

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Kristi F. Curtis, Circuit Court Judge

Appellate Case No. 2023-001023
Case No. 2020-CP-26-05267

25th Avenue, LLC,Respondent,

v.

Carol Ann HoneycuttAppellant.

RESPONDENT’S RETURN TO APPELLANT’S MOTION TO REINSTATE

Pursuant to Rule 240(e), SCACR, Respondent 25th Avenue, LLC (“Respondent”) submits this Return to Appellant Carol Ann Honeycutt’s (“Appellant”) Motion to Reinstate, and Respondent respectfully requests that this Court deny Appellant’s Motion to Reinstate.

PROCEDURAL HISTORY

The underlying case in this appeal concerns a breach of contract related to rental property. On January 5, 2023, Appellant filed a “Motion to Demand Disqualification and Recusal of Judge Kristi Curtis from Case Number 2020-CP-26005267” and cited to the May 31, 2022 Webex hearing and subsequent, unappealed ruling as the basis for her motion. This January 5, 2023 Motion (“Motion for Recusal”)—excluding Appellant’s twenty-seven exhibits—is included as

Exhibit A.¹ By Form 4 Order dated June 8, 2023, the circuit court denied Appellant’s Motion for Recusal (“the Order”). This Order is included as **Exhibit C**. Appellant served her Notice of Appeal of the Order on June 20, 2023.²

Appellant informed the Clerk of Court’s Office she had attempted to order a transcript of the May 31, 2022 hearing but had been unsuccessful, and thereafter, by letter dated August 11, 2023, Appellant attempted to submit her transcript request to the Clerk of Court. These correspondences are included as **Exhibit D**. By letter dated October 17, 2023, the Court informed Appellant she had not complied with Rule 207, SCACR concerning the status of the transcript and requested Appellant to advise the Court of the same within ten days or dismissal would result (“Deficiency Letter”). This letter is included as **Exhibit E**. By Order dated November 9, 2023, the Court dismissed Appellant’s appeal for failure to comply with Rules 207, 208, and 209, SCACR. This Order is included as **Exhibit F**.

More than ten days following the Court’s Deficiency Letter, in a letter dated November 7, 2023 and received by the Court November 13, 2023, Appellant communicated to the Court that she received a copy of the transcript of the May 31, 2022 hearing on September 6, 2023. This letter is included as **Exhibit G**. Appellant stated she did not respond within the ten-day deadline set forth in the Court’s Deficiency Letter because she was out of town for two weeks. On November 16, 2023, the Court issued another deficiency letter to Appellant, stating it was construing her

¹ Appellant filed a similar “Demand to Recuse Honorable Kristi Curtis” on August 2, 2022 wherein Appellant also cited to the May 31, 2022 Webex hearing and subsequent, unappealed ruling as the basis of her motion. This Motion is included as **Exhibit B**.

² In her Notice of Appeal, Appellant included two other orders, one Form 4 Order dated August 19, 2022 and another formal written order dated June 30, 2022. To the extent Appellant contends those orders are included in this appeal, such should be disregarded because the time for appealing those orders has long lapsed. The only order which Appellant timely appealed was the Form 4 Order dated June 8, 2023, which denied Appellant’s January 5, 2023 Motion for Recusal.

November 7, 2023 correspondence as a motion to reinstate and setting forth the deficiencies to be corrected. This letter is included as **Exhibit H**. Appellant filed and served her request in the form of a motion on November 22, 2023.

LEGAL STANDARD

Rule 260(a), SCACR provides:

Whenever it appears that an appellant . . . has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court. A case shall not be reinstated except by leave of the court, upon good cause shown, after notice to all parties. The clerk shall remit the case to the lower court or administrative tribunal in accordance with Rule 221 unless a motion to reinstate the appeal has been actually received by the court within fifteen (15) days of filing of the order of dismissal (the day of filing being excluded).

ARGUMENT

I. No good cause exists to reinstate the case.

South Carolina appellate courts have long exercised the right to deny an appellant’s motion to reinstate an appeal when no sufficient reason exists to excuse an appellant’s failure to comply with rule requirements. *See, e.g., Archer v. Long*, 42 S.C. 545, 20 S.E.2d 539, 540 (1894) (finding appellants made “no sufficient showing . . . to excuse [their] failure to comply with [rule] requirements”). Appellant, a pro se party, is not relieved from following the requirements of this State’s appellate court rules. *State v. Burton*, 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 n.5 (2003) (holding a pro se appellant’s arguments unpreserved and stating, “A pro se litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law.”).

A. Appellant did not demonstrate good cause for failing to comply with the Court’s request to update the Court as to the status of the transcript.

Appellant provided one reason for failing to comply with the Court’s request to update the Court as to the status of the transcript: she had been out of town for two weeks. (**Ex. G.**)³ Although Appellant maintains she remained in communication with the Court concerning the transcript, she received a copy of the transcript on September 6, 2023 and did not inform the Court until nearly two months later—and after the Court issued a letter advising Appellant that she must convey the status of the transcript or her appeal would be dismissed. Thus, it seems Appellant was aware of Rule 207(a)(1)’s requirement to contemporaneously furnish the Clerk of Court, the parties, and the Office of Court Administration with copies of all correspondence with the court reporter. Notwithstanding, Appellant did not furnish the Court or Respondent with copies of her correspondence with the court reporter on September 6, 2023 when she received the transcript.

Furthermore, Appellant’s being out of town for two weeks sometime in October is not good cause to reinstate the appeal. Appellant has been embroiled in this litigation for nearly three years and has filed an abundant number of motions, pleadings, and other documents with the circuit and

³ The Court construed that correspondence from Appellant as her Motion to Reinstate pursuant to Rule 260, SCACR, but required Appellant to comply with the requirements for filing a motion. (**Ex. H.**) However, when Appellant filed her formal motion, she erroneously included additional grounds for her Motion to Reinstate, including the merits of her underlying appeal, such as alleged violations of her Constitutional rights, “intentional misrepresentations,” and fraud—to which Respondent does not concede—as well as the erroneous statement that “No bond hearing has been scheduled because one of the attorneys for the Plaintiff/Respondent, Taylor K. Voegel, was given leave by an Order of Protection by the lower court for maternity leave.” (Appellant’s Mot. to Reinstate, p. 4.) Not only are Appellant’s arguments concerning the merits of the underlying appeal irrelevant to her failure to comply with the Court’s directives and appellate court rules, but such additional grounds are improper as they are beyond what Appellant stated in her initial correspondence which the Court construed as her Motion to Reinstate. Moreover, Appellant is mistaken that a bond hearing must be set or that the undersigned’s order of protection has any effect on the proceedings, particularly given that Ms. Henrietta Golding has also remained counsel for Respondent.

appellate courts. Appellant should be aware that courts and clerks of court may correspond with her, and Appellant, who initiated this appeal, should not be relieved of her responsibility to comply with court directives or to otherwise communicate any extended absences or unavailability with the Court. Thus, Appellant's failure to receive correspondence from the Court in addition to her failure to comply with the requirements of Rule 207 and Rules 208 and 209 concerning her initial brief and designation of matter do not amount to good cause for reinstatement of the appeal.

B. Appellant failed to order the transcript within ten days of service of her notice of appeal pursuant to Rule 207(a)(1), SCACR.

Appellant served her Notice of Appeal on June 20, 2023. According to various documents filed by Appellant, she attempted to order the transcript of the May 31, 2022 hearing prior to her appeal, but such order was cancelled for lack of communication and payment for the transcript, and Appellant otherwise sent such requests through improper channels.⁴ (*See, e.g., Exhibit I, Email Correspondence from Tammie M. Holmes to Appellant dated August 28, 2023.*) By the time Appellant's transcript request was received prior to being processed, approximately two months had passed from the time Appellant served her Notice of Appeal. Thus, Appellant did not comply with Rule 207, SCACR as required.

II. Appellant's appeal is improper and should not be reinstated in the interest of judicial economy.

The basis of appellate case number 2023-001023 is a Form 4 Order entered June 8, 2023, which denied Appellant's Motion for Recusal of the Honorable Kristi F. Curtis, filed January 5, 2023. (**Notice of Appeal; Ex. C.**) Appellant's January 5, 2023 Motion for Recusal contained the same grounds as her first Motion for Recusal of the Honorable Kristi Curtis filed August 2, 2022

⁴ Per the exhibits Appellant included in her Motion, Appellant also failed to comply with Rule 207, SCACR in that she did not contemporaneously furnish all correspondence with court reporters to the Clerk of Court, the Office of Court Administration, and/or Respondent.

in that the bases of Appellant's motions concerned the May 31, 2022 hearing and subsequent ruling. (See **Exs. A & B.**) Appellant's August 2, 2022 Motion for Recusal was denied and unappealed, and thus, Appellant cannot have a second bite at the apple with her second Motion for Recusal that serves as the basis of this appeal. See *Shirley's Iron Works, Inc. v. City of Union*, 403 S.C. 560, 573, 743 S.E.2d 778, 785 (2013) ("An unappealed ruling is the law of the case and requires affirmance.") (citation omitted). Therefore, Appellant's underlying appeal is barred, and even if Appellant could demonstrate good cause for her repeated failures to comply with South Carolina Appellate Court Rules and Court directives, the circuit court's order would be affirmed. In the interest of judicial economy, Appellant's Motion to Reinstate her appeal should be denied.

CONCLUSION

For the foregoing reasons, Respondent respectfully requests the Court deny Appellant's Motion to Reinstate.

Respectfully submitted,

BURR & FORMAN LLP

s/Taylor K. Voegel

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Attorneys for Respondent

Myrtle Beach, South Carolina

January 3, 2024

STATE OF SOUTH CAROLINA)
)
 COUNTY OF Horry)
)
25th Avenue LLC)
 Plaintiff,)
 vs.)
Carol Ann Honeycutt)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 15th JUDICIAL CIRCUIT
 CASE NO.: 2020-CP-26-05267
**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

Plaintiff's Attorney: <u>Henrietta Golding</u> Bar No. <u>2173</u> Address: <u>2411 N. Oak St</u> <u>Myrtle Beach, SC 29577</u> Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: <u>Pro Se</u> Bar No. _____ Address: <u>P.O. Box 8574</u> <u>Myrtle Beach, SC 29578</u> Phone: _____ Fax _____ <u>843-254-5951</u> E-mail: _____ Other: _____							
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input checked="" type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)								
SECTION I: Hearing Information Nature of Motion: <u>Motion to Disqualify and Recuse Judge Kristi Curtis</u> Estimated Time Needed: _____ Court Reporter Needed: <input type="checkbox"/> YES / <input type="checkbox"/> NO								
SECTION II: Motion/Order Type <input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.								
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <u>Carol Ann Honeycutt Pro Se</u> Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant </div> <div style="width: 35%;"> <u>4/5/20</u> Date submitted </div> </div>								
SECTION III: Motion Fee <input type="checkbox"/> PAID - AMOUNT: \$ _____ <input type="checkbox"/> EXEMPT: (check reason) <table style="width:100%; margin-left: 20px;"> <tr> <td><input type="checkbox"/> Rule to Show Cause in Child or Spousal Support</td> </tr> <tr> <td><input type="checkbox"/> Domestic Abuse or Abuse and Neglect</td> </tr> <tr> <td><input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party</td> </tr> <tr> <td><input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief</td> </tr> <tr> <td><input type="checkbox"/> Motion for Stay in Bankruptcy</td> </tr> <tr> <td><input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP)</td> </tr> <tr> <td><input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions</td> </tr> </table> Name of Court Reporter: _____ <input type="checkbox"/> Other: _____		<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support	<input type="checkbox"/> Domestic Abuse or Abuse and Neglect	<input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party	<input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief	<input type="checkbox"/> Motion for Stay in Bankruptcy	<input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP)	<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
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support								
<input type="checkbox"/> Domestic Abuse or Abuse and Neglect								
<input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party								
<input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief								
<input type="checkbox"/> Motion for Stay in Bankruptcy								
<input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP)								
<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								
JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____							
CLERK'S VERIFICATION Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____								

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 CLERK OF COURT
 HORRY COUNTY, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO. 2020-CP-26-005267

25th Avenue LLC,)
)
Plaintiff,)
)
vs.)
)
Carol Ann Honeycutt)
)
Defendant)

NOTICE OF
MOTION TO DEMAND
DISQUALIFICATION AND RECUSAL
OF JUDGE KRISTI CURTIS FROM
CASE NUMBER 2020-CP-26-05267

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CLERK OF COURT
HORRY COUNTY, SC

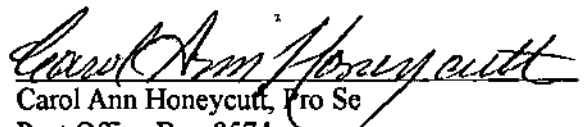
TO: THE PLAINTIFF ABOVE NAMED, and
THE HONORABLE JUDGE KRISTI CURTIS

Defendant, Carol Ann Honeycutt, hereby moves to demand that the above noted Judge Kristi Curtis be disqualified and recused from the above named case in all related actions, motion hearings, Webex hearings, and court room hearings and trials. This demand for recusal includes the two Motions listed in the CPNJ Webex Hearings on November 29,2022, 1:30 p.m. cited on lines 27 and line 28 of the Horry County Fifteenth Judicial Circuit – Roster Details, (11/28/22-12/01/22) between the above named parties to this case. This Webex Motion Hearing includes two motions:

- (1) Plaintiff's Motion to Dismiss Defendant's Counterclaims, and,
- (2) Defendant's Motion to Dismiss Plaintiff's Attorney,

Defendant has, in a prior motion, filed on August 2, 2022, DEMAND TO RECUSE HONORABLE KRISTI CURTIS, demanded that the Honorable Kristi Curtis recuse herself from all matters related to this case. This MOTION corrects the defects cited by Judge Curtis for denying the prior motion. This Motion cites numerous violations of laws and standards of conduct which provide sufficient legal grounds for her disqualification and recusal.

January 5, 2023


Carol Ann Honeycutt, Pro Se
Post Office Box 8574
Myrtle Beach, South Carolina, 29578
Phone: 843-254-5951
Email: auso2@southcarolina.usa.com

the above named parties to this case, and was Continued by Order of Judge William Seals, Jr. on November 23, 2022. (See Exhibit 1.) This CPNJ Motions Hearing Roster (Exhibit 2) lists these two motions:

- (1) Plaintiff's Motion to Dismiss Defendant's Counterclaim, and,
- (2) Defendant's Motion to Dismiss Plaintiff's Attorney.

7. The Order for Continuance by Judge Seals was signed, filed, and mailed to the Defendant. Afterwards, Judge Curtis took it upon herself to make her own, a second order on the same Motion. Her Order of Continuance on November 30, 2022, was mailed to the Defendant on or after December 1, 2022. See Exhibit 3. Also, see Exhibit 4, two letters of transmittal from Plaintiff's attorney, Ms. Golding of two different Orders for the same Continuance on the same one Motion

8. This action violates the rule that a Motion cannot be ruled on twice. In this case, it appears that Judge Curtis made a second Order on the same Motion, suggesting Judge Curtis has a personal interest in the case and her action is an attempt to keep the case under her own control. This one example does not prove her ex parte interest, but supports additional instances of violation of statutes and rules that show ex parte actions, and worse, in the paragraphs which follow.

9. This point is made here because this is not the first time Judge Curtis has violated Rule 43 (I) by ruling a second time on a motion. Though the Continuance was not refused, it apparently was not in the wording that Judge Curtis chose.

10. There is no legal explanation for Judge Curtis to rule on a Motion that had already been ruled on and on an Order that had already been made. This suggests that there is a violation of the Rule 2.9 Ex Parte Communications, South Carolina CANON 3: "A judge shall perform the duties of judicial office impartially and diligently," and, CANON 3 B. (5): "A judge shall perform judicial duties without bias or prejudice . . . and shall not permit staff, court officials and others subject to the judge's direction and control to do so".

SECOND CAUSE OF ACTION

11. This Second Cause of Action is a response to Judge Curtis' Order of August 19, 2022. On August 2, 2022, Defendant submitted to this Court a MOTION TO DEMAND TO RECUSE HONORABLE KRISTI CURTIS from this case.

12. In her Order of August 19, 2022, Judge Kristi Curtis DENIED Defendant's motion and refused to recuse herself from the case stating:

Appellant Honeycutt's First and Second Motions to Vacate the Order of June 30, 2022 are hereby DENIED. Honeycutt's Motion requesting recusal is hereby DENIED. Honeycutt has failed to set forth any legal grounds to either vacate the court's previous order or any legally sufficient grounds in support of her motion for recusal. (See Exhibit 5.)

13. This Second Cause of Action is to answer the defect cited by Judge Curtis in her Order of August 19, 2022, by citing the laws which are legally sufficient grounds to disqualify Judge Curtis given her refusal to recuse herself. In citing these laws and relating them to this case, it becomes clear that not only was there sufficient grounds for Judge Curtis to recuse herself, but also, undeniable grounds that her Order of June 30, 2022, should have been vacated.

THIRD CAUSE OF ACTION

14. The Third Cause of Action is that Judge Curtis refused to address and rule on two Motions submitted to the Court. This provides the third legally sufficient grounds in support of disqualification and recusal. Judge Curtis never ruled on the two MOTIONS FOR A COURTROOM HEARING requested by Defendant in both the Motion of July 13, 2022, and in the Motion of July 25, 2022. (See Exhibits 24 and 25.)

15. Judge Curtis wrote two Orders, July 26, 2022, and August 19, 2022, related to the above two motion dates. In those Orders, she omitted any mention of the two Motions for a Court Room Hearing. This is a violation of South Carolina Statute 502, Rule 7 (4) and (6).

FOURTH CAUSE OF ACTION

16. The Fourth Cause of Action provides the fourth legally sufficient grounds in support of disqualification and recusal. This section covers the first sentence of the Order signed by Judge Curtis on June 30, 2022.

“During a non-jury term of court held via Webex, this Court heard, on May 31, 2022, two outstanding motions: Plaintiff's Motion for Ejectment filed October 20, 2020; and Plaintiff's Motion to Amend its Petition for Ejectment filed September 17, 2021.” (See Exhibit 6.)

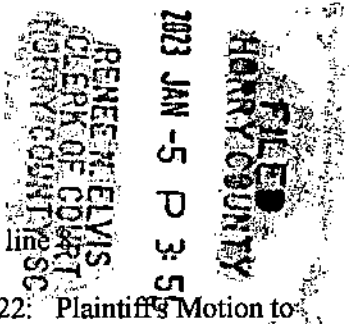
17. This first sentence is fraudulent in four points which are enumerated in the following paragraphs.

This fraudulent ORDER was written and submitted by Plaintiff's attorney Ms. Henrietta Golding as an email to Judge Curtis on May 31, 2022. (See Exhibit 7.) It is the exact wording as the Order of June 30, 2022, by Judge Curtis.

18. Ms. Golding perpetrated Fraud on the Court which is a violation of Rule 407 [5]. The Order was fraudulent in that it stated the following: “. . . this Court heard, on May 31, 2022, two outstanding motions” This first sentence was the first fraudulent statement in the Order in that there was only one Motion scheduled for that Webex hearing: Plaintiff's MOTION TO AMEND PETITION FOR EJECTMENT, filed September 17, 2021.

(See Exhibit 8.) Exhibit 9, the scheduling documents for the Webex hearing, contains three documents proving that there was only one Motion heard on May 31, 2022:

- (a) The letter from Ms. Golding's paralegal, Sheila Evans,
- (b) The Notice of Motion Scheduling from Clerk of Court Renee Elvis, and,
- (c) The CPNJ Motion Roster via Webex for Judge Curtis (5/31/22 – 6/01/22), line



All three documents verify that there was only one motion scheduled on May 31, 2022: Plaintiff's Motion to Amend its Petition for Ejectment. (Every additional document related to this court date and Motion proves the same thing.)

19. This first sentence was fraudulent in a second point. There was no “Plaintiff's Motion for Ejectment Hearing filed October 20, 2020,” scheduled for this Webex hearing before Judge Curtis on May 31, 2022.

20. In fact, this statement is fraudulent in a third point. The Motion (Exhibit 10) filed by Plaintiff's attorney on October 20, 2020, had already been heard by Judge John on June 7, 2021, and Judge John ruled on it in a Form 4 ORDER on June 8, 2021. This was filed electronically on June 8, 2021, at 8:36 a.m. (See Exhibit 11.)

21. The wording on the Form 4 ORDER of June 8, 2021, signed by Judge John, follows:

“DECISION BY THE COURT. This action came to trial or hearing before the court.

The issues have been tried or heard and a decision rendered.”

“IT IS ORDERED AND ADJUDGED: This order ends the case.”

This Form 4 wording exactly follows the requirements of Rule 43 (I).

22. This statement is fraudulent in a fourth point. A Motion cannot be heard twice.

According to Rule 43 (I) Subsequent Application for Order After Refusal states:

“If any motion be made to any judge and be denied, in whole or in part, or be granted conditionally, no subsequent motion upon the same state of facts shall be made to any other judge in that action.”

23. Exhibit 12 is the Public Index chronological summary for the Case Number 2020-CP-26-05267. On the date line for 10/20/2020, Motion/Ejectment Hearing, filed by 25th Avenue LLC, the completion date is shown as 06/07/2021, the Hearing referred to above in paragraph 18. This line exactly matches the Order and time stamp on Judge John's electronic signature page of the Order.

24. Exhibit 13 is DEFENDANT'S ANSWER of May 26, 2022, sent by mail to Judge Curtis due to the Webex format. It is Defendant's answer to Plaintiff's MOTION TO AMEND PETITION FOR EJECTMENT and to the AMENDED COMPLAINT. Defendant's Second Answer, page 1, states that Judge John's Order of June 2021, ended the case. (See Exhibit 11 under Order Information.) This fact was clearly presented by Defendant during the Webex hearing of May 31, 2022.

25. Exhibit 14 is Defendant's "PROPOSED FINDINGS AND ORDER 2020-CP-26-05267" which I submitted to Judge Kristi Curtis on June 1, 2020, following the hearing and following Plaintiff's attorney's submission of her proposed order on May 31, 2020, at 3:19 p.m. In Defendant's document, page 2, paragraphs 3, and 4, I quoted the above text from the Form 4 Order which Judge John wrote and signed.

26. Exhibit 14, paragraph 5 on page 3, I brought to Judge Curtis' attention that Plaintiff's attorney was attempting to get an EJECTMENT HEARING out of a Webex motion hearing TO AMEND PETITION.

27. Therefore, in view of the above stated facts, Judge Kristi Curtis' Order for Ejectment, made on June 30, 2022, Exhibit 6, is not only precluded by Rule 43 (I), and is therefore, a violation of the Rules of Civil Procedure of the State of South Carolina, it is precluded by the fact that no eviction trial occurred on May 31, 2022.

28. Furthermore, Judge Curtis signed a fraudulent document. This is a violation of South Carolina Statute 502, Rule 7 (1).

FIFTH CAUSE OF ACTION

29. The fifth legal basis in support of disqualification and recusal is based on the second sentence of the Order written by Plaintiff's attorney and signed by Judge Kristi Curtis on June 30, 2022, (Exhibit 6).

This second sentence of the Order states:

Based upon Plaintiff's Motions, accompanying exhibits, the Affidavits of Richard Williams, Defendant Carol Ann Honeycutt's Answer and accompanying exhibits, and arguments of the parties, the Court grants Plaintiff's Motion for Ejectment Hearing and Plaintiff's Motion to Amend.

30. This second sentence contains seven points of misrepresentations, obfuscations, and complete disregard for the South Carolina Rules of Civil Procedure. This resulted in the Defendant being deprived of Due Process, in that Rule 43 of the South Carolina Rules of Civil Procedure were totally disregarded, and, the Defendant was deprived of her Rights enumerated in the Sixth Amendment of the Bill of Rights of the U. S. Constitution.

31. First, this second sentence is a misrepresentation of the Webex hearing in that a one-hour hearing could not cover the motions, exhibits, affidavits, answers and arguments as Plaintiff's attorney alleged in the Order because the content of the documents and arguments are too ponderous to be covered in one hour. The Webex hearing lasted approximately one hour and was characterized by confusion and disorganization.

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HONORABLE KRISTI CURTIS
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HARLEY COUNTY, SC

32. Second, the Webex format prevented focused and direct, face to face, discussion of the motions, exhibits, affidavits, answers and arguments as Plaintiff's attorney alleged in the Order. Third, this motion hearing did not follow the the Conduct of Trial as provided for in Rule 43 of the South Carolina Rules of Civil Procedure. The confusion and disorganization is summarized in Defendant's AFFIDAVIT FOR DEMAND TO RECUSE HONORABLE KRISTI CURTIS , filed August 2, 2022, page 1, paragraphs 1 and 2. (See Exhibit 15.) This is also summarized in Exhibit 14.

33. The Webex hearing violated Canon 3 B. (3) of the South Carolina Rules of Civil Procedure. This clause states: "A judge shall require order and decorum in proceedings before the judge."

34. Fourth, this second sentence is fraudulent in a third aspect; it obscures the fact that the Webex hearing was not an Ejectment Hearing and it was not a Trial. Rule 43(a), Conduct of Trials, requires the following procedures: Form and Admissibility. In all trials the testimony of witnesses shall be taken orally in open court .

35. Fifth, this sentence is fraudulent in that it obscures the fact that the Plaintiff was not present. Plaintiff's attorney presented "Affidavits of Richard Williams," (agent of record for 25th Avenue, Llc.) in place of the Plaintiff. This violates Rule 43 (e) Evidence on Motions, and Rule 43 (h) Examination of Witness.

36. Sixth, this sentence obscures the fact that the motions, exhibits, affidavits, answers and arguments presented the Plaintiff's attorney were filled with outright lies, fabrications, contradictions, mutually exclusive statements, and statements which, when examined show additional actions of fraud in this case.

37. Seventh, this second sentence obscures the fact that the protections afforded by the U. S. Constitution, the Sixth Amendment of the Bill of Rights were denied to the Defendant. This Sixth Amendment includes the Confrontation Clause, the right of a Defendant to face one's accusers.

38. Therefore, by signing the Order of June 30, 2022, fraudulently written by Plaintiff's attorney Henrietta Golding, Judge Curtis has violated multiple clauses of Rule 43 of the South Carolina Rules of Civil Procedure by which Due Process was denied to the Defendant.

39. Additionally, Judge Curtis has deprived the Defendant of her Bill of Rights to the Sixth Amendment of the U.S. Constitution and is a violation of South Carolina Statute 502, Rule 7 (1).

40. By signing Ms. Goldings Order, Judge Curtis made herself a party to the fraud which was perpetrated by the Plaintiff and Plaintiff's attorney.

SIXTH CAUSE OF ACTION

41. The sixth legally sufficient basis in support of disqualification and recusal of Judge Curtis is based on the Title of the Order: ORDER GRANTING PLAINTIFF'S MOTION FOR EJECTMENT HEARING AND PLAINTIFF'S MOTION TO AMEND written by Plaintiff's attorney and signed by Judge Kristi Curtis on June 30, 2022.

42. The Title of the Order of June 30, 2022, is written in doublespeak, defined as "language that deliberately obscures, disguises, distorts, or reverses the meaning of words (Wikipedia definition of doublespeak)." This doublespeak produced four incongruous outcomes in the Order.

43. The first outcome of the Order as a result of the title is incongruity. Judge Curtis signed the Order on June 30, 2022, titled: Order Granting Plaintiff's Motion for Ejectment Hearing. The title means that an Ejectment Hearing (future tense) is granted. However, the "non-hearing" by which the Defendant was ejected was held on May 31, 2022, thirty (30) days before the Order was signed.

44. The second consequence of this time reversal was that there was no notice of a hearing given to the Defendant of a "future" Ejectment Trial, there was no motion for a "future" Ejectment Trial given to the

Defendant, there was no filing of the required motion in the Circuit Court, and there was no Ejectment Trial. This bypassed all required judicial procedures.

45. In signing this Order, Judge Curtis violated the requirements of Canon 3: B (7): “A judge shall accord to every person who has a legal interest in a proceeding . . . the right to be heard according to the law.”

46. In signing this Order, Judge Curtis violated the requirements of Rule 43 (a) “In all trials the testimony of witnesses shall be taken orally in open court” In fact all the requirements of Rule 43 were denied.

47. A third outcome of the Order written in doublespeak follows: By and in this same Order title stating a “future hearing,” the Defendant was evicted without such “future” ordered hearing occurring. This doublespeak intended to and succeeded in creating a perversion of justice. A perversion of justice is defined as “an offense committed when a person prevents justice from being served on themselves or another party.” In the United States, it may also be called obstruction of justice and refers to any action that is meant to impede the administration of justice (U.S. Code: Title 18).

48. A fourth outcome of the doublespeak was that the “Order Granting . . . Plaintiff’s Motion to Amend,” titled MOTION TO AMEND PETITION FOR EJECTMENT (Exhibit 8) now lacked an Ejectment Hearing to be amended. The Defendant was already evicted, so there remained no Motion to be amended. Yet, Judge Curtis granted the Plaintiff’s Motion to Amend. You cannot Amend a Motion that does not exist.

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THE SEVENTH CAUSE OF ACTION

49. The seventh legally sufficient grounds in support of disqualification and recusal of Judge Curtis is based on Paragraph 2, under the

“I FIND AS FOLLOWS” heading.

50. This Cause of Action is based on one key statement written into the Order of June 30, 2022, by Plaintiff’s attorney and it empowered her to take multiple fraudulent actions against the defendant.

51. The key fraudulent statement is found on page 2, under Paragraph 2. Ms. Golding wrote the fraudulent statement: “On July 20, 2020, the Magistrates Court issued a Bond to Stay Execution, which required that Defendant pay a bond of \$14,000.00 and pay rent of \$2000 per month.” (See Exhibit 6, page 2.) Ms. Golding misrepresented this document as an “Order” by Judge Arakas.: This document was not an order. It was written in the event that the Defendant decided to have a jury trial (See Exhibit 16).

52. Defendant chose to have a Bench Trial and wrote a note to the Court revoking the request for a jury trial (which required a bond) on July 20, 2020. (See Exhibit 17.)

53. Judge Arakas never issued a bond because a bench trial was held on July 23, 2020, the original date scheduled for the Bench Trial.

54. Plaintiff's attorney, the Plaintiff, and the Defendant were all present at that bench trial which lasted two hours. Exhibit 18 includes copies of the two Summons to the Plaintiff and Plaintiff's attorney to appear at the Bench Trial on July 23, 2020. The Summons are signed by each party. Ms. Golding sat in that Bench Trial for two hours and had full knowledge that this was the trial and there was not going to be a Jury Trial. Therefore, the statement made by Ms. Golding in the Order of June 30, 2022, which she wrote was a blatant lie intended to and did succeed in perverting the outcome of justice by way of the Webex hearing to achieve an outcome which she could not obtain by legal court procedures.

55. Ms. Golding is an officer of the Court and by proffering a false Order to the Judge, she perverted Justice. "As an officer of the court, an attorney has the obligation to promote justice and effective operation of the judicial system. As officers of the court, attorneys have an absolute ethical duty to tell judges the truth (Attorney-FAQ.com by Dr. Scot Schneider, Jr)." Ms. Golding rejected the required ethical duty as an attorney and chose an illegal scheme to achieve her goals.

56. Ms. Golding engaged Judge Curtis' complicity in this illegal scheme.

57. Ms. Golding violated Rule 407 [5] of the South Carolina Rules of Professional Conduct which states: "A lawyer's conduct should conform to the requirements of the law [Fraud is illegal.] A lawyer should use the law's procedures only for legitimate purposes and not to harass and intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials." Obviously, Ms. Golding chose lying, deceit, and fraud in place of ethical conduct. Judge Curtis' signing of the Order made her complicit in this conduct.

58. Finally, the fact that Ms. Golding did not attach a copy of the "NON EXISTENT ORDER FOR A BOND" is prima facie evidence that there was no Bond ordered by Judge Arakas.

59. An additional proof that no Bond was ordered is also documented in Exhibit 19: The Public Index chronological summary for Case No. 2020CV261090667, ended on 09/01/2020, when it was transferred to the

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CLERK OF COURTS
HARRIS COUNTY, TX

Fifteenth Judicial Circuit Court to Common Pleas. In the Judgments section, NO BOND is ordered.

60. Judge Curtis had access to all the documents filed in this case through the public index as well as all documents and information supplied to her by the Defendant. Judge Curtis took this Motion under advisement for thirty days. She had enough time to research this case, determine the facts and the law, and to come to the correct legal decision.

61. Judge Curtis is accountable for knowing the nature of the Orders she signs and is, therefore, complicit in the fraudulent Order and actions perpetrated by Plaintiff's attorney.

62. By signing this Order of June 30, 2022, consisting of fraudulent statements made by Plaintiff's attorney, and illegal actions written into the Order by Plaintiff's attorney, Judge Kristi Curtis affirmed the fraudulent statements and ordered the illegal actions.

63. This fraudulent and illegal ORDER gave Plaintiff's attorney the power to take illegal actions against the Defendant. The Plaintiff's attorney did take those illegal actions which are described in the Eighth Cause of Action.

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EIGHTH CAUSE OF ACTION

64. The Eighth Cause of Action is directly linked to the Seventh Cause of Action documented in the foregoing section. In Paragraph 7. of the Order of June 30, 2022, the Plaintiff's attorney stated:

'Similarly, Subsection 27-37-155(B)(5) provides that if a court orders the tenant to pay all rent due and accruing as provided by Sections 27-37-150 and -155, but the tenant fails to make such payment, "the tenant's failure to comply entitles the landlord to execution of the judgment for possession and, upon application of the landlord," the court must issue a warrant of ejectment and place the landlord in full possession of the premises by the sheriff, deputy, or constable.'

65. This eighth legally sufficient grounds in support of disqualification and recusal is based on this same fraudulent Order signed by Judge Kristi Curtis on June 30, 2022, because it used the "NON-EXISTENT BOND" [never ordered by the Court] to be the "legal basis" for ejectment of the Defendant under Title 27-37-155(B)(5).

The eighth legal ground in support of disqualification and recusal is based on the wording of Title 27-37-155 (B)(5), which states specifically, "entitles the landlord to execution of the judgment." There was no judgment to be executed. There had been no Trial. Plaintiff's attorney used the "NON-EXISTENT BOND" to support the "judgment to be executed."

66. Based on these fraudulent claims and fraudulent conclusions, Judge Kristi Curtis signed the fraudulent order: "It is therefore, ORDERED that the defendant is to be ejected from the Property within ten (10) days of the date of this Order "

"Based on the foregoing, it is ORDERED, that a Writ of Ejectment be issued against Defendant and Plaintiff's Motion to Amend is granted. This Order does not end the action."

"IT IS SO ORDERED June 30, 2022. (See Exhibit 6, pages 3, 4 and 5.)

67. Ms. Golding provided a copy of this illegal Order of June 30, 2022, to the Sheriff's Department to be served on the Defendant. Ms. Golding attempted to use it as the equivalent of a Writ of Ejectment. Did Judge Curtis hesitate to produce a Writ of Ejectment knowing it was illegal ejectment, or was it an oversight?

68. On July 8, 2022, Friday afternoon, at 4:28 p.m., William Hadden, a deputy of the Sheriff's Department, served the Order on the Defendant. The Order stated that I had ten days from the date of the Order, electronically filed on June 30, 2022, to vacate the property. Defendant received the Order on the eighth from the day it was filed, giving only two days to vacate (not ten days). This was the first I had seen the Order.

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69. Seargent Jeff Benton of the Sheriff's Department was in charge of this action. He refused to do the Ejectment on July 11, 2022, because there was no Writ of Ejectment. (See Exhibit 20.)

70. Ms. Golding did not file the Affidavit of Service on the above served document until July 29, 2022. (See Exhibit 21.) It appears that Ms. Golding waited twenty one (21) days to file this Affidavit to hide the deceit that she was trying to use the Order in place of a Writ of Ejectment.

71. The eighth legally sufficient ground in support of disqualification and recusal is that Judge Kristi Curtis signed the Writ of Ejectment on July 18, 2022, based on this same fraudulent Order signed by Judge Kristi Curtis on June 30, 2022, (See Exhibit 22,)

72. The Writ of Ejectment was served on Defendant by the Sheriff's Department on July 21, 2022, (Exhibit 22).

NINTH CAUSE OF ACTION

73. The Ninth Cause of Action, the ninth legally sufficient ground for disqualification and recusal, is that Judge

Kristi Curtis evicted the Defendant without an Ejectment Hearing or Ejectment Trial. Four times I asked for a Court Room Hearing as documented in the following paragraphs.

74. The Defendant was never evicted as a result of an Ejectment Hearing. Defendant defended herself in two prior evictions trials without being evicted:

- A. On July 23, 2020, Defendant defended her case in the Bench Trial held in Magistrate Arakas' Court. Based on a two hour hearing of evidence and testimony, Judge Arakas did not evict the Defendant. This carried out the requirement of Section 27-37-60 Trial of Issue. (See Exhibit 23, the Order transferring the case to the Fifteenth Judicial Circuit Court.)
- B. On June 7, 2021, an Ejectment Hearing held before Judge John, resulting from Plaintiff's Motion of October 20, 2020, Motion/Ejectment Hearing; the Defendant was not ejected. (See Exhibit 11, the Order resulting from the Ejectment Hearing.)

75. In the WEBEX Motion to Amend Hearing of May 31, 2022, before Judge Kristi Curtis the Defendant repeatedly told Judge Curtis, "This is not an Ejectment Hearing."

76. Again, the Defendant repeated this point in writing: In Defendant's "PROPOSED FINDINGS AND ORDER 2020-CP-26-05267," Exhibit 14, Paragraph 1 through 2. a., pages 1 and 2, submitted to Judge Curtis on June 1, 2022, by email, the Defendant clearly stated: "This was not an EJECTMENT HEARING," and, "A WEBEX motion hearing cannot be conflated (as Plaintiff's attorney fraudulently demanded) into an EJECTMENT HEARING."

77. In my "PROPOSED ORDER," (Exhibit 14, page 5) I asked for a Trial. I wrote:

- "3. Hearings and Trials must be requested as Hearings and Trials."
 - Or, in the alternative,
 - 1. Set all issues for a full Trial allowing adequate time for discovery, depositions, and subpoenaing witnesses."

78. On July 13, 2022, in my first appeal I asked for a court room hearing: MOTION TO VACATE, STAY, AND/OR AMEND ORDER OF JUNE 30, 2022, AND MOTION FOR A COURT ROOM HEARING. (See Exhibit 24.)

79. On July 25, 2022, I submitted a SECOND MOTION TO VACATE THE ORDER OF JUNE 20, 2022, AND MOTION FOR A COURT ROOM HEARING FOR THE ENTIRE COMPLAINT (Eviction and Breach of Contract). (This should have been titled MOTION TO AMEND not "SECOND MOTION.") This Motion, Exhibit 25, requested "A COURT ROOM HEARING FOR THE ENTIRE COMPLAINT (Ejectment and Breach of Contract)."

80. On July 26, 2022, Judge Kristi Curtis respond to my first Motion of July 13, 2022. She DENIED my Motion to Vacate the Court's Order of June 30, 2022. Judge Curtis failed to specifically address the request for a court room hearing. See Exhibit 26, Form 4 Order.

81. On August 2, I filed a DEMAND TO RECUSE HONORABLE KRISTI CURTIS to prevent her from responding to my SECOND MOTION TO VACATE AND MOTION FOR A COURT ROOM HEARING. (See Exhibit 15.) As I stated in the Second Motion, I wanted to have another Judge look at the Second Motion.

82. On August 19, in a FORM 4 ORDER, Judge Kristi Curtis DENIED the Second Motion and she DENIED the Demand for Recusal, preventing another Judge from looking at the Actions and Orders. (See Exhibit 5.) Judge Curtis never responded to the Motion for a Hearing on the Eviction.

83. Judge Curtis' denial of an Eviction Trial violated Title 27, Chapter 37, the law of Ejectment of Tenants. The following requirements are stated in this law:

- A. Section 27-37-60 Trial of Issue
“If the tenant appear and contest ejectment the magistrate shall forthwith hear and determine the case as any other civil case, allowing trial by jury if demanded by either party.”
- B. Section 27-37-90 New Trial
“When a jury is had in an ejectment case the magistrate may grant a new trial as in any other civil case.”

84. Not only did I have a right to a trial, I had the right to a New Trial, a second trial, under some circumstances. Ejectment Hearings are Trials, not motion hearings. I had no trial.

85. Three requests were made for a court room hearing in this case as documented in the above paragraphs. Judge Kristi Curtis never addressed nor denied my request for a court room hearing.

86. This is a violation of South Carolina Statute 502, Rule 7 (4) and (6).

87. Judge John ruled on Plaintiff's MOTION FOR EJECTMENT of October 20, 2020, (Exhibit 10) on June 8, 2021. Plaintiff's attorney did not file another Motion for an Ejectment Hearing. So, no Motion for an Ejectment Hearing existed on May 31, 2022, and as of this date, no such motion has been filed.

88. Judge Curtis went directly to an Order for Eviction, June 30, 2022, without a trial. The Order of June 30, 2022, was served on Defendant by the Sheriff's Department on July 8, 2022. And Judge Curtis signed a Writ of Ejectment on which was served on Defendant on July 21, 2022, by the Sheriff's Department.

89. Judge Curtis denied my Right to Due Process as stated in the Fourteenth Amendment of the Constitution of the United States.:

The Fourteenth Amendment specifies Procedural Due Process: "One thread of due process doctrine involves the procedures that are required before the government can remove life, liberty, or property. A jury trial is not necessarily required, but the individual must have notice of the proceeding and receive an opportunity to be heard. They also must have their case heard before and impartial tribunal.

(Justia at www.justia.com/constitutional-law/due-process-under-the-constitution.)

90. An Ejectment Hearing is a Court Room Trial before a judge and requires the following procedures:

- (a) The Defendant must be given 30 days notice.
- (b) The Defendant has a right to face the Plaintiff. The Plaintiff, 25th Avenue LLC, represented by Agent of Record Richard R. Williams, was not present in the Motion to Amend hearing.
- (c) The Defendant has the right to present her case to the Court making an opening statement, calling witnesses, presenting evidence, questioning the Plaintiff, examining Plaintiff's evidence, cross examining Plaintiff's witnesses, and making a closing statement.

91. Judge Curtis did not just ignore or overlook Defendant's repeated requests for a hearing or trial, Judge Curtis signed the Order of June 30, 2022, which stated: "Thus I find no additional hearing on this issue is necessary." (See Exhibit 6, page 3, paragraph 8.)

92. Defendant was denied this entire process. Defendant was deprived of her rights to the Laws of the state of South Carolina and, therefore to her Due Process rights as provided in the Fourteenth Amendment to the U. S. Constitution.

TENTH CAUSE OF ACTION

93. Tenth Cause of action suggests the tenth legally sufficient ground for disqualification and recusal of Judge Kristi Curtis. Ex parte communications, like shadows in a background, are suggested by the illegal actions and orders of Judge Curtis which are complicit with Plaintiff's attorney, Ms. Golding. The ex parte communications are implicit in the actions which transpired.

94. It is difficult to imagine that the violation of all these laws and protections for the Defendant, declared by the Defendant to Judge Curtis, were overlooked by Judge Curtis.

95. There are only two reasonable explanations. Judge Curtis and Ms. Golding were in ex parte communication and coordination of these events and decisions, or Judge Curtis was not mentally attentive to her own actions and Orders.

96. Why would Judge Curtis despise her ethics, integrity, the law, and her position in order to cooperate with fraudulent and illegal actions?

97. In either case, the outcome of the DEMAND TO DISQUALIFY OR RECUSE Judge Curtis is supported.

98. It is pathetic that the Defendant has to identify the statutes by number that Judge Curtis violated. The contents and intents of the statutes and legal protections of the law were stated in DEFENDANT'S AFFIDAVIT FOR DEMAND TO RECUSE HONORABLE KRISTI CURTIS, filed August 2, 2022. (Exhibit 15) and in the two MOTIONS TO VACATE THE ORDER OF JUNE 30, 2022, (Exhibits 24 and 25.)

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ELEVENTH CAUSE OF ACTION

99. The damage done to the Defendant by these illegal actions is valued in both physical terms and in intangible terms. My entire life was disassembled and strewn two hundred feet along the front of the property, twenty feet from front to back, and, in places, was piled five feet high by mindless workers. This was done at my residence, 400 25th Avenue South, Myrtle Beach, South Carolina, 29577.

The following paragraphs list the losses by categories:

A. The physical damage is valued in hundreds of thousands of dollars. Categories of losses include personal possessions (clothing, care products, health products), food and supplies in case of shortages caused by disasters, educational and library materials (collected over sixty years including high school, undergraduate degree, two master's degrees, and Ph. D. educational materials up to work on the doctoral dissertation), religious educational materials, art and professional teaching materials, art and professional supplies, cultural materials (art and music), supplements, herbs, and books to help others with health needs, and miscellaneous other possessions.

B. Some tangible possessions have intangible values: my children's letters, letters from my dad to my grandmother while he served in the Pacific in World War II, pictures one hundred years old of my great grandparents, and many items not remembered until they are missed.

C. Artifacts from my family history dating back one hundred years.

D. Tax and medical records were scattered in the yard and became sources of identity theft which provided sources for use by identity thieves.

E. Business personnel, tax records, supplies, and equipment.

F. Business furnishings.

G. Ten completely furnished rental rooms in perfect condition were ready to rent.

H. All of the above records were saved for my future plans in writing.

I. All of the educational materials were saved for future plans to help others.

100. In all, the Defendant estimates that about fifteen per cent of her possessions were saved and are now in her possession. The rest of the property was stolen, some by Mr. Williams on August 3, 2022, and following dates, trashed by workers who removed it from the house, and the rest was looted.

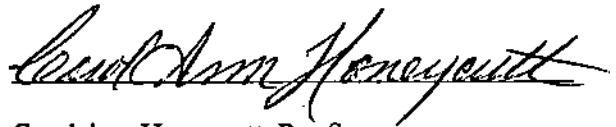
101. Defendant has ordered the transcript of the Webex hearing of May 31, 2022. (Exhibit 27.)

WHEREFORE, Defendant prays that

- (1) Judge Kristi Curtis is disqualified and recused from this case, and
- (2) This record of Judge Curtis' violation of her oath of office, violations of the laws of South Carolina, violations of the U. S. Constitution, and violations of professional conduct, be reviewed by an Administrative Judge of the Court by the Judicial Committee of the State of South Carolina Legislature, and by the South Carolina Bar Association, and that the appropriate sanctions be levied against her.

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HENRY COUNTY
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CLERK OF COURT
HENRY COUNTY SC

January 5, 2023



Carol Ann Honeycutt, Pro Se
Post Office Box 8574
Myrtle Beach, South Carolina, 29578
Phone: 843-254-5951
Email: auso2@southcarolina.usa.com

**MOTION TO DEMAND DISQUALIFICATION AND RECUSAL OF
JUDGE KRISTI CURTIS FROM CASE NUMBER 2020-CP-26-05267**

APPENDIX A: LIST OF EXHIBITS

- EXHIBIT 1: FORM 4 ORDER FOR CONTINUANCE by Judge William Seals, Jr. on 11/23/22, Continued Two Motions scheduled on the CPNJ Roster (11/28/22-12/01/22):
(1) Motion/Dismiss Plaintiff's Attorney and (2) Motion/Dismiss Counterclaims.
- EXHIBIT 2: This CPNJ Motions Hearing Roster (11/28/22-12/01/22), WEBEX hearing by Judge Kristi Curtis.
- EXHIBIT 3: FORM 4 ORDER FOR CONTINUANCE by Judge Kristi Curtis made on on 11/30/22, Continued Two Motions scheduled on the CPNJ Roster (11/28/22-12/01/22):
(1) Motion/Dismiss Plaintiff's Attorney and (2) Motion/Dismiss Counterclaims.
- EXHIBIT 4: Two letters of transmittal for two different Orders, one from Judge Seals (Exhibit 1) and one from Judge Curtis (Exhibit 2) for the same Continuance from Plaintiff's attorney Ms. Golding.
- EXHIBIT 5: Judge Kristi Curtis' Order of August 19, 2022, which DENIED Defendant's three motions:
(1) MOTION TO VACATE, STAY, AND/OR AMEND ORDER OF JUNE 30, 2022, and MOTION FOR A COURT ROOM HEARING. (Exhibit 24.)
(2) SECOND MOTION TO VACATE THE ORDER OF JUNE 30, 2022, AND MOTION FOR A COURT ROOM HEARING FOR THE ENTIRE COMPLAINT (Eviction and Breach of contract). (Exhibit 25.)
(3) DEFENDANT'S AFFIDAVIT FOR DEMAND TO RECUSE HONORABLE KRISTI CURTIS, filed August 2, 2022. (Exhibit 15.)
- EXHIBIT 6: Judge Kristi Curtis' Order of June 30, 2022, ORDER GRANTING PLAINTIFF'S MOTION FOR EJECTMENT HEARING AND PLAINTIFF'S MOTION TO AMEND.
- EXHIBIT 7: Email to Judge Kristi Curtis from Plaintiff's attorney Ms. Henrietta Golding written and submitted as a proposed ORDER on the Motion heard on May 31, 2022, by WEBEX. This email contains the exact wording as the Order Granted on June 30, 2022, by Judge Curtis. (See Exhibit 7.)
- EXHIBIT 8: Plaintiff's MOTION TO AMEND PETITION FOR EJECTMENT and the AMENDED COMPLAINT, filed September 17, 2020.
- EXHIBIT 9: Scheduling documents - three documents proving that there was only one Motion heard on May 31, 2022:
(a) The letter from Ms. Golding's paralegal, Sheila Evans,
(b) The Notice of Motion Scheduling from Clerk of Court Renee Elvis, and
(c) The CPNJ Motion Roster via Webex for Judge Curtis (5/31/22 – 6/01/22), line 8.
- EXHIBIT 10: Plaintiff's MOTION FOR EJECTMENT HEARING, filed October 20, 2020.
- EXHIBIT 11: Form 4 ORDER by Judge John on the above Motion, Exhibit 10, heard on June 7, 2021, and ruled on June 8, 2021. This was filed electronically on June 8, 2021, at 8:36 a.m. (See Exhibit 11.) This Order transferred the case back to Magistrate's Court.

EXHIBIT 12: Exhibit 12 is the Public Index chronological summary for the Case Number 2020-CP-26-05267.

EXHIBIT 13: DEFENDANT'S ANSWER to MOTION TO AMEND PETITION FOR EJECTMENT and AMENDED COMPLAINT, of May 26, 2022, sent by FED EX mail to Judge Curtis.

EXHIBIT 14: Defendant's "PROPOSED FINDINGS AND ORDER 2020-CP-26-05267" submitted by email to Judge Kristi Curtis on June 1, 2020,

EXHIBIT 15: DEFENDANT'S AFFIDAVIT FOR DEMAND TO RECUSE HONORABLE KRISTI CURTIS , filed August 2, 2022.

EXHIBIT 16: PROPOSED but not ordered bond document by Judge Arakas in the event that the Defendant decided to have a jury trial.

EXHIBIT 17: Handwritten note by Defendant withdrawing request for a jury trial and requesting a bench trial, dated July 20, 2020.

EXHIBIT 18: Copies of two Summons signed by the Plaintiff, Richard Williams, agent of record for 25th Avenue Llc., and Summons signed by Plaintiff's attorney, Ms. Golding to appear for the Bench Trial on July 23, 2020.

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MAGISTRATE'S COURT

EXHIBIT 19: The Public Index chronological summary for Case No. 2020CV261090667, ended on 09/01/2020, when it was transferred to the Fifteenth Judicial Circuit Court to Common Pleas. In the Judgments section, NO BOND is ordered..

EXHIBIT 20: Email from Taylor Voegel stating that Seargent Jeff Benton of the Sheriff's Department refused to do the Ejectment on July 11, 2022, because there was no Writ of Ejectment.

EXHIBIT 21: AFFIDAVIT OF SERVICE filed on July 29, 2022, by Ms. Golding. This was the service of the Order of June 30, 2022, served by William Hadden and served on July8, 2022.

EXHIBIT 22: WRIT OF EJECTMENT signed by Judge Curtis on July 18, 2022, and served on July 21, 2022.

EXHIBIT 23: ORDER TRANSFERRING CASE NUMBER 2020CV261090667 by Judge Arakas from Magistrate's Court to Circuit court on September 10, 2020.

EXHIBIT 24: DEFENDANT'S MOTION TO VACATE, STAY, AND/OR AMEND ORDER OF JUNE 30, 2022, and MOTION FOR A COURT ROOM HEARING, dated July 13, 2022.

EXHIBIT 25: DEFENDANT'S SECOND MOTION TO VACATE THE ORDER OF JUNE 30, 2022, AND MOTION FOR A COURT ROOM HEARING FOR THE ENTIRE COMPLAINT (Eviction and Breach of contract), date July 25, 2022.

EXHIBIT 26: FORM 4 ORDER by Judge Curtis on July 26, 2022, which DENIED (first motion) Defendant's Motion to Vacate the Court's Order of June 30, 2022.

EXHIBIT 27: Request for a Transcript of the Webex Hearing of May 31, 2022.

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

) IN THE COURT OF COMMON PLEAS
) FIFTEENTH JUDICIAL CIRCUIT
) CASE NO. 2020-CP-26-05267

25th Avenue LLC,

Plaintiff,

v.

Carol Ann Honeycutt,

Defendant.

NOTICE

DEMAND TO RECUSE

HONORABLE KRISTI CURTIS

FILED
HORRY COUNTY
2022 AUG -2 P 2:52
MARIE H. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

TO: PLAINTIFF ABOVE NAMED and
THE HONORABLE JUDGE KRISTI CURTIS

Defendant hereby demands that the above named Honorable Judge be recused from the above named case and all related actions, including but not limited to the following:

THE SECOND MOTION TO VACATE THE ORDER OF JUNE 30, 2022,
AND THE MOTION FOR A COURT ROOM HEARING FOR THE ENTIRE COMPLAINT (Eviction and Breach of Contract). This SECOND MOTION was filed on July 25, 2022, with the Court by the Defendant.

Attached is the AFFIDAVIT in support of this DEMAND.



Carol Ann Honeycutt
400 25th Avenue South
Myrtle Beach, SC 29677
Ph: 843-254-5951
Auso2@southcarolina.usa.com

Defendant Pro Se

Myrtle Beach, South Carolina
August 2, 2022

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

) IN THE COURT OF COMMON PLEASE
) FIFTEENTH JUDICIAL CIRCUIT
) CASE NO. 2020-CP-26-05267

25th Avenue LLC,
Plaintiff,

v.

Carol Ann Honeycutt,
Defendant.

) AFFIDAVIT FOR
) DEMAND TO RECUSE
) HONORABLE KRISTI CURTIS

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RENEE H. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

The Defendant complaining of the Honorable Judge Kristi Curtis would respectfully allege unto The Honorable Court the following regarding:

THE HEARING OF MAY 31, 2022

1. This was Judge Curtis first day, and first morning, to hear motions from the 15th Judicial District Circuit Court. No prior experience was available to the Judge before this day. This is a difficult and complicated case.
2. The Motion was heard by WEBEX format. No formal court room procedure was established. The procedures and interactions were chaotic.
3. There was only one Motion before the Court: Plaintiff's MOTION TO AMEND PETITION FOR EJECTMENT. The Court Roster for that day for this case provided one line to hear this Motion to Amend.
4. There was no Motion to Schedule an Ejectment and there was no Ejectment Hearing Scheduled on May 31, 2022. There was no line on the Court Roster to hold an Ejectment Hearing.

5. Nevertheless, Judge Curtis, without scheduling, ordering, or holding an Ejectment Hearing, Judge Curtis ordered the Defendant to be ejected from her property.
6. The Defendant had no notice of an Ejectment Hearing, and consequently had no preparation for an Ejectment Hearing,
7. The WEBEX format is not appropriate for an Ejectment Hearing.

The WEBEX motion format violates the requirements of the U.S. Constitution of DUE PROCESS for hearings and trials. The WEBEX format did not allow the Defendant the following rights granted by the U.S. Constitution:

- a. The defendant was not allowed to face her accuser.
- b. There was no evidence presented by either side which could be examined and presented to witnesses before the court.
- c. Witnesses could not be called and questioned by both sides before the court.
- d. When the defendant asked the judge if she had the DEFENDANT'S ANSWER in front of her, the judge replied, "No."
- e. The Defendant submitted Seven Answers and Eight Exhibits to the Court.
- f. Plaintiff's attorney and the judge had a conversation(s) about some documents in the court record which were not shown to the defendant nor was the defendant consulted about what they were discussing.
- g. The judge was using her cell phone to find court records. This was selective examination of court records and did not allow the defendant to see what was going on nor to direct the judge's attention to other court records pertinent to Defendant's defense.

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CLERK OF COURT
Horry County, SC

8. Nothing in this WEBEX event resembled a court room hearing which is granted to the defendant by the U.S. CONSTITUTION.
9. Judge Curtis allowed Plaintiff's attorney to use the MOTION TO AMEND hearing as an ejectment hearing, as a breach of contract hearing and as a bond hearing (for a bond that was never ordered).
10. The Judge took the hearing "Under Advisement" and took a total of thirty days to reach a decision. The Judge ignored all the above stated problems with the hearing and allowed Plaintiff's attorney to write the Order which went outside of the MOTION TO AMEND.
11. Plaintiff's attorney's title was ORDER GRANTING PLAINTIFF'S MOTION FOR EJECTMENT HEARING AND PLAINTIFF'S MOTION TO AMEND. This grants Plaintiff's Motion to have an Ejectment Hearing. Then Plaintiff's attorney wrote in the Order that Defendant was to be ejected within ten days (without a hearing taking place).
12. Finally, the Plaintiff's attorney subtitled the ORDER GRANTING PLAINTIFF'S MOTION FOR EJECTMENT HEARING AND PLAINTIFF'S MOTION TO AMEND with this subtitle: (Not Ending the Action).
13. The decision was one-sided and incorporated all the above problems. Then the Judge signed the Order on June 30, 2022.
14. The Judge failed to email or mail copies of the Order to the Defendant as she promised to do during the WEBEX event.

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HORRY COUNTY
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RENEE H. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

Defendant's Motion to
VACATE, STAY, OR AMEND THE ORDER OF JUNE 30, 2022

15. On July 13, 2022, Defendant filed with the Court the MOTION TO VACATE, STAY, OR AMEND ORDER OF JUNE 30, 2022, AND MOTION FOR A COURT ROOM HEARING.
16. On July 25, 2022, 1:28 p.m., Defendant filed with the Clerk of Court the COUNTERCLAIMS AGAINST THE PLAINTIFF and the AMENDED COMPLAINT.
17. On July 26, 2022, at 1:52 p.m., Judge Curtis, using Court Form 4, DENIED THE MOTION TO VACATE, STAY, OR AMEND ORDER OF JUNE 30, 2022, AND MOTION FOR A COURT ROOM HEARING.
18. On this Form 4, she indicated that "This order ends (box checked) the case."
19. The question is: what caused the change from "(Not Ending the Action) to "This order ends (box checked) the case."
20. No hearings were held, no information was shared with the Defendant between June 30, 2022, and July 26, 2022.
21. The Motion to Vacate . . . was denied. No material change occurred in the case between these two dates, but, without explanation, Judge Curtis indicated, "This order ends (box checked) the case."
22. The only change that occurred was that Defendant entered COUNTERCLAIMS against the Plaintiff.

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CLERK OF COURT
HORRY COUNTY, SC

MOTION FOR A COURT ROOM HEARING

23. Given all the DUE PROCESS issues with the WEBEX event, and given that no Ejectment Hearing was scheduled or heard, Judge Curtis ruled against Defendant's request for a Court Room Hearing.

In conclusion, the numerous egregious failings of what transpired in the WEBEX event of May 31, 2022, and the non sequitur Orders that followed, Defendant demands the recusal of the Honorable Judge Kristi Curtis from the above titled and numbered case.

Attached:

Exhibit 1: Email to Judge Kristi Curtis following the May 31, 2022, WEBEX event.



Carol Ann Honeycutt

400 25th Avenue South

Myrtle Beach, SC 29677

843-254-5951

Auso2@southcarolina.usa.com

Defendant Pro Se

Myrtle Beach, South Carolina

August 2, 2022

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HORRY COUNTY
2022 AUG -2 P 2:53
RENEE N. ELYS
CLERK OF COURT
HORRY COUNTY, SC

Exhibit 1

Sent: Wednesday, June 01, 2022 at 3:35 PM
From: "Curtis, Kristi F. Law Clerk (Jack Jackson)" <kcurtislc@sccourts.org>
To: "Carol Ann Honeycutt" <auso2@southcarolina.usa.com>, "Golding, Henrietta" <HGolding@burr.com>
Subject: RE: PROPOSED FINDINGS AND ORDER 2020-CP-26-05267

Ms. Honeycutt,

Thank you for passing along your proposals, I have forwarded them to Judge Curtis for review as well.

Sincerely,

Jack Jackson

Law Clerk to the Honorable Kristi F. Curtis

The Circuit Court of South Carolina

Third Judicial Circuit

215 North Harvin Street

Sumter, SC 29150

Office: (803) 774-6160

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HORRY COUNTY
2022 AUG -2 PM 2:53
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

From: Carol Ann Honeycutt <auso2@southcarolina.usa.com>
Sent: Wednesday, June 1, 2022 3:27 PM
To: Curtis, Kristi F. Law Clerk (Jack Jackson) <kcurtislc@sccourts.org>; Golding, Henrietta <HGolding@burr.com>
Subject: PROPOSED FINDINGS AND ORDER 2020-CP-26-05267

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

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

June 1, 2022

Re: PROPOSED FINDINGS AND ORDER

25th Avenue LLC v Carol Ann Honeycutt

Case: 2020-CP-26-05267

From Defendant, Carol Ann Honeycutt

To: Judge Kristi Curtis

From: Defendant Carol Ann Honeycutt

Dear Judge Curtis:

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Horry County
2022 AUG -2 P 2:53
RENEE M. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

This case involves the dispute over hundreds of thousands of dollars and property brought into contention when the Plaintiff contrived a plot to take back a building he had granted the defendant on December 9, 2005. This was not just a LEASE, but a LEASE AND CONTRACT OF SALE. Paragraph 6 of CONTRACT OF SALE states, "**The CONTRACT OF SALE is irrevocable.**" The Defendant has occupied the building as both her home and her business from December 9, 2005, to the present date. Plaintiff's attempt to take back the house is motivated by the plaintiff's greed, not by any action, cause, or defect by the defendant.

The Plaintiff took personal and legal actions which prevented the defendant from running her business in the building she occupied. The Plaintiff's actions led to the loss of defendant's modest estimate of \$205,000.00 in income. Furthermore, the Plaintiff blocked the Defendant from earning income which was to go to make lease payments to the Plaintiff. Plaintiff was warned about the natural and logical consequences (his loss of rent) in a letter from Defendant dated May 18, 2020.

The FINDINGS which can be derived from the WEBEX hearing of May 31, 2022, are as follows:

FINDINGS:

1. THE HEARING OF MAY 31, 2022, before Judge Kristi Curtis was a MOTION HEARING MADE BY THE PLAINTIFF' ATTORNEY.

This was to hear THE PLAINTIFF'S MOTION TO AMEND PETITION.

a. The only question the Court was asked to rule on it whether or not the Plaintiff is allowed to AMEND THE PETITION.

b. This was not an EJECTMENT HEARING.

c. This was not a hearing of the alleged BREACH OF CONTRACT.

d. This was not a hearing to get an order to pay a BOND which was never ordered.

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CLERK OF COURT
HORRY COUNTY SC

2. This was a WEBEX motion hearing on the Plaintiff's Motion.

a. A WEBEX motion hearing cannot be conflated into an EJECTMENT HEARING.

b. A WEBEX motion hearing cannot be conflated into a a Breach of Contract Trial.

c. A WEBEX motion hearing cannot be conflated in a hearing to pay a Bond never ordered.

c. The WEBEX motion hearing format violates the requirements of the U.S. Constitution of DUE PROCESS for hearings and trials.

(1) The WEBEX format did not allow the Defendant the following rights granted by the U.S. Consitution:

The defendant was not allowed to face her accuser.

There was no evidence presented by either side which could be examined and presented to witnesses before the court.

Witnesses could not be called and questioned by both sides before the court.

When the defendant asked the judge if she had the DEFENDANT'S ANSWER in front of her, the judge replied, "No."

The Defendant submitted Seven Answers and Eight Exhibits to the Court.

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RENEE M. ELY
CLERK OF COURT
HORRIS COUNTY, NC

Plaintiff's attorney and the judge had a conversation(s) about some documents in the court record which were not

shown to the defendant nor was the defendant consulted about what they were discussing.

The judge was using her cell phone to find court records. This was selective examination of court records and did not allow the defendant to see what was going on nor to direct the judge's attention to other court records pertinent to Defendant's defense.

(2) Nothing in this WEBEX hearing resembled a court hearing which is granted to the defendant by the U.S.

CONSTITUTION.

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CLERK OF COURT
HENRY COUNTY, SC

3. Judge John ruled on June 8, 2021, on Form 4. "THIS ORDER ENDS THE CASE." "DECISION BY THE COURT: **This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.**" "IT IS ORDERED AND ADJUDGED: This order ends the case." The order sent the case back to Magistrate's court. It was NOT to [be brought back to} Circuit Court." Judge John heard Ms. Golding's demand for payment of a Bond that was never ordered. She made falsified Motion to the Court, and, in court, made false statements to the Court saying that there was a Bond ordered and attempted to get the Judge to order payment of the bond.

4. It is not clear based on what grounds that Judge Curtis said Judge John's order did not end the case. Given the fact that Judge John ended the case, it is apparent that Plaintiff needed to file Plaintiff's case directly in Circuit Court rather than bouncing back and forth between Magistrate's Court and Circuit Court.

5. During the WEBEX Motion hearing, the Plaintiff's attorney, Ms. Golding complained to the Court about how long this action was going on and the

consequent loss to her client. To hurry things along, Plaintiff's attorney attempted to get an EJECTMENT HEARING out of a WEBEX Motion Hearing.

Ms. Golding, in collaboration with the Plaintiff, has caused the extended delays. Ms. Golding and the Plaintiff, are directly and solely responsible for every action and delay that has taken place. The Defendant has limited her actions to responding to Plaintiff's actions and false claims.

Ms. Golding is a seasoned partner in a high profile, multi-state law firm, Burr & Forman LLP. She has practiced law 45 years. Her experience is prima facia evidence that all the actions that she took were planned as part of her strategy to achieve the goals of her client. Her actions have caused the delays about which she complained:

a. On February 11, 2020, Ms. Golding filed an APPLICATION FOR EJECTMENT FROM A COMMERCIAL PROPERTY (Eviction) as a RULE TO VACATE OR SHOW CAUSE in the Magistrate's Court in Myrtle Beach, SC. This was a "slick trick" to deprived the defendant of her rights to the LEASE AND CONTRACT OF SALE between 25th Avenue LLC and Carol Ann Honeycutt. Included in her filing was the actual document, LEASE AND CONTRACT OF SALE.

b. In paragraph 5 of her filing, she wrote, "A true and complete copy of the Lease is attached hereto and incorporated herein by refence as Plaintiff's Exhibit A." This was not a "true and complete copy." This copy omitted page 7 which showed the filing of this document in the record of deeds. Furthermore, Ms. Golding did not serve this document upon the defendant. It was hidden in the Court file until July 23, 2020, when Defendant requested other paperwork in the file from the Magistrate. (Defendant was told and did make a FOIA request for information in the file, but FOIA never responded.)

c. This Rule to Vacate or show Cause action was filed deceptively, in Bad Faith. The action was filed NOT because the defendant was behind in rent but because the Plaintiff wanted to get the house back he had granted

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CLERK OF COURT
HORRY COUNTY

her in the LEASE AND CONTRACT OF SALE. In this Bench Trial before Judge Arakas on July 23, 2020, the Plaintiff could not prove that the Defendant owed him rent when the demand letter was sent. This hearing that lasted over two hours.

d. Ms. Golding filed this action in the wrong venue probably to get a fast action and to deprived defendant of her rights. It backfired. The action was not heard until July 23, 2020, partly due to COVID delay. Then, on Jul 24, 2020, Judge Arakas informed Plaintiff to transfer the case to Circuit Court.

e. Ms. Golding waited six weeks to write the order transferring it to Circuit Court. Judge Arakas signed the Order. (Why did she wait six weeks? Recordings of hearings in Magistrate's Court are erased after four weeks.) She wrote the Order. Then she wrote the Motion for an Ejectment Hearing. This came to Judge Steven John on June 7, 2021. (I requested and was granted a 3 month continuance due to attending Bible College in McKinney, Texas.)

Judge John indicated on Form 4, "DECISION BY THE COURT: This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered." "IT IS ORDERED AND ADJUDGED: This order ends the case." This order sent the case back to Magistrate's court - NOT to Circuit Court." Judge John heard Ms. Golding's demand for payment of a Bond that was never ordered. She made falsified statements to the Court saying that a Bond was ordered.

f. Ms. Golding shopped around for a magistrate to hear the Motion.

g. Finally, Ms. Golding wrote another Order which Judge Arakas signed to transfer the case back to Circuit Court on June 24, 2021. Into this Order, she slipped in some "facts" that had not been adjudicated. She wrote: "Said house is not temporary or movable." This is her opinion and was not adjudicated. The Defendant, in fact, knows that this is NOT TRUE. Furthermore, if this fact were true, Plaintiff made a fraudulent contract with the Defendant, offering her the house.

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CLERK OF COURT
HARRIS COUNTY, TEXAS

h. In September 17, 2021, Plaintiff's attorney filed a the Motion to Amend the Petition. The Motion to Amend included paragraphs 10, 11, and 12, that are absolutely false. The Motion was partially heard on May 31, 2022, by Judge Curtis. (The Defendant had requested and received a three month continuance to finish Bible College in McKinney, Texas.)

4. During the WEBEX hearing, Plaintiff's attorney insisted that the Defendant should be ordered to pay the Bond and rent ordered. When pressed, Ms. Golding could NOT find or prove that the Bond had been ordered. In fact, if there had been a bond ordered, Ms. Golding would have attached it as an exhibit to Motion and to prior Motions she made.

5. The Defendant states that she has suffered financial losses modestly estimated at \$205,000.00 due to the Plaintiff's attempt to take the house granted her in and by the LEASE AND CONTRACT OF SALE. From the December 30, 2019, the letter from 25th Avenue LLC to the Defendant, to the present day, Plaintiff's personal and legal actions have deprived Defendant of the rights awarded her in Paragraph 5.

6. The Defendant states that all the losses suffered by the Plaintiff were a result of Plaintiff's own attempts, deceptive actions, and breaches of the LEASE AND CONTRACT OF SALE, to deprive the Defendant of her rights granted in the LEASE AND CONTRACT OF SALE. Paragraph 5 states:

"Purchaser shall have **ALL RIGHTS** to the dwelling upon the signing of this

contract and shall lease the land upon which it Two Thousand Dollars (\$2000)

per month "

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RENEE N. ELVIS
CLERK OF COURT
SHORRY COUNTY, SC

On December 30, 2019, Plaintiff denied the Defendant "all rights" and consequently deprived himself of the rent due in exchange for depriving the defendant of "all rights." On May 18, 2020, Plaintiff was sent a letter telling him of the natural consequences of the actions he was taking.

7. The Defendant states that the Plaintiff would have suffered NO LOSSES had he not taken away the rights of Defendant to operate her business in her building. The Defendant paid every cent of the lease during the recession of 2009 - 2012, by going into debt approximately \$25,000.00."

8. The Defendant has made numerous offers to purchase the property, the first of which was in April, 2013, for \$825,000. Since then, at least six other offers were made. In one offer in August, 2018, Defendant gave the Plaintiff \$5000.00 in earnest money. In the Bench Trial on July 23, 2020, the Plaintiff admitted spending the money and then deciding not to sell the property to Defendant.

9. This summary is limited to issues addressed or touched on in the WEBEX Hearing of May 31, 2022. This summary does not exclude from future hearings or trials the introduction of numerous other issues which are present in this case but which have not yet been addressed in any hearings or motions.

PROPOSED ORDER:

1. Plaintiff's MOTION TO AMEND THE PETITION FOR EJECTMENT is denied. The Plaintiff may pursue the complaints by filing a new case which is consistent with the claims made in the AMENDED COMPLAINT.

2. This case was closed by Judge John on June 8, 2021. It is the judgment of this Court that the case is barred from being reopened.

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RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, S.C.

3. Hearings and Trials must be requested as Hearing and Trials.

4. Plaintiff's attorney is warned that any and all attempts to violate standards of ethics will result in denials of motions, denials of requests for hearings, and denials of request for trials, and are subject to report as ethics violations, and sanctions.

Or, in the alternative,

1. Set all issues for a full Trial allowing adequate time for discovery, depositions, and subpoenaing witnesses.

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

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Horry County  
2022 AUG -2 P 2:53  
RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

25th Avenue LLC  
PLAINTIFF(S)

Carol Ann Honeycutt  
DEFENDANT(S)

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  
 Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court:

Defendant's motion for recusal and disqualification, filed Jan. 5, 2023, is DENIED.

**ORDER INFORMATION**

This order  ends  does not end the case.  See Page 2 for additional information.

**For Clerk of Court Office Use Only**

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 06/07/2023 .

Carol Ann Honeycutt for Carol Ann Honeycutt  
Carol Ann Honeycutt for Carol Ann Honeycutt

**NAMES OF TRADITIONAL FILERS SERVED BY MAIL**

**Court Reporter:**

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

---



## Horry Common Pleas

**Case Caption:** 25th Avenue LLC VS Carol Ann Honeycutt

**Case Number:** 2020CP2605267

**Type:** Order/Electronic Form 4

So Ordered

s/ Kristi F. Curtis, Circuit Court Judge, No. 2762

**RECEIVED**

June 20, 2023

JUN 23 2023

Re: 25<sup>th</sup> Avenue LLC. v. Carol Ann Honeycutt  
Appeal on  
Horry County Case No 2020-CP-2605267

SC Court of Appeals

Ms. Jenny Abbot Kitchings, Clerk  
The South Carolina Court of Appeals  
Post Office Box 11629  
1220 Senate Street  
Columbia, South Carolina 29201

Dear Ms. Kitchings,

Enclosed are the documents to file an appeal on the above case from the Horry County Court of Common Pleas. Also enclosed are the transcript request order and the filing fee of \$250.00. Please let me know of any additional actions I need to take to complete this process.

An appeal on a prior order was started in August, 2022. I was out of town from September 2, 2022, to September 11, 2022. Following my trip, I did not feel well. On September 14, 2022, I tested positive for covid and was ill and in quarantine until the end of September. When I recovered, I found the letters dismissing the first appeal in my post office box. No email copies of your letters were sent to me notifying me of the deadlines stated in your letter. The Respondent's attorneys were copied into the letters but did not email copies of the letters to me. (This is meant to fill you in on what happened and is not a complaint or criticism.)

This is my third attempt to obtain the transcript for this WEBEX hearing, held May 31, 2022. So, now my third attempt to order this transcript is ordered by the enclosed, completed form. Please let me know if there is any addition or correction needed.

Here is the background information. In my first order, I was unable to download and complete the Transcript Order form, so I submitted the information on the order form in a letter requesting the form. (See my enclosed letter of August 31, 2022.) This order was apparently overlooked.

My second attempt to order this transcript was on January 3, 2023, when I completed a printed order form by hand and emailed it to transcripts@sccourts.org. The office forwarded it to a service in Arizona called "eScribers." On January 11, 2023, I received an email from "eScribers" which I did not open because I did not know the source. The third week of January, I received a voice mail which I could not understand. Finally, after listening to it several times, I could pick out the word WEBEX.

So I called the number several times and got no answer. In February, after I called several times, someone picked up the phone and it became clear that she had received the order for my transcript request. The original amount of the estimate for the transcript was \$257.00 for a Fast Turn-around production of my transcript. I said, a regular, not rushed, turn around time was fine. I asked her to email the estimate for that service. When she "confirmed" my email she read back to me: "auso2@california . . ." I corrected her. She never sent the email with the non-rush price. She seemed severely impaired in both her conversation and the email communication. After seeing the multiple errors in her email of January 11, 2023, and in our conversation, I decided that this was not a reliable service to produce my transcript. Thought your office might want to have feed back on this service.

Please let me know of any additional actions I must take. Thank you for your assistance.

Sincerely,



Carol Ann Honeycutt  
Appellant  
P. O. Box 8574  
Myrtle Beach, SC 29578  
843-254-5951  
[auso2@southcarolina.usa.com](mailto:auso2@southcarolina.usa.com)


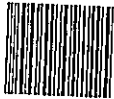
cc: Henrietta U. Golding #2173  
Taylor K. Voegel #104770  
Joseph Salvatore Schillizzi



P. O. Box 8574  
Myrtle Beach, SC 29578

RECEIVED  
JUN 28 2023  
SC Court of Appeals

Ms. Jenny Abbot Kitchings, Clerk  
The South Carolina Court of Appeals  
Post Office Box 11629  
1220 Senate Street  
Columbia, South Carolina 29201

|                                                                                     |                                                                                     |                                                                                           |
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|  |                                                                                     | (420) 29201                                                                               |

CERTIFIED MAIL & RETURN RECEIPT: 9507 1066 589 3223 5000 93

August 11, 2023

SC APPELLATE CASE NO.:

2023-001023

Re: Appeal on

Horry County Case No 2020-CP-2605267

25<sup>th</sup> Avenue LLC. v. Carol Ann Honeycutt

Ms. Jenny Abbot Kitchings, Clerk  
The South Carolina Court of Appeals  
Post Office Box 11629  
1220 Senate Street  
Columbia, South Carolina 29201

RECEIVED

AUG 21 2023

SC Court of Appeals

Dear Ms. Kitchings,

Enclosed is the SECOND TRANSCRIPT REQUEST ORDER for this APPEAL, filed June 20, 2023. A second request is sent because no response has been received from your office or the office which handles the production of transcripts for Webex hearings.

This is my fourth attempt to obtain the transcript for the Webex hearing, held May 31, 2022. So, now my fourth attempt to order this transcript is ordered by the enclosed, completed form. Please let me know if there is any addition or correction needed.

Ms. Bobbi Fisher is a court reporter in the Myrtle Beach area. She will transcribe the Webex hearing of May 31, 2022. Please set up the contact so that she can receive a copy of the recording from that hearing and produce the transcript.

Enclosed is a copy of an email from Ms. Bobbi Fischer indicating that she will transcribe the Hearing of May 31, 2022 held before Judge Kristi Curtis on the above numbered and captioned case.

**Please let me know of any additional actions I must take.** Thank you for your assistance.

Sincerely,



Carol Ann Honeycutt

Appellant

P. O. Box 8574

Myrtle Beach, SC 29578

843-254-5951

[auso2@southcarolina.usa.com](mailto:auso2@southcarolina.usa.com)

cc: Bobbi Fisher: [bfisher@sccourts.org](mailto:bfisher@sccourts.org)

Henrietta Golding, Burr+Forman

[hgolding@burr.com](mailto:hgolding@burr.com)

P. O. Box 336

Myrtle Beach, SC 29578

enc: Transcript Order Form – second submission August 11, 2023

Copy of letter of June 20, 2023 to Ms. Kitchings

Copy of email from Bobbi Fisher



# South Carolina Judicial Branch

TRANSCRIPT REQUEST FORM

# RECEIVED

AUG 21 2023

## SC Court of Appeals

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter/Transcriptionist and to South Carolina Court Administration at [transcripts@sccourts.org](mailto:transcripts@sccourts.org). If WebEx or DCRP were used to capture the record, please indicate below and send the form to [transcripts@sccourts.org](mailto:transcripts@sccourts.org).

| Requestor's Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Full Name<br><b>Carol Ann Honeycutt</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Law Firm/Agency<br><b>Pro Se Defendant</b>                                                                                                                                                                                                                  | Phone Number<br><b>843-254-5951</b>                                                                                                                                                                                                                                                                                                                                                   |                                                                                      |
| Email Address<br><b>aus02@southcarolina.usa.com</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Mailing Address<br><b>myrtle beach, SC<br/>P.O. Box 8574,<br/>29578</b>                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                      |
| Is the requestor a party in the case? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                      |
| If no, does the requestor represent a party? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of party                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                      |
| Transcript Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                      |
| Docket Number<br><b>2020-CP-2605267</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Full Case Caption (i.e. State v. John Doe or John Smith v. Jane Smith)<br><b>25<sup>TH</sup> Avenue LLC. v. Carol Ann Honeycutt</b>                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                       | Circuit <input checked="" type="checkbox"/><br>Family <input type="checkbox"/>       |
| Date(s) of Proceeding<br><b>May 31, 2022</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | County<br><b>Horry</b>                                                                                                                                                                                                                                      | Appeal pending<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                 | Death Penalty<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Presiding Judge<br><b>Judge Kristi Curtis</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Special Circumstances<br>Is the hearing to be transcribed one of the following:<br><input type="checkbox"/> Termination of parental rights<br><input type="checkbox"/> Adoption<br><input type="checkbox"/> Any actions involving child custody/visitation. |                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                      |
| Opposing Counsel(s) (name and email address) #2173<br><b>Burr &amp; Forman Henrietta Gobling<br/>Taylor Voegel</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                             | Delivery Timeframe<br>(check Rule 607 for current page rates)<br><input checked="" type="checkbox"/> Quote<br><input type="checkbox"/> Rough Draft<br><input type="checkbox"/> Overnight delivery<br><input type="checkbox"/> Daily delivery<br><input type="checkbox"/> Expedited delivery (7 days) Due on/before:<br><input checked="" type="checkbox"/> Regular delivery (60 days) |                                                                                      |
| Court Reporter(s)<br><b>WEBEX</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> WebEx<br><input type="checkbox"/> DCRP                                                                                                                                                                                  | Delivery Method (additional fees may apply)<br><input checked="" type="checkbox"/> PDF / Email <b>Regular Mail is O.K.</b><br><input checked="" type="checkbox"/> Hard Copy/Priority Mail (\$50 + shipping)<br><input type="checkbox"/> PDF & Hard Copy/Priority Mail (\$50 + shipping)                                                                                               |                                                                                      |
| Portion of proceeding to be transcribed<br><input checked="" type="checkbox"/> Entire hearing<br><input type="checkbox"/> Voir dire by juror<br><input type="checkbox"/> Jury selection<br><input type="checkbox"/> Plaintiff's opening statement<br><input type="checkbox"/> Defendant's opening statement<br><input type="checkbox"/> Plaintiff's closing arguments<br><input type="checkbox"/> Defendant's closing arguments<br><input type="checkbox"/> Entire direct examination<br><input type="checkbox"/> Entire cross examination<br><input type="checkbox"/> Entire redirect<br><input type="checkbox"/> Examination of witness (W) by attorney (A)<br>W: _____<br>A: _____<br><input type="checkbox"/> Ruling of the court |                                                                                                                                                                                                                                                             | Responsible Payor<br><input checked="" type="checkbox"/> Private / Self<br><input type="checkbox"/> Court Appointed Counsel<br><i>Appeals Attorney</i><br><i>Email</i><br><input type="checkbox"/> Other                                                                                                                                                                              |                                                                                      |
| Next Hearing Date <b>Not Scheduled - Expect one in September, 2023</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                      |

Requestor's Signature: Carol Ann Honeycutt Date: August 11, 2023  
(Typed name will serve as signature)

**NOTE:** Requests will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party, regardless of indigent status. Please promptly submit your payment in the method of payment requested, in order for the transcript to be produced. In some cases, a deposit may be required before the transcript can be placed in the production queue. You may also request a quote before deciding to order. *If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.*

If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter or transcriptionist.

---

**Re: HEARING TRANSCRIPT REQUEST**

**From:** "Fisher, Bobbi" <bfisher@sccourts.org>  
**To:** "Carol Ann Honeycutt" <auso2@southcarolina.usa.com>  
**Cc:** "Transcripts" <transcripts@sccourts.org>  
**Date:** Aug 8, 2023 5:35:10 PM

---

Good afternoon, Ms. Honeycutt:

I would be happy to produce your Webex transcript for you, but you will need to fill out one of the attached Form 800s and return it to [Transcripts@sccourts.org](mailto:Transcripts@sccourts.org) so they can process it.

Please feel free to put on your email to them that are you requesting that I prepare it for you.

Thank you kindly,

Bobbi Fisher, RPR  REGISTERED PROFESSIONAL REPORTER 

South Carolina Official Court Reporter III  
Certified SC Digital Court Reporter/Transcriber (Top Dog Transcripts)

---

**From:** Carol Ann Honeycutt <auso2@southcarolina.usa.com>  
**Sent:** Tuesday, August 8, 2023 5:26 PM  
**To:** Fisher, Bobbi <bfisher@sccourts.org>  
**Subject:** Re: HEARING TRANSCRIPT REQUEST

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

On 8/2/2023 9:38:43 PM, Carol Ann Honeycutt <auso2@southcarolina.usa.com> wrote:

**GOOD EVENING, BOBBI,**

**YOU HELPED ME A YEAR AGO WITH A TRANSCRIPT. I GREATLY APPRECIATED THE FINE JOB YOU DID.**

**NOW, I HAVE A ONE HOUR WEBEX HEARING THAT I NEED TRANSCRIBED. YOU DID A GREAT JOB AND I'M HOPING YOU WILL HAVE TIME TO HELP WITH THIS.**

**ON MAY 31, 2022, A YEAR AGO, I HAD A WEBEX HEARING ON A CASE -- I AM DEFENDANT PRO SE. THE HEARING WAS LESS THAN ONE HOUR. I NEED TO HAVE THAT WEBEX HEARING TRANSCRIPT MADE. ON JUNE 20, 2023, I FILED AN APPEAL WITH THE APPELLATE COURT OF SOUTH CAROLINA. I WILL NEED THE TRANSCRIPT IN THE NEXT FEW MONTHS. IF THE COURT SENT THE RECORDING TO YOU, WOULD YOU BE INTERESTED IN TRANSCRIBING IT FOR ME? THIS IS NOT A RUSH PROJECT. I AM IN MYRTLE BEACH, SO MEETING YOU SHOULD BE EASY.**

**I HAVE REQUESTED THIS THROUGH THE APPELLATE COURT, BUT HAVE NOT HAD A SATISFACTORY RESPONSE.**

---

**PLEASE EMAIL ME WITH YOUR RESPONSE. IF YOU ARE INTERESTED IN DOING THE WEBEX HEARING TRANSCRIPTION, I WILL SEND A COPY OF YOUR EMAIL WITH MY LETTER TO THE COURT SO THEY CAN SEND YOU**

June 20, 2023

Re: 25<sup>th</sup> Avenue LLC. v. Carol Ann Honeycutt  
Appeal on  
Horry County Case No 2020-CP-2605267

Ms. Jenny Abbot Kitchings, Clerk  
The South Carolina Court of Appeals  
Post Office Box 11629  
1220 Senate Street  
Columbia, South Carolina 29201

FILED  
HORRY COUNTY  
2023 JUN 20 P 4:10  
KENEEL N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

Dear Ms. Kitchings,

Enclosed are the documents to file an appeal on the above case from the Horry County Court of Common Pleas. Also enclosed are the transcript request order and the filing fee of \$250.00. Please let me know of any additional actions I need to take to complete this process.

An appeal on a prior order was started in August, 2022. I was out of town from September 2, 2022, to September 11, 2022. Following my trip, I did not feel well. On September 14, 2022, I tested positive for covid and was ill and in quarantine until the end of September. When I recovered, I found the letters dismissing the first appeal in my post office box. No email copies of your letters were sent to me notifying me of the deadlines stated in your letter. The Respondent's attorneys were copied into the letters but did not email copies of the letters to me. (This is meant to fill you in on what happened and is not a complaint or criticism.)

This is my third attempt to obtain the transcript for this WEBEX hearing, held May 31, 2022. So, now my third attempt to order this transcript is ordered by the enclosed, completed form. Please let me know if there is any addition or correction needed.

Here is the background information. In my first order, I was unable to download and complete the Transcript Order form, so I submitted the information on the order form in a letter requesting the form. (See my enclosed letter of August 31, 2022.) This order was apparently overlooked.

My second attempt to order this transcript was on January 3, 2023, when I completed a printed order form by hand and emailed it to transcripts@sccourts.org. The office forwarded it to a service in Arizona called "eScribers." On January 11, 2023, I received an email from "eScribers" which I did not open because I did not know the source. The third week of January, I received a voice mail which I could not understand. Finally, after listening to it several times, I could pick out the word WEBEX.

June 20, 2023

Re: 25<sup>th</sup> Avenue LLC. v. Carol Ann Honeycutt  
Appeal on  
Horry County Case No 2020-CP-2605267



MYRTLE BEACH  
505 N. MYRTLE BEACH BLVD

TO:

Ms. Jenny Abbot Kitchings, Clerk  
The South Carolina Court of Appeals  
Post Office Box 11629  
1220 Senate Street  
C

KEEP THIS FOR YOUR RECORDS

An inquiry Form 6401 may be filled at any time for a fee. A replacement will not be issued until 60 days after the money order purchase date, provided the money order has not been paid.



### CUSTOMER'S RECEIPT

|                                                                                   |                  |                                                          |                                    |
|-----------------------------------------------------------------------------------|------------------|----------------------------------------------------------|------------------------------------|
| SEE BACK OF THIS RECEIPT FOR IMPORTANT CLAIM INFORMATION<br><b>NOT NEGOTIABLE</b> | Pay to           | South Carolina Court of Appeals                          | KEEP THIS RECEIPT FOR YOUR RECORDS |
|                                                                                   | Address          | PO Box 11629<br>1220 Senate Street<br>Columbia, SC 29201 |                                    |
| Serial Number                                                                     | Year, Month, Day | Post Office                                              | Amount                             |
| [Redacted]                                                                        | 2023-06-12       | 295770                                                   | \$250.00                           |
|                                                                                   | Appellate Case # |                                                          | Clerk 10                           |



### POSTAL MONEY ORDER

|                                 |                                          |                                                                 |                                            |
|---------------------------------|------------------------------------------|-----------------------------------------------------------------|--------------------------------------------|
| Serial Number                   | Year, Month, Day                         | Post Office                                                     | U.S. Dollars and Cents                     |
| [Redacted]                      | 2023-06-12                               | 295770                                                          | \$250.00                                   |
| Amount                          |                                          |                                                                 | Two Hundred Fifty Dollars and 00/100 ***** |
| Pay to                          | Address                                  | From                                                            | Clerk                                      |
| South Carolina Court of Appeals | 1220 Senate Street<br>Columbia, SC 29201 | Carol Ann Honeycutt<br>PO. Box 8574<br>Myrtle Beach, S.C. 29578 | 10                                         |
| Memo                            | App Case                                 |                                                                 |                                            |

SEE REVERSE WARNING • NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS

Car Honeycutt  
PO Box 8574  
Myrtle Beach SC  
29578

RECEIVED  
AUG 21 2023  
SC Court of Appeals

TO:  
Ms. Jenny Abbot Kitchings  
The South Carolina Court of Appeals  
Post Office Box 11629  
1220 Senate Street  
Columbia, South Carolina 29201

F



U.S. POSTAGE  
\$5.25  
FCH  
29577  
08/11/23  
02 00  
0612800464

USPS FIRST-CLASS MAIL®

CAROL A HONEYCUTT  
PO BOX 8574  
MYRTLE BEACH SC 29578-8574

1.30 oz  
RDC 99

SHIP TO:

JENNY A KITCHINGS  
SC COURT OF APPEALS  
PO BOX 11629  
COLUMBIA SC 29201



USPS CERTIFIED MAIL®



9507 1066 5851 3223 5000 93





# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

October 17, 2023

Carol Ann Honeycutt  
PO Box 8574  
Myrtle Beach SC 29578

Re: 25th Avenue, LLC v. Carol A. Honeycutt  
Appellate Case No. 2023-001023

Dear Ms. Honeycutt:

Our records indicate that the transcript in the above matter should have been delivered. As of today's date, we have not received any information indicating that the court reporter has been granted an extension. Further, you have not notified us that you have failed to receive the transcript, nor have we received your initial brief.

If you have not yet received the transcript, Rule 207 of the South Carolina Appellate Court Rules requires you to contact the Office of Court Administration. The address for Court Administration is as follows:

South Carolina Office of Court Administration  
1220 Senate Street, Suite 200  
Columbia, SC 29201  
[transcripts@sccourts.org](mailto:transcripts@sccourts.org)

Be sure to copy the Court and opposing counsel with all correspondence concerning the transcript.

Please advise the Court of the status of the transcript within ten (10) days of the

**EXHIBIT E**

date of this letter, or your appeal will be dismissed.

Very truly yours,

A handwritten signature in blue ink that reads "Catherine Hannison, deputy". The signature is written in a cursive style with a large initial 'C'.

CLERK

cc: Henrietta U. Golding, Esquire  
Taylor Kay Voegel, Esquire

# The South Carolina Court of Appeals

25th Avenue, LLC, Respondent,

v.

Carol Ann Honeycutt, Appellant.

Appellate Case No. 2023-001023

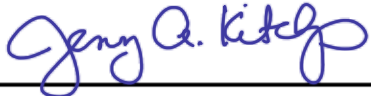
The Honorable Kristi F. Curtis  
Horry County  
Trial Court Case No. 2020CP2605267

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## ORDER

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Appellant has failed to provide the status of the transcript, as required by Rule 207 of the South Carolina Appellate Court Rules (SCACR) and this Court's letter dated October 17, 2023 or to file the initial brief of appellant and designation of matter as required by Rules 208 and 209 (SCACR). Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT  
BY   
CLERK

Columbia, South Carolina

cc:  
Carol Ann Honeycutt  
Henrietta U. Golding, Esquire  
Taylor Kay Voegel, Esquire

**FILED**  
**Nov 09 2023**

EXHIBIT F

RECEIVED

NOV 13 2023

SC Court of Appeals

November 7, 2023

RE: 25th Avenue LLC v. Carol Ann Honeycutt  
Appellate Case no. 2023-001023

*Ms. Catherine Harrison, Clerk*  
Ms. Jenny Abbott Kitchings, Clerk  
The South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Dear Ms. Kitchings ~~and~~ *Ms. Harrison*,

This letter is in response to your request about the transcript in the above matter. Yes, the transcript was delivered to me by email on September 6, 2023. I was out of town for two weeks in October. I apologize for not responding sooner. When I received your letter on November 3, 2023, I called and left a message on your answering machine that the transcript had been delivered to me.

Enclosed is a copy of the email which transmitted the pdf transcript copy to me.

Do I need to file a copy of the transcript with the Appellate Court at this time?

Thank you for your assistance,

*Carol Ann Honeycutt*

Carol Ann Honeycutt  
Appellant

cc: Henrietta U. Golding, Esq.  
Taylor Kay Voegel, Esq.

EXHIBIT G

## Transcript 25th Avenue LLC versus Carol Ann Honeycutt

**From:** "Joy Holston" <lakerjh1@hotmail.com>  
**To:** "Carol Ann Honeycutt" <auso2@southcarolina.usa.com>  
**Cc:** "TammieCourtadminHome Holmes" <tholmes@sccourts.org>, "Transcripts" <transcripts@sccourts.org>  
**Date:** Sep 6, 2023 9:12:00 AM

---

Ms. Honeycutt

Attached is your transcript for 25<sup>th</sup> Avenue LLC vs Carol Ann Honeycutt.

~~I received your payment for \$170.00. This transcript is 27 pages @ \$4.25.  
The total cost for the transcript is \$114.75.~~

***I will mail you a refund of \$55.25 to your address listed on your request for transcript.***

Thank you,  
Joy E. Holston  
JH Reporting LLC  
118 Sandy Beach Drive  
Prosperity, S.C. 29127

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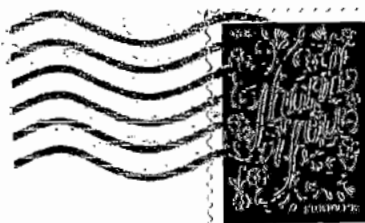
### Attachments

- CAROLANNHONEYCUTT.pdf

AROL HONEYCUTT  
o Box 8574  
Myrtle Beach, SC 29578-8574

COLUMBIA SC 290

8 NOV 2023 PM 4 L



RECEIVED

NOV 13 2023

SC Court of Appeals

The South Carolina Court of Appeals  
Mrs. Catherine Harrison  
P.O. Box 11629  
Columbia, S.C.

29211-162727 2912



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

November 16, 2023

Carol Ann Honeycutt  
PO Box 8574  
Myrtle Beach SC 29578

Re: 25th Avenue, LLC v. Carol A. Honeycutt  
Appellate Case No. 2023-001023

Dear Ms. Honeycutt:

The Court received your correspondence dated November 7, 2023 which we construe as a motion to reinstate. The following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your filing will not be considered:

- The required filing fee has not been submitted. The correct filing fee is \$50.00.
- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.
- You must file the request in the form of a motion.

**EXHIBIT H**

Very truly yours,

*Catherine Hannisa, deputy*

CLERK

cc: Henrietta U. Golding, Esquire  
Taylor Kay Voegel, Esquire

**From:** [Holmes, Tammie](#)  
**To:** [auso2@southcarolina.usa.com](mailto:auso2@southcarolina.usa.com)  
**Cc:** [Transcripts](#); [Fisher, Bobbi](#); [Court Of Appeals Filings](#)  
**Subject:** 25th Avenue LLC v. Carol Ann Honeycutt 05.31.2022 transcript request.  
**Date:** Monday, August 28, 2023 11:16:54 AM

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Good morning Ms. Honeycutt.

I have been copied on a few e-mails recently from Bobbi Fisher and the Court of Appeals regarding the production of a transcript you requested.

I just wanted to let you know that your requested transcript was sent to e-Scribers on January 10, 2023 as we received a request from you on January 4, 2023 for the hearing that was heard on May 31, 2022. I also see where the transcript request that was sent to e-Scribers was cancelled due to lack of communication and payment.

I am not sure why you continue to contact Ms. Fisher since she was not the court reporter who captured the hearing nor was she sent the transcript to produce. Your communications regarding this transcript should be between [transcripts@sccourts.org](mailto:transcripts@sccourts.org) or e-Scribers.

Thank you.

Tammie M. Holmes  
Court Reporter Manager  
South Carolina Judicial Branch  
1220 Senate Street, Ste. 200  
Columbia, SC 29201  
[tholmes@sccourts.org](mailto:tholmes@sccourts.org)  
803-734-1825

RECEIVED

Jan 03 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

The Honorable Kristi F. Curtis, Circuit Court Judge

Appellate Case No. 2023-001023  
Case No. 2020-CP-26-05267

25th Avenue, LLC, ..... Respondent,

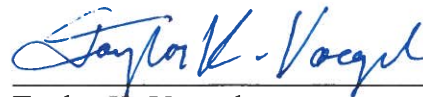
v.

Carol Ann Honeycutt ..... Appellant.

**CERTIFICATE OF SERVICE**

I, Taylor K. Voegel, of Burr & Forman LLP, attorney for the Respondent, hereby certify that **Respondent's Return to Appellant's Motion to Reinstate** was served on Appellant on January 3, 2024, via electronic communications (see attached), and via regular U.S. Mail, postage prepaid and affixed thereto, addressed as follows:

Carol Ann Honeycutt, *pro se*  
Post Office Box 8574  
Myrtle Beach, SC 29578  
**Email: [auso2@southcarolina.usa.com](mailto:auso2@southcarolina.usa.com)**



Taylor K. Voegel

Subject: 25th Avenue, LLC v. Carol A. Honeycutt 2023-001023

Date: 1/3/2024 3:57 PM

From: "Evans, Sheila" <SEvans@burr.com>

To: "Carol Ann Honeycutt" <auso2@southcarolina.usa.com>

Cc: "Golding, Henrietta" <HGolding@burr.com>, "Voegel, Taylor" <tvoegel@burr.com>

---

Hello Ms. Honeycutt,

For service upon you, please find attached a copy of Respondent's Return to Appellant's Motion to Reinstate with attached Exhibits A-I, and Proof of Service that we will be filing with the Court momentarily.

Sheila

**Sheila Evans**

*Paralegal*



2411 Oak St., Suite 206

Myrtle Beach, South Carolina 29577

direct 843-443-3002

fax 843-444-3970

[sevans@burr.com](mailto:sevans@burr.com)

[Web](#)

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The information contained in this email is intended for the individual or entity above. If you are not the intended recipient, please do not read, copy, use, forward or disclose this communication to others; also, please notify the sender by replying to this message, and then delete this message from your system. Thank you.