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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

George M. McFaddin, Jr., Circuit Court Judge

Appellate Case No. 2023-001700

Ali Adebisi,

Appellant,

v.

Lakeview Loan Servicing, LLC,

Respondent,

RESPONDENT'S RETURN TO APPELLANT'S MOTION TO STRIKE

Chad W. Burgess, Esq.
(S.C. Bar No.: 72520)
BROCK & SCOTT, PLLC
3800 Fernandina Road, Suite 110
Columbia, South Carolina 29210
(803) 454-3540
Attorney for Respondent

NOW COMES Respondent Lakeview Loan Servicing, LLC (“Lakeview”), by and through its undersigned attorney, and pursuant to Rule 240(e) of the South Carolina Appellate Court Rules, hereby submits its Return to the motion to strike late filing filed by Appellant on February 29, 2024, averring as follows:

BRIEF PROCEDURAL HISTORY

On or about March 29, 2019, Appellant obtained a \$79,000.00 home mortgage loan secured by real property commonly known as 1308 Harmony Street, Florence, SC 29501 (the “Property”). The transaction is memorialized by a recorded Mortgage which was recorded in the Florence County Registry on April 3, 2019, in Book 790 at Page 1111. The Note and Mortgage were transferred to Respondent.

Subsequently, the Appellant defaulted under the terms and conditions of the mortgage Note and, on November 14, 2021, Respondent filed a Complaint bearing South Carolina Civil Action Number 2021-CP-21-02234 seeking foreclosure of the Mortgage (“Foreclosure Action”). Appellant appeared in the Foreclosure Action through several sovereign citizen filings.

The Foreclosure Action was referred to The Honorable Haigh Porter, as Master in Equity for Florence County on March 22, 2022. Notwithstanding Appellant’s contest, Judge Porter ruled in favor of Respondent and entered an Order and Judgment of Foreclosure and Sale on May 24, 2022. The property was sold at foreclosure sale on April 4, 2023, with Respondent being the successful purchaser. The Master in Equity’s Deed was recorded in the Florence County Registry on June 20, 2023, in Book 1053 at Page 1920.

Following the foreclosure sale, Appellant filed the underlying action on May 26, 2023. Appellant's Complaint consists of largely unintelligible legal jargon and was presented as a challenge to the completed Foreclosure Action. Appellant filed a motion to add additional parties on June 22, 2023. The parties sought to be added included the presiding judge in the Foreclosure Action, William Haigh Porter. Respondent filed a motion to dismiss and for sanctions on July 24, 2023. Appellant filed a motion for summary judgment on August 11, 2023. Judge Porter opposed Appellant's motion to add additional parties and joined Respondent's request for sanctions. A hearing was held on the pending motions on September 19, 2023. The Honorable George M. McFaddin, Jr. presided over the motions and took the same under advisement. Judge McFaddin informed the parties of his ruling to grant Respondent's motion to dismiss and to deny Appellant's motions to add additional parties and for summary judgment, and to grant sanctions against Appellant in a written memorandum to all parties dated October 11, 2023. Judge McFaddin's memorandum requested two orders be submitted to formalize his ruling. On October 27, 2023, the first of the orders was entered which addressed the denial of Appellant's motion to add additional parties and addressed a portion of Judge McFadden's ruling to grant sanctions against Appellant. This appeal followed.

ARGUMENT AND CITATION OF AUTHORITY

Appellant's motion to strike appears to be related to Respondent's return to Appellant's motion for leave to file a SCRCF Rule 60(b) motion. Appellant's motion was filed January 16, 2024 and Respondent's return was filed January 30, 2024. Upon being notified that the return was untimely, Respondent filed a motion to allow the late filing on February 15, 2024 outlining the grounds for accepting the late filing. Appellant did not file a return to Respondent's motion to

allow the late filing and, on February 26, 2024, this Court entered an order allowing the late filing and granting Appellant 5 days to file a reply to respondents return to Appellant's motion for leave to file a SCRPC Rule 60(b) motion. Appellant filed the subject motion to strike Respondent's return on February 29, 2024. Based upon this Court's February 26, 2024 order accepting Respondent's return, Appellant's request is moot.

“An appellate court will not pass on moot and academic questions or make an adjudication where there remains no actual controversy.” *Curtis v. State*, 345 S.C. 557, 567, 549 S.E.2d 591, 596 (2001) (citing *Jackson v. State*, 331 S.C. 486, 489 S.E.2d 915 (1997)). “Mootness has been defined as follows: ‘A case becomes moot when judgment, if rendered, will have no practical legal effect upon existing controversy. This is true when some event occurs making it impossible for the reviewing Court to grant effectual relief.’” *Byrd v. Irmo High School*, 321 S.C. 426, 431, 468 S.E.2d 861, 864 (1996) (quoting *Mathis v. S.C. State Highway Dep't*, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973)).

Cheap-O's Truck Stop, Inc. v. Cloyd, 350 S.C. 596, 602-603, 567 S.E.2d 514, 517 (Ct. App. 2002). Because Appellant's motion to strike is moot, his motion should be denied.

Further, Appellant's motion appears to request sanctions and that this Court order Respondent to respond to his request to, “produce a Foreign Registration Statement, which is mandatory under the Foreign Agent Registration Act of 1938 and Chad Wilson Burgess has failed to answer when compelled which a violation of Rule 24(a) of the appellate court rules”. Appellant's “foreign registration” requests are nonsensical and in no way relevant to the Foreclosure Action, this action, or any legal matter whatsoever. Further, the purported requests do not constitute valid freedom of information requests under either the Federal Freedom of Information Act (5 U.S.C §552, et. seq.) or the South Carolina Freedom of Information Act (SC Code §30-4-10, et seq.). The responses from other parties in this action consistently indicate that no such document exists. Indeed, neither the undersigned, the Florence County Master in Equity, nor the Clerk of Court are foreign agents, and the Foreign Registration Act has no bearing on this

action in any way and Respondent cannot be compelled to engage in Appellant's sovereign citizen fantasy.

CONCLUSION

For the foregoing reasons, Lakeview Loan Servicing, LLC, respectfully requests that this court summarily deny Appellant's motion to strike, and requests such other relief this Court deems just and proper.

Respectfully submitted,

BROCK AND SCOTT, PLLC



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*Attorney for Respondent Lakeview Loan
Servicing, LLC*

Dated: March 7, 2024

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 7, 2024, she served a copy of Respondent's Return to Appellant's Motion to Strike, and Certificate of Service by Mail upon the person below by depositing the same in the U.S. Mail with proper postage affixed and addressed as follows:

Ali Adebisi
1308 Harmony Street
Florence, SC 29501

Ali Adebisi
1901 W. Evans Street, Unit 5372
Florence, SC 29502



Lauren Browder
BROCK & SCOTT, PLLC