

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity Law Judge

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

PVone REO LLC

Respondent,

v.

Mary A White et al,

Appellant.

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

RE: PVone REO LLC v. Mary A White et al **Appellate Case No.: 2023-001086**

Dear Clerk,

I am writing as the appellant in the above-referenced case to address specific legal concerns raised by the respondent, PVone REO LLC, and to provide clarity regarding the course of this appeal.

The relevant events of this case are as follows:

- 1 On January 31, 2023, I filed a motion to intervene and to vacate in the lower court.
2. Following a judge's order, I filed a notice of appeal in the lower court on June 23, 2023.
3. July 3, 2023, I filed a second motion to vacate under Rule 60(B) in the lower court.

4. On July 7, 2023, I filed a notice of appeal, a motion to stay, and a motion to proceed in forma pauperis with this Appeals Court.
5. On August 7, 2023, I filed the transcript of the hearing in the lower court.
6. On August 29, 2023, I submitted the Initial Brief and Designation of Matter.
7. As of November 15, the respondent has failed to comply with the deadline to answer the Initial Brief.

The respondent contends that I neglected to inform this Court of Appeals about the filing of the second motion to vacate in the lower court and proposes that this omission justifies the dismissal of this appeal. They reference the Supreme Court's directives in the Hudson case and Hughes case. However, these cases are not directly applicable to this Appeal, particularly regarding a Rule 60(B) motion for improper service of process. The respondent has never served any summons or complaint to any of the Appellants by using a fake address and claiming it could not reach the owners. In Hudson, the issue involved a Rule 59, SCRCF motion, while Hughes focused on a motion for sanctions under *Holmes v. East Cooper Community Hospital, Inc.*

The Rule 60(B) motion serves a different legal purpose and should be independently evaluated from the precedents set in Hudson and Hughes. Therefore, the respondent's argument that I have failed to comply with directives from these cases does not accurately reflect the nature of a motions identifying the lack of jurisdiction of the lower court, fruits of a poisonous tree and the procedural requirements involved.

Furthermore, The Supreme Court's directives in the Hudson case and Hughes case is inline with Rule 203 of the SCACR, particularly section B(1), governs the notice of appeal and clarifies that a timely motion for judgment under SCRCF rule 50 or a motion to alter or amend the judgment under SCRCF 52 and 59 is distinct from the rights under Rule 60(A) or (B) motions. Additionally, I filed a motion to stay on July 7, 2023 and that motion was denied July 19, 2023, Respondent failed to appeal that order when they had the time to do so.

Given these points, I respectfully request that this Court considers the specific legal context and refrains from dismissing the appeal based on the respondent's assertions as a result of fruits of a poisonous tree. Additionally, the respondent's failure to respond to the Initial Brief within the prescribed timeframe should be addressed as per the rules of this Court.

I also wish to draw attention to Rule 212 of the SCACR, which allows for supplementation of the Record on Appeal by the appellate court or parties. (b) By a Party. With the written consent of all attorneys of record, a party may supplement the Record on Appeal at any time before argument commences. Without such consent or after argument commences, **a party desiring to supplement the Record on Appeal must move the appellate court for leave to do so.** In response to that motion, the other party(s) shall designate any supplemental materials which that party desires to add if the Court grants the motion. **Respondent PVone REO llc never moved this court for leave to supplement the record and Respondent Correspondence Supplement to Motion to Remand and hold appeal in Abeyance should be treated as potentially inadmissible.**

. I would appreciate your guidance on whether additional materials, such as the respondent's failure to answer the Initial Brief, may be considered in the Record on Appeal.

In response to the Affidavit submitted by Mark Lehrer, I must highlight several key points that cast doubt on its validity and relevance. Mr. Lehrer's Affidavit fails to establish him as a firsthand witness to the allegations. He admits not drafting the affidavit, raising questions about its accuracy and source. Moreover, Mr. Lehrer lacks firsthand knowledge of the true owner of the property at 1959 Jacksonville Road, which is central to this case. His involvement as the portfolio manager for Pine Valley One Real Estate, not the plaintiff in this case, suggests his testimony should be treated as speculative and potentially inadmissible.

Finally, I wish to bring to your attention that all Judge Scarborough's orders may be null and void due to PV One REO LLC's failure to serve a summons and complaint and an amended summons and complaint as per the court's order for corrected address to perfectuate service. This procedural oversight raises significant concerns about the integrity of the case and the validity of subsequent actions.

Thank you for your attention to these matters. I look forward to your guidance and the opportunity to ensure that justice is served in this case.

Sincerely,

January 30, 2024

A handwritten signature in black ink, appearing to read 'DeWayne Sykes', is written over a solid horizontal line.

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

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APPEAL FROM CHARLESTON COUNTY
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Case No. 2022-CP-10-03492
Appellate Case No.: 2023-001086

PVONE REO LLC

Respondent,

v.

Mary A. White et al,


Appellant.

PROOF OF SERVICE

I certify that I have served the Notice John Dodds III, Stephen Peterson Groves, Kelly Woody by depositing a copy of it in the United States Mail, Postage prepaid, on January 30, 2024 , addressed to its attorney of record, 858 Low county Bld ste, 101, Mt, Pleasant, South Carolina 29464, 25 Calhoun street, Suite 250 Charleston, South Carolina 29401 , and P.O. Box 6432, Columbia SC 29260.

January 30, 2024

Sincerely,


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

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

January 30, 2024

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

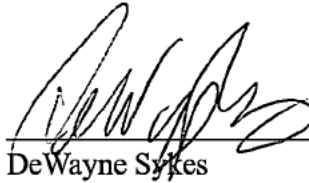
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RE: PVone REO LLC v. Mary A White et al **Appellate Case No.: 2023-001086**

Dear Ms. Kitchings:

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

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



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

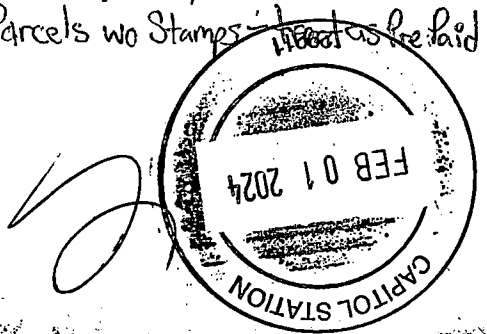
CC: John Dodds III
858 Low County Bld ste, 101, Mt, Pleasant, South Carolina 29464

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

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

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

USPS Int'l, Mail Manual
742.1 Marking Postage Paid
742.2 Parcels w/o Stamps - *Postage Paid*



Foreign Office of Origin

Postage Paid
Stamp/Seal

POSTAGE PAID - TAXE PERCUE
UPU RL 11629
Universal Postage Union

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Attn Jenny Kitchins
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

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