in a tax sale, the deed holder must take actual physical possession of the property and take action to clear the title of any unknown equity claims or disputes of ownership. Because of ownership disputes that have extenuating circumstances just like mine, unknown family heirs, equity claims and other adverse claims of property ownership, tax deeds are considered uninsurable for ten (10) years due to statute of limitations (SC code)under adverse property law, therefore rendering it unmarketable. These actions were taken against David Cody New, as the tax payer, who has not been the rightful owner of this property since July 2013. The tax office was aware of Mr. New selling me the property through paperwork that had been turned in, therefore, violating my right to due process by serving the prior owner, instead of me.

After my property sold online, Mr. Conner did not feel well knowledged enough in real property law to proceed with our case as our attorney. He referred me to a couple of different attorneys, but they all declined due to being a case against a government agency. After searching for an attorney, SC Legal Services' Attorney Cable Poag accepted our case. (DoM#7)After our initial consultation, we tried contacting Mr. Poag in regards to our case against Orangeburg County Tax Department, Redrock Capital LLC and Anan Hussein leaving message after message to no avail.

On November 23rd, 2021, a deputy served a Notice to Quit and a Summons to Answer the Complaint. The paperwork (DoM #10 &11) was served to me in the name of David Cody New. After explaining my ownership of the property, the deputy took my name to have me added to the case. On November 29th , 2021, I personally went to the Western Region Magistrate's Clerk of Court in Neeses, SC to turn in the Answer of dispute. Despite finding the correct case in the system, the clerk refused to accept my answer, because my name was not in the system as a party in the case and until I received written notice my name had been added to their system, I could not turn in the answer of dispute. I never received a letter, until a week before the initial court hearing summoning me to court February 16th, 2022 (DoM #11).

On February 11th, 2022, I spoke to the intake office of SC Legal Services' concerning the court date, because we still were unable to contact Mr. Poag. They told me that shortly after accepting our case, Mr. Poag became severely sick and no longer worked for them. Our case had been reassigned to Attorney Taylor Ott and she just closed our case out that morning, even though she never contacted us. SC Legal Services acknowledged they failed to send us a letter notifying us about the change, but this left me no time to find another lawyer before the court hearing.

On February 16th, 2022, my wife and I showed up to court early to file our documents with the clerk of courts in order to present them as evidence to defend our home.

Before court began, Magistrate Doremus denied a continuance to give us time to seek counsel and denied to move the hearing to a higher court eligible to hear a case involving real property valued over \$7500.00. At this time, Attorney Michael C. Tanner counseled Hussein to drop his suit of damages for \$7500.00, so I could not counterclaim his claim for higher damages and force the Magistrate to send this case to the proper venue to be heard. During the hearing, I presented my documents to be entered as evidence, before the judge even looked at my documents, they were all thrown out through the objection of heresay, made by Atty Tanner. Since the Magistrate denied me equal protection of law, by not allowing me to be represented by counsel, the Magistrate's attention was strictly held by Attorney Tanner in a one sided argument, leaving us helpless in defending our case to save our homestead. The verdict was ruled in favor of the plaintiff, ordering us off our property with a Writ of Ejectment. On March 6th, 2022, I served Mr. Hussein with a notice of appeal.

The appeal was heard in the court of Common Pleas by Honorable Heath P. Taylor, on February 6th, 2023. When the Magistrate's court sent the records on file to the higher court, they failed to send the documents I had originally filed with the clerk, as stated by the Magistrate's testimony (DoM # p. /), to be entered as evidence, leaving me unable to present my documents as evidence, yet again. The verdict affirmed the judgement of the Magistrate. On March 21st, 2023, I served Mr. Hussein notice of appeal to higher court.

ARGUMENTS

1. **BECAUSE APPELLANT HAS BEEN DENIED DUE PROCESS, BEFORE, DURING, AND AFTER THESE COURT PROCEEDINGS.**

The 14th Amendment's due process clause was put into place to protect ALL American citizens from the state's actions to "deprive ANY person of life, liberty, or property without due process of the law." As I stated in my facts, I am the true owner of my property which was taken for one year of delinquent taxes, contrary to the fact Hussein stated twice in his complaint that the property was not taken for taxes, when in fact it was. SC Code 22-3-20 prohibits a Magistrate to hear a civil case in which the state is a party and for disputes as to title in real property matters. Orangeburg County never served me due process by notification of the tax sale, nor for the chance to redeem my property. They also failed to seize and take possession of my property by placing a tax auction for delinquent taxes sale sign on my property, strictly required by SC Code I was unaware of the tax sale until almost a year after the one year redemption period was already over, in October 2020. Specifically to this case I, the TRUE owner, was not served due process, . And since then I have been doing everything in my power to save my property, my homestead, my way of life, while being failed by the way of the system, over and over.

2. **BECAUSE APPELLANT WAS DENIED THE RIGHT TO COUNSEL.**

I was not guaranteed with equal protection of law when concerning an action that would have devastating results to my family's life. The ABA and the National Coalition for Civil Rights to Counsel have held the viewpoint that any civil case that would have life changing affects should be granted counsel to insure the equal protection of law.

3. **BECAUSE APPELLANT WAS DENIED THE RIGHT TO ENTER FILED DOCUMENTS INTO EVIDENCE.**

I was not given the opportunity to be heard as rightful owner of my property, as the Magistrate granted the objection of hearsay before looking at my documents with careful consideration to see their relevance. He acknowledged I had filed documents with his clerk, but failed to enter anything into evidence through his statement on the return to court of common pleas. But he also stated that we presented nothing for evidence and that no objection was made, when in fact there was.

4. **BECAUSE APPELLANT WAS DENIED THE RIGHT TO DISPUTE OWNERSHIP OF THE PROPERTY WHEN DENIED THE RIGHT TO TURN IN ANSWER TO COMPLAINT.**

As stated in my facts, I personally went to the clerk of courts to file an answer of dispute on November 29, 2021. The clerk refused to take and file my answer because my name was not in their system. This was used against me to deny me the right to defend the property that I rightfully own and possess, by saying I failed to reply. Is this not double standards when it comes to serving summons to answer and accepting answers?

5. BECAUSE THE OTHER PARTIES INVOLVED USED DOUBLE STANDARDS , ESCAPED REQUIREMENTS USING LOOPHOLES, FAILED TO FOLLOW STATUTES AND CODES, COMMITTED CRIMES TO TRICK THE SYSTEM, A BIASED JUDGEMENT WAS MADE AGAINST ME.

CONCLUSION

For the reasons stated, this Court should reverse the judgment of the circuit court. As well as, void the tax sale due to non compliance. Putting me in full possession of my property that I rightfully own.

December 16, 2023

Respectfully submitted,


/s/ Scottie Gordon

Scottie Gordon
569 Butler Drive,
Livingston, South Carolina
29107 (803)552-7490 Appellant

PROOF OF SERVICE OF INITIAL BRIEF

RECEIVED

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

DEC 20 2023
SC Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

Heath P. Taylor,

Circuit Court Judge

Case No. 2023-000564

Scottie Gordon, Appellant

v..

Anan Hussein, Respondent

PROOF OF SERVICE

I certify that I have served the Initial Brief on Anan Hussein by depositing a copy of it in the United States Mail, postage prepaid, on December 16, 2023, addressed to his attorney of record, Michael C. Tanner, Post Office Box 1061, Bamberg, South Carolina 29003.

December 16, 2023


s/ Scottie Gordon

Scottie Gordon
569 Butler Drive
Livingston, South Carolina 29107
(803) 552-7490
Appellant

Gordon
569 Butler Drive
Livingston, SC 29107



Court of Appeals
Clerk of Court
1220 Senate Street
Columbia, SC 29201

RECEIVED

DEC 20 2023
SC Court of Appeals

