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SC Court of Appeals

**STATE OF SOUTH CAROLINA
IN THE
COURT OF APPEALS**

Appeal from the Court of Common Pleas
For Charleston County
Honorable Mikell R. Scarborough, Master-In-Equity
Civil Action No.: 2022-CP-10-03492
Appellate Case No.: 2023-001086

Ex parte: DeWayne Alphonza Sikes,

Appellant,

In re:

PVOne REO, LLC,

Respondent.

v.

The Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 1959 Jacksonville Road, Charleston County, South Carolina PIN 466-03-00-154, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title interest, estate in, or lien upon, the real estate described as 1959 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154,

Defendants.

**INITIAL BRIEF OF THE RESPONDENT,
PVOne REO, LLC**

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I. STATEMENT OF THE ISSUES ON APPEAL

- A. Whether The Master-In-Equity Correctly Denied DeWayne A. Sykes' Motion to Intervene Pursuant to Rule 24, SCRCivP?
- B. Whether The Master-In-Equity Correctly Denied DeWayne A. Sykes' Motion to Vacate Judgment Pursuant to Rule 60(b)(4), SCRCivP?

II. STATEMENT OF THE CASE

On 3 August 2022, the Respondent, PVOne REO, LLC ("PVOne REO"), brought a quiet title to certain real property against the Defendants, The Estate of Mary A. White (the "White Estate"), and others claiming under or heirs and/or devisees of Mary White and/or otherwise asserting any claim, mortgage, title, *etc.* to the property (the "Unknown Defendants"). (*Master's Order*, p.1; *Final Order*, p.1; *Lis Pendens*, pp.1-2; *Complaint*, pp.1, 4-6). PVOne REO sought to confirm its tax title as "marketable, fee simple title" (*Final Order*, p.1; *Complaint*, paras. 1-6, 8-12) to certain real property ("Jacksonville Road"), designated as **1959** Jacksonville Road, and having the following legal description:

ALL THAT CERTAIN piece, parcel or lot of land, located in Charleston County, South Carolina, shown and designated as "LOT Y" on a plat entitled "RESUBDIVISION OF PROPERTY IN THE 5 MILE SECTION OF CHARLESTON COUNTY" prepared by W.L. Gaillard, Registered Surveyor, dated July 27, 1981, revised October 20, 1983, and recorded in Plat Book AY, Page 192, Charleston County records. Said lot having such size, shape, dimensions, metes, buttings and boundings as will by reference to said plat, more fully appear.

BEING a portion of the property conveyed to Mary A. White by deed from Lucreita B. Lucado, dated April 20, 1981, and recorded April 20, 1981, in Book E125, Page 036; and being the same property conveyed to PVOne REO, LLC by tax deed dated March 18, 2022, and recorded on April 7, 2022, in the Charleston County Register of Deeds Office in Book 1098, page 183.

PIN 466-03-00-154.

(*Id.*, at p.2; *Complaint*, para. 2). PVOne REO contemporaneously moved for appointment of a Guardian *ad Litem Nisi* to represent both the White Estate and the Unknown Defendants, as well as, for an order allowing service on the White Estate and all others concerned by publication. (*Motion to Appoint GAL Nisi and for Publication*, pp.1-3).¹ PVOne REO also submitted an Order Appointing *GAL Nisi* (*Notice GAL Nisi*, pp.1-2), the *GAL Nisi*'s consent to appointment (*GAL Nisi Consent*, pp.1-2), and the consent to refer the case to the Master-In-Equity. (*Reference Consent*, pp.1-2). Attorney Woody, answering for the White Estate and the Unknown Defendants, denied PVOne REO's material allegations. (*Answer*, pp.1-2).²

After the matter was referred (*Final Order*, p.1; *Order of Reference*, pp.1-3; *Motion for Reference*, pp.1-2), the Charleston County Master-In-Equity scheduled a hearing which PVOne REO properly noticed. (*Hearing Notice*, pp.1-4). Attorney Woody sent written notice to Mary White's heirs and persons who might claim an interest in Jacksonville Road. (*GAL Nisi Affidavit*, paras. 2-4, Exh. A (16 April 2022 Letter)). No response was received. (*Id.*, at para. 4.).

The Master-In-Equity held a Bench Trial on 11 January 2023, to consider PVOne REO's request to confirm it's marketable, fee simple title to Jacksonville Road. (*Final Order*, p.1). Several exhibits were admitted into evidence. (*Exhibit List*, pp.1-3).³ The

¹ By order dated and filed 9 August 2022, the Charleston County Clerk of Court appointed Kelly Y. Woody, Esquire ("Attorney Woody") as the *GAL Nisi* and permitted service by publication. (*GAL Nisi/Publication Order*, pp.1-4).

² Publication service of process was accomplished as of 26 August 2022. (*Affidavit of Publication*, pp.1-2). Publication was made in *The Post and Courier*, as well as on the Charleston News website on 12, 19, and 26 August 2022. (*Affidavit of Publication*, p.1).

³ The admitted exhibits were (a) the *Charleston County Tax Deed* given to PVOne REO recorded in the Charleston County Register of Deeds Office (the "ROD") on 7 April 2022, in Deed Book 1098, at Page 183 (the "*Tax Deed*"); (b) *Deed from Lucreita D. Lucado to May A. White* dated 20 April 1981, and

Master-In-Equity also admitted into evidence a letter from the Appellant, DeWayne Alphonza Sykes (“Mr. Sykes”), to PVOne REO. (*Additional Exhibit List*, pp.1-2).⁴ Pursuant to order dated and filed 12 January 2023 (*Final Order*, pp.1-12), the Master-In-Equity confirmed PVOne REO had, through the tax deed, purchased marketable, fee simple from Charleston County and, more importantly, all other claims, liens, rights, etc. to Jacksonville Road⁵ were barred and extinguished. (*Id.*, at p.8).

On 31 January 2023, Mr. Sykes moved to both intervene and to vacate the Master-In-Equity’s decision confirming Charleston County had sold PVOne REO marketable, fee simple title to Jacksonville Road as against all other claims, liens, rights, etc. (*Motion to Intervene & Vacate*, pp.1-21). The Master-In-Equity scheduled a duly noticed hearing (*Dick Cert. of Service*, p.1), for 13 April 2023 (*Hearing Tr.*, p.1) which PVOne REO⁶ and Mr. Sykes, appearing *pro se*, attended. (*Id.*, at p.2). The Master-In-Equity, post-hearing,

recorded in the ROD in Book E125, at page 36 (the “Lucado to White 1981 Deed”); and (c) Affidavit of Edrian J. Trakas sworn to on 30 December 2022 (the “Trakas Affidavit”).

4 See Letter from DeWayne Sykes to Mark Lehrer dated 5 April 2022 (the “Sykes Letter”). While Mr. Sykes specifically referenced “**1953** Jacksonville Road” therein (Sykes Letter, p.1) (Emphasis added), the designated numerical street address for Jacksonville Road is **1959** Jacksonville Road..

5 PVOne REO’s pleadings listed Jacksonville Road’s designated physical address as “1935 Jacksonville Road”. (GAL Nisi Order, p.1; Reference Order, p.1; Lis Pendens, p.1; Summons, p.1; Complaint, p.1; para. 2). The Master-In-Equity recognized the correct address, based upon Jacksonville Road’s PIN 466-03-00-154, was “**1959** Jacksonville Road”. (Final Order, p.2). PVOne REO had, however, specifically set forth the correct legal description for PIN 466-03-00-154. (Lis Pendens, p.2; Complaint, para. 2; Publication Notice, p.2). The correct PIN 466-03-00-154 was contained in the caption of all PVOne REO’s pleadings. (Lis Pendens, p.2; Complaint, para. 2; Publication Notice, p.2; etc.). The Master-In-Equity recognized the title search performed for PVOne REO disclosed the “1935 Jacksonville Road” address. (*Id.*). Consequently, given PVOne REO had used the proper legal description and correct PIN 466-03-00-154 designation, as well as “the GIS and Assessor’s records of Charleston County” (*Id.*), the Master-In-Equity, pursuant to Rule 15(a)-(d), SCRCivP, amended “the case caption and all prior pleadings . . . *nunc pro tunc* to reflect the correct address of 1959 Jacksonville Road”. (*Id.*).

6 On 2 March 2023, John J. Dodds, III, Esquire was substituted as PVOne REO’s legal counsel. (Order of Substitution, pp.1-3).

accepted various exhibits from both Mr. Sykes and PVOne REO.⁷ By order dated and filed on 21 June 2023, the Master-In-Equity denied Mr. Sykes' intervention motion (*Master's Order*, pp.5-6), as well as his request to vacate the Master-In-Equity's prior final order entered on 12 January 2023. (*Id.*).

Mr. Sykes then filed his Notice of Appeal with the Court of Common Pleas on 23 June 2023, and with this Court of Appeals on 7 July 2023. In the interim, Mr. Sykes filed another request for the Master-In-Equity to vacate on 3 July 2023. (*Second Motion to Vacate*, pp.1-19).⁸ This appeal followed and is now before this Court of Appeals.

III. STATEMENT OF THE FACTS

A. PVOne REO's Ownership Of Jacksonville Road

On 16 November 2020, PVOne REO purchased Jacksonville Road for \$88,000.00 at a Charleston County Tax Sale. (*Final Order*, p.2; *Complaint*, para. 8). Charleston County later conveyed Jacksonville Road to PVOne REO on 18 March 2022, after the

⁷ Mr Sykes' exhibits consisted of (a) the Last Will and Testament of Frank White, Sr. dated 20 June 1973 (the "Frank White Will"); (b) Frank White, Sr.'s Devise/Decent of Real Estate and Description (the "Frank White Real Estate Devise"); (c) Petition to Prove Will in Common Form and for Letters of Law for Frank White (the "Frank White Will Petition"); (d) Order Dismissing Mary Ancrum White as Executrix dated 10 May 1974 (the "May 1974 Dismissal Order"); (e) Application for Appointment for Mary Ancrum White's Estate -1990-ES-10-01600 (the "White Probate Appointment Application"); (f) List of Real Property Owned 100% by Decedent Mary A. White (the "Mary White's 100% Property Ownership List"); and (g) Certificate of Death for Mary A. White dated 4 December 1996 (the "Mary White Death Certificate"). PVOne REO's exhibits consisted of (a) Deed from Frank White to Ida Gadsden dated 5 August 1939 and recorded in the ROD on 8 August 1939 in Book O-40, at Page 739 (the "White to Gadsden Deed"); (b) Deed from Mary A. White to Lucreita B. Lucado dated 6 April 1981 and recorded in the ROD on 6 April 1981 in Book B-125 at Page 221 (the "White to Lucado Deed"); (c) Deed from Lucreita B. Lucado to Mary A. White dated 20 April 1981 and recorded in the ROD on 20 April 1981 in Book E-125, at Page 036 (the "Lucado to White Deed"); and (d) Deed from Clinton White, DeWayne A. White, and William Timothy White to Mary A. White dated 15 May 1989, and recorded on 30 May 1989 in Book T184, at Page 216 (the "Sons To Mary White Deed").

⁸ The Master-In-Equity never addressed Mr. Sykes' second motion to vacate since, upon service of the Notice of Appeal, this Court of Appeals had exclusive jurisdiction over the case. *See* Rule 205, SCACR. *See also* Arnal v. Fraser, 371 S.C. 512, 518-519, 641 S.E.2d 419, 422 (2007) (*per curiam*), *rehearing denied* (7 March 2007), *certiorari denied*, 552 U.S. 821 (2007). This Court of Appeals later concluded Mr. Sykes' second motion was untimely. (SC Court of Appeals Order Denying Motion to Remand issued 6 March 2024).

statutory two-year redemption period had ended. (*Id.*)⁹ PVOne REO, in an effort to confirm it possessed clear, marketable, fee simple title to Jacksonville Road, filed this quiet title action on 3 August 2022, against the White Estate, her heirs, and anyone possibly having any right, title, claim, *etc.* to Jacksonville Road. (*Lis Pendens*, p.1; *Complaint*, pp.1-5). While the White Estate and the Unknown Defendants appeared, they did not challenge the validity of the prior tax sale. (*Final Order*, pp.4-5). Even though the Sykes Letter was entered into evidence at the bench trial, Mr. Sykes did not appear to contest or otherwise challenge PVOne REO's claims to marketable fee-simple title to Jacksonville Road. (*Id.*, at pp.4-5; *Sykes Letter*, p.1). The Master-In-Equity confirmed PVOne REO held fee-simple, marketable title to Jacksonville Road. (*Id.*, at pp.5-8).

B. Jacksonville Road's Material Title Chain

By *Last Will and Testament* dated 20 June 1973, Frank White, Sr, "bequeath[ed] all of [his] property, real and personal, of any and every description whatsoever and wheresoever situated . . . to [his] wife MARY ANCRUM WHITE, for life and upon her death, [he] g[a]ve, devise[d]., and bequeath[ed] the same to [his] children, share and share alike." (*Frank White Will*, p.1, para. 3; *1979 Reference Tran.*, p.4; *Motion to Intervene/Vacate*, pp.6-8; *White v. Green* Tr., pp.4-5).¹⁰ Part of the real property Mr. White, Sr. bequeathed to Mary White was Jacksonville Road. (*Frank White Real Estate Devise*, p.1; *Motion to Intervene/Vacate*, pp.6-7) ; *White v. Green* Tr., pp.4-5.¹¹

⁹ See S.C. Code Ann. § 12-51-90 (Thomson Reuters West 2019). PVOne REO's tax deed was properly recorded on 7 April 2022 in Deed Book 1098, at Page 183 (the "Tax Deed"). (*Final Order*, pp.2-3).

¹⁰ Mr. White died on 20 July 1973. (*Frank White's Death Certificate*, p.1). Mr. White's children were Frank White, Jr.; William Timothy White, Clinton White, and DeWayne Alphonza White. (*Frank White Will*, p.1, para. 7; *Frank White Will Petition*, p.1; *1979 Reference Tr.*, pp.4-5).

¹¹ The Charleston County Probate Court closed probate of Frank White's will and dismissed Mary White as his appointed Executrix on 10 May 1974. (*May 1974 Dismissal Order*, p.1).

In 1979, some five or so years after her husband's estate was closed, Mary White sued Monday Green and others in the Charleston County Court of Common Pleas seeking to quiet her title to certain real property in Charleston County, more properly "known as 1953, 1959, and 1965 Jacksonville Road, Charleston Heights, South Carolina." (*White v. Green Tr.*, p.1; *Motion to Intervene/Vacate*, pp.6-8).¹² Mary White asserted an adverse possession claim in the *White v. Green* Litigation. (*White v. Green Tr.*, pp.1-6). Mary White's evidence demonstrated she had, for 35 years or longer, either lived in and/or exercised open, adverse, and continuous occupancy of the three referenced properties (i.e.; 1953, **1959**, and 1965 Jacksonville Road). (*White v. Green Tr.*, pp.1-6).¹³

On 6 April 1981, as part of the *White v. Green* quiet title action and pursuant to a *Quit Claim Deed*, Mary A. White deeded certain real property, including Jacksonville Road,¹⁴ to Lucreita B. Lucado.¹⁵ The *White to Lucado Deed* specifically stated as follows:

THE PURPOSE OF THIS DEED IS TO PUT ON RECORD IN THE RMC OFFICE [OF CHARLESTON COUNTY, SOUTH CAROLINA] THAT THE PROPERTY ABOVE [DESCRIBED] HAS A CLEAR TITLE AS OF MARCH 31, 1981. MARY A. WHITE et al. v. MONDAY GREEN et al., COURT OF COMMON PLEAS, CHARLESTON COUNTY, CASE NO. 79-CP-10-2289.

(*White to Lucado Deed*, p.2).

¹² See *Mary A. White, et al. v. Monday Green, et al.* (Charleston County Court of Common Pleas, Civil Action No. 1979-CP-10-2289) (the "*White v. Green* Litigation").

¹³ As has been stated "1959 Jacksonville Road" is the "Jacksonville Road" property which is the subject of this litigation and for which Mr. Sykes' wrongly asserts he is possessed of an, albeit imaginary, remainderman interest.

¹⁴ The deeded property was described, in part, as TMS Nos. 466-03-00-154 and 466-03-00-154. (*White to Lucado Deed*, p.1). Jacksonville Road was designated as PIN 466-03-00-154. (*Final Order*, p.2).

¹⁵ The *White to Lucado Deed* was duly recorded on 6 April 1981 in Book B-125 at Page 221. (*White to Lucado Deed*, pp.1-4). Ms. Lucado appears to have been the Special Referee presiding over the *White v. Monday* Litigation. (*04/13/2023 Hearing Tr.*, p.6, line 7 – p.7, line 6).

Two weeks later, on 20 April 1981, Lucreita B. Lucado, also via a *Quit Claim Deed*, deeded the very same property, again including Jacksonville Road, back to Mary White.¹⁶ (*Master's Order*, pp.2-3; *Lucado to White Deed*, pp.1-4).¹⁷ Like its predecessor, the *Lucado to White Deed* specifically stated:

THE PURPOSE OF THIS DEED IS TO PUT ON RECORD IN THE RMC OFFICE [OF CHARLESTON COUNTY, SOUTH CAROLINA] THAT THE PROPERTY ABOVE [DESCRIBED] HAS A CLEAR TITLE AS OF MARCH 31, 1981. MARY A. WHITE et al. v. MONDAY GREEN et al., COURT OF COMMON PLEAS, CHARLESTON COUNTY, CASE NO. 79-CP-10-2289.

(*Complaint*, para.3; *Lucado to White Deed*, at p.2).

On 15 May 1989, again by *Quit Claim Deed*, Mary A. White's sons - Clinton White,¹⁸ DeWayne A. White (Mr. Sykes' now-deceased father),¹⁹ and William Timothy White²⁰ – individually and collectively “remised, released, and forever quit-claimed” (*Master's Order*, pp.2-3; *Sons to Mary White Deed*, p.1)²¹ their interests in certain Charleston County real property, including Jacksonville Road, designed in part in the legal description, as TMS Nos. 466-03-00-267 (Lot Z), 466-03-00-154 (Lot Y), and 466-03-00155 (Lot X).²² (*Id.*, *Sons to Mary White Deed*, pp.1-4).

¹⁶ The deeded property was again described as TMS Nos. 466-03-00-154 and 466-03-00-154. (*Lucado to White Deed*, p.1). Jacksonville Road was designated as PIN 466-03-00-154. (*Final Order*, p.2).

¹⁷ The *Lucado to White Deed* was duly recorded on 20 April 1981 in Book E-125, at Page 036. (*Lucado to White Deed*, pp.1-4).

¹⁸ Clinton White passed away on 19 January 1990. (*White Probate Appointment Application*, p.2).

¹⁹ DeWayne A. White was Mr. Sykes' father. (*Motion to Intervene/Vacate*, p.8).

²⁰ The remaining son – Frank White, Jr. – was not part of the transaction, allegedly living in Houston Texas (*White Appointment Application*, p.2) and may have been estranged from his mother.

²¹ The *Sons to Mary White Deed* was recorded on 30 May 1989 in Book T184, at Page 216. (*Sons to Mary White Deed*, pp.1-4).

²² PIN 466-03-00-267 (Lot Z) is designated **1953** Jacksonville Road and PIN 466-03-00155 (Lot X) is designated **1965** Jacksonville Road. PIN 466-03-00-154 (Lot Y) is Jacksonville Road.

On 27 November 1996, Mary White passed away. (*Master's Order*, p.2; *Mary White Death Certificate*, p.1). One of her sons, namely William T. White, submitted her will to probate in the Charleston County Probate Court and requested he be appointed as the personal representative of the White Estate. (*Id.*, at pp.1-2; *White Probate Appointment Application*, p.1). As part of the Probate Court's required probate filings, for the White Estate, William T. White filed a document entitled "EXHIBIT A FOR SCHEDULE A – [REAL PROPERTY] ALL OWNED 100% BY DECEDENT [MARY A. WHITE]" which designated Jacksonville Road as one of the several properties Mary White owned 100% at the time of her passing. (*Id.*, at p.2; *Mary White's 100% Property Ownership List*, p.1 para. 2).**23**

Consequently, on 27 November 1996, when she passed away Mary White alone possessed 100% clear marketable fee-simple title to Jacksonville Road. Mary White's ownership came as a direct result of (a) the *White v. Monday* quiet title litigation (*White v. Monday Tr.*, pp.1-9; *Motion to Intervene/Vacate*, pp.6-8), (b) the 20 April 1981 *Quit Claim Deed* to Mary White from Lucreita Lucado (*Master's Order*, pp.2-3; *Lucado to White Deed*, pp.1-4), and (c) the 5 May 1989 *Quit Claim Deed* to Mary White from her sons (*Master's Order*, pp.2-3; *Sons to Mary White Deed*, pp.1-4).

Neither Mr. Sykes nor anyone else, whether claiming to be a remainderman, devisee, decedent, heir, mortgagee, creditor, beneficiary, or otherwise had any remaining legally supportable interest and/or claim whatsoever in, on, and/or to Jacksonville Road.

23 The Master-In-Equity recognized "[a]lthough an estate was opened up for Mary . . . White. . . , no Deed of Distribution or Devise/Descent was ever filed in [the White] Estate despite it running from 1996 until [being] closed in 2014 by Rule 4 [of the South Carolina Probate Court Rules,] for failure to complete the administration." (*Master's Order*, pp.2-3).

IV. ARGUMENT AND CITATION OF AUTHORITY

Standard Of Review

The “standard of review is *de novo* because this was a quiet title action and the action was based in equity.”²⁴ This “standard of review allows [this Court of Appeals] to determine facts according to [its] own view of the preponderance of the evidence, subject to the caveat [this Court of Appeals is] not required to disregard factual findings by the [M]aster[-In-Equity], who saw and heard the witnesses and was therefore in a better position to assess their credibility and demeanor.”²⁵

A. MR. SYKES WAS NOT ENTITLED TO A RULE 24, SCRCivP, INTERVENTION

“ ‘The decision to grant or deny a motion to . . . intervene in an action [under] Rule 24, SCRCivP, lies within the sound discretion of the trial court.’ ”²⁶ “ ‘[An appellate] [c]ourt will not disturb the trial court's decision absent a manifest abuse of discretion [which] results in an error of law.’ ”²⁷ Moreover, “ ‘the error of law must be so opposed to the trial court's sound discretion ‘as to amount to a deprivation of the legal rights of the party [seeking intervention].’ ”²⁸

²⁴ Green v. Estate of Green, 2020 WL 3571999, *at 1 (S.C.App., filed 1 July 2020) (citing Major v. Penn Cmty. Servs., Inc., 395 S.C. 175, 180, 717 S.E.2d 70, 72 (Ct.App. 2011) (“[A]n action to quiet title is one in equity.”); Freeman v. Freeman, 323 S.C. 95, 98, 473 S.E.2d 467, 469 (Ct.App. 1996) (“[A] court may view the evidence to determine facts [under] its own view of the preponderance of the evidence, [but is] not required to disregard the [master] findings . . .”)) (*per curiam*).

²⁵ Ulfers v. Capers, 2012 WL 10856914, * at 1 (S.C.App., filed 27 June 2012) (citing King v. James, 388 S.C. 16, 24, 694 S.E.2d 35, 39 (Ct.App.2010)).

²⁶ Ex parte Builders Mut. Ins. Co., 431 S.C. 93, 98, 847 S.E.2d 87, 90 (2020) (quoting Ex parte Gov't Emps. Ins Co. (Ex parte GEICO), 327 S.C. 132, 135, 644 S.E.2d 699, 702 (2007)).

²⁷ *Id.* (quoting Jeter v. S.C. Dep't of Transp., 369 S.C. 433, 438, 633 S.E.2d 143, 145 (2006)). *See also generally* Gould v. Alleco, Inc., 883 F.3d 281, 284 (4th Cir. 1989) (citing Virginia v. Westinghouse Electric Corp., 542 F.2d 214, 216 (4th Cir. 1976); Aluminum Co.of Amer. v. Utilities Commission of State of North Carolina, 713 F.2d 1024, 1025, n.1 (4th Cir. 1983); Southern Christian Leadership Conference (SCLS) v. Kelley, 747 F.2d 777, 779 (D.C.Cir. 1984)).

²⁸ *Id.*

Mr. Sykes “moved” to intervene pursuant to Rule 24(a)(2), SCRCivP, asserting he “claim[ed] an interest relating to the property or transaction which [wa]s the subject of th[is] action and he [wa]s so situated that the disposition of th[is] action may as a practical matter impair or impede his ability to protect that interest.”²⁹ (*Motion to Vacate/Intervene*, pp.4-5). Mr. Sykes alleged he “should be allowed to intervene because he [had] a personal, substantial interest in the subject matter of this litigation.” (*Id.*, at p.4). The evidence, however, shows Mr. Sykes both failed to timely seek intervention and did not have a and protectable interest in Jacksonville Road. His position is meritless.

In South Carolina, an individual and/or entity seeking intervention as a matter of right pursuant to Rule 24(a)(2), SCRCivP, is required to clearly demonstrate the following:

- (1) establish timely application;
- (2) assert an interest relating to the property or transaction which is the subject of the action;
- (3) demonstrate [the putative intervenor] is in a position such that without intervention, disposition of the action may impair or impede its ability to protect that interest; and
- (4) demonstrate that its interest is inadequately represented by other parties.³⁰

The evidence demonstrated Mr. Sykes failed both the first and second requirements of Rule 24(a)(2), SCRCivP.³¹ The Master-In-Equity’s decision to deny intervention was proper and should be affirmed in all respects.

²⁹ See Rule 24(a)(2), SCRCivP. See also *Ex parte Trustguard Ins. Co.*, ___ S.C. ___, ___ S.E.2d ___, ___ (Ct.App. 2023) (2023 WL 5944276, at *13).

³⁰ *Berkeley Elec. Coop., Inc. v. Town of Mt. Pleasant*, 302 S.C. 186, 189, 394 S.E.2d 712, 714 (1990).

³¹ “[F]ailure to satisfy any one of the four requirements precludes intervention.” *Ex parte Reichlyn*, 310 S.C. 495, 500, 427 S.E.2d 661, 664 (1993) (citing *Mothersill D.I.S.C. v. Petroleos Mexicanos, S.A.*, 831 F.2d 59, 62-63 (5th Cir. 1987)). See also generally *Canadian Rivers Farms, Ltd. v. Gonshorowski*, 2018 WL 4909850, at *1 (S.C.App., filed 10 Oct. 2018) (*per curiam*); *Backus v. South Carolina*, 2012 WL 406860, at *2 (D.S.C., filed 8 Feb. 2012).

1. Timely Application Of Intervention Request

Mr. Sykes failed the first requirement as he cannot establish timely application of his intervention request.³² The Master-In-Equity noted:

Mr. Sykes was aware of the [November 16 2020] Tax Sale of [Jacksonville Road] . . . , as evidenced by his letter to [PVOne REO's] legal counsel . . . dated April 5, 2022. In addition, the Delinquent Tax Office file shows . . . Notice of the Tax Sale was sent to Mr. Sykes and Ms. White's mail address of 1953 Jacksonville Road by both regular U.S. Mail and by certified mail addressed to Ms. White as the title holder of record. [Jacksonville Road] was properly posted for the Tax Sale on October 20, 2020 prior to the . . . tax sale. In addition, Notice of Final Redemption was also sent via Certified Mail to the mailing address to "*Mary A White or if Dec'd Heirs of Same*" as well. Mr. Sykes did not challenge [PVOne REO's] title to [Jacksonville Road], which has an address of 1959 Jacksonville Road, because Mr. Sykes' letter references only property located at 1953 Jacksonville Road. [PVOne REO's] title search and the title search performed by the Tax Collector's Office did not find Mr. Sykes had any interest in [Jacksonville Road], nor that Mary A. White only had a life estate. Mr. Sykes could have timely intervened during this action and asserted the claims he propounded in [April 5, 2022] letter . . . , but did not do so

(*Master's Order*, pp.3-4, para. 3) (Emphasis added).

PVOne REO purchased Jacksonville Road at the Tax Sale held on 16 November 2020. (*Master's Order*, pp.2-3; *Final Order*, p.2; *Trakas Aff.*, para. 2). Charleston County's Delinquent Tax Collector sent two Redemption Notices on 11 October 2021 – one to Mary White and the other to her heirs – both of which were not received. (*Tax Deed*, p.1; *Trakas Aff.*, p.3, para. 9, Exh. E). By letter to PVOne REO dated 5 April 2022,

³² Mr. Sykes admitted his intervention motion might not have been timely made, but asserted he still had standing due to his "personal, substantial interest in the subject matter of this litigation." (*Motion to Vacate/Intervene*, p.4). "Timeliness is a 'cardinal consideration' and a threshold question addressed to the sound discretion of the court." See *Saunders v. South Carolina Public Service Authority*, 2006 WL 8445351, at *4 (D.S.C., filed 12 Apr. 2006) (*citing* *Houston Gen. Ins. v. Moore*, 193 F.3d 838, 839 (4th Cir. 1999) (*citing* *Nat'l Assn. for the Advancement of Colored People v. New York*, 413 U.S. 345, 366 (1973))).

Mr. Sykes asserted, *inter alia*, Mary While held a life estate to **1953** Jacksonville Road and the 16 November 2020 tax sale was void. (*Sykes Letter*, p.1). Notice of the Master-In-Equity's scheduled 11 January 2023 hearing was made on 20 December 2022. (*Hearing Notice*, pp.1-4).³³ The Master-In-Equity held the hearing to quiet PVOne REO's tax title to Jacksonville Road on 11 January 2023. (*Final Order*, p.1).

Mr. Sykes admitted he lived at *1953 Jacksonville Road*. (*04/13/2023 Hearing Tr.*, p.19, lines 1-5, 15-18). The Delinquent Tax Collector sent all of the notices concerning either the sale of Jacksonville Road and/or any opportunity to redeem the property to the **1953 Jacksonville Road** address. (*Trakas Aff.*, pp.2-3, paras. 4-5,9, Exhs. A-B, E). While Mr. Sykes failed to appear at the quiet title hearing to assert his claims, he must be deemed to have been, either directly or indirectly, aware of the hearing date. (*Motion to Vacate/Intervene*, p.2). He was clearly aware of the prior tax sale. (*Sykes Letter*, p.1).³⁴

Even though Mr. Sykes asserts he did not have notice of any of the proceedings regarding the sale of Jacksonville Road (*Motion to Vacate/Intervene*, pp.1-8; *04/13/2023 Hearing Tr.*, p.19, line 1 – p.20, line 1), his protestations are meritless. It strains credulity to believe Mr. Sykes did not actually see one or more of the notices sent by regular and/or

³³ Attorney Woody had previously been appointed as the Guardian *ad Litem Nisi* for, among others, any person, known or unknown, claiming some interest in Jacksonville Road. (GAL Nisi/Publication Order, pp.1-4). Attorney Woody's representation covered Mr. Sykes.

³⁴ While Mr. Sykes admitted he lived at **1953 Jacksonville Road** (*04/13/2023 Hearing Tr.*, p.19, lines 1-5, 15-18), he was equivocal as to how he became aware of the Tax Sale or any of the proceedings in this matter prior to him actually appearing at the Master-In-Equity's 13 April 2023 hearing to address Mr. Sykes motion seeking intervention and vacation of the order quieting PVOne REO's tax title. The most logical means was that Mr. Sykes received one or more of the notices from the Delinquent Tax Collector (*Trakas Aff.*, pp.2-3, paras. 4-9, Exhs. A-C) or received Attorney Woody's 16 April 2022 letter (*Woody 16 Apr. 2022 Letter*, p.1) or saw the notice of the lawsuit published in *The Post and Courier* or included on the newspaper's website on 12 August 2022; 19 August 2022; and 26 August 2022. (Affidavit of Publication, pp.1-2). While he was not sure of the date, Mr. Sykes admitted he did learn of some proceedings when [PVOne REO "broke into [his] property and tried and attempted to change the locks [on the doors]."] (*04/13/2023 Hearing Tr.*, p.19, lines 6-14).

certified U.S. Mail to his very home address. (*Trakas Aff.*, pp.2-3, paras. 4-5,9, Exhs. A-B, E). This is particularly true since Mr. Sykes admitted Jacksonville Road was next door to his 1953 Jacksonville Road home address and “[t]here’s a bunch of homes there . . . [and] there’s one mailbox that go[es] to multiple properties.” (*04/13/2023 Hearing Tr.*, p.19, lines 15-21). Moreover, on 22 October 2022, at 01.22 p.m. the Tax Collector of Charleston County physically seized and levied on Jacksonville Road - TMS No.4660300145 (*now designated as PIN 466-03-00-154*) - by posting the distinctive and clearly visible **red** seizure notice on a porch pillar near the front door to Jacksonville Road. (*Trakas Aff.*, p.3, para. 6, Exh. C). It further strains credulity to believe Mr. Sykes never actually spotted, much less did not read, the clear and obvious **red** seizure notice tacked up next door. (*Trakas Aff.*, Exh. C). This is especially true given Mr. Sykes was so “very concerned” about PVOne REO “stealing” his remainderman interest in Jacksonville Road.

Mr. Sykes knew about PVOne REO’s purchase of Jacksonville Road, at least, as of 5 April 2022, when he sent a letter to PVOne REO. (*Sykes Letter*, p.1; *04/13/2023 Hearing Tr.*, p.15, lines 12-17; 16, lines 10-14).³⁵ Mr. Sykes could have and, indeed, should have attended the 11 January 2023 quiet title hearing. He did not do so. Mr. Sykes did not take any “action to intervene at that time” (*04/13/2023 Hearing Tr.*, p.15, lines 12-17; p.16, lines 10-14) and did not do so both “until well after the case had ended” (*Id.*, p.15, lines 16-17) and “well after the case had already been decided”. (*Id.*, p.16, lines 13-14).³⁶

³⁵ The Tax Deed to PVOne REO was issued in March 2022, and recorded on 7 April 2022. (*Tax Deed*, pp.1-4; *04/13/2023 Hearing Tr.*, p.3, lines 20-24)

³⁶ See generally *Ex parte Reichlyn*, 310 S.C. 495, 500, 427 S.E.2d 661, 664 (*citing Davis v. Jennings*, 304 S.C. 502, 504, 405 S.E.2d 601, 603 (1991)) (“ . . . both the stage to which the litigation has progressed and the prejudice to the original parties support a conclusion [the prospective intervenor’s] motion to intervene was untimely.”). See also *Ex parte Belin*, 2022 WL 3224561, at *1 (S.C.App., filed 10 Aug. 2022) (*per curiam*) (“Based

Mr. Sykes' should have filed his intervention motion well before 31 January 2023. (*Motion to Vacate/Intervene*, pp.1-8). He was well aware of the on-going proceedings and could have easily moved the intervene before the Master-In- Equity issued the order quieting PVOne REO's tax title on 12 January 2023. (*Final Order*, pp.1-12). Moreover, then Mr. Sykes does not file his intervention/vacation motion until some 19 days after the Master-In-Equity filed the order. (*Motion to Vacate*, p.1). Mr. Sykes' Motion to Intervene was both unjustified and untimely. The Master-In-Equity properly denied the motion and hi decision should be affirmed in all respects.

2. Legitimate And Legally Protectable Interest

Mr. Sykes also failed the second requirement of Rule 24(a)(2), SCRCivP, as he cannot show a legitimate and legally protectable interest relating to the property (*i.e.*: Jacksonville Road) which is the subject of the action.³⁷ The Master-In-Equity noted:

Mr. Sykes' argument[s] . . . Mary A. White only had a life estate in [Jacksonville Road] and . . . Frank White, Sr. had an interest in [Jacksonville Road] are misplaced. . . . Frank White, Sr. transferred all his interest in [Jacksonville Road] to Ida Gadsen by Deed, dated 8/5/39, [duly] recorded . . . on 8/8/39, in Book O-40, at Page 739[;] Mary A. White had fee simple title to [Jacksonville Road via] the adverse possession action she and others initiated in the Court of Common Pleas for Charleston County in 1979, C/A# 1979-CP-10-2289, which

on the time that had passed since the Belins knew or should have known of their interest, the stage to which the litigation had progressed, and the prejudice to the original parties, we hold the special referee did not abuse its discretion by finding the Belins did not timely file their application to intervene.”)

³⁷ *Id.*, (citing State of Arizona v. Motorola, Inc., 139 F.R.D. 141, 144 (D. Ariz.1991), *disagreed with on other grounds by* United States v. Aerojet General Corp., 606 F.3d 1142 (9th Cir. 2010)) (“Intervention of right requires a direct, substantial, legally protectable interest in the proceedings”). *See also generally* Gould v. Alleco, Inc., 883 F.3d 281, 284 (citing 3B J. Moore, Moore's Federal Practice, 24.07(1) (Law. Co-op. 2d ed. 1987); United Guar. Residential Ins. Co. v. Philadelphia Sav. Fund Soc., 819 F.2d 473, 474 (4th Cir. 1987)). “While Rule 24(a) does not specify the nature of the interest required for a party to intervene as a matter of right, the [U.S.] Supreme Court has recognized that ‘[w]hat is obviously meant . . . is a significantly protectable interest.’” Teague v. Bakker, 931 F.2d 259, 261 (4th Cir. 1991) (quoting Donaldson v. United States, 400 U.S. 517, 531 (1971), *superseded by statute on other grounds as stated in* Polselli v. United States, 598 U.S. 432, 443-444 (2023)) (Alteration in original).

resulted in an order from Master in Equity confirming title and then a Deed issued to Mary A. White from Lucreita B. Lucado, dated 4/20/81, [duly] recorded . . . 4/20/81, in Book E-125, at page 036; and finally the Quitclaim deed from her sons conveying their remainder interest in the property to Mary A. White by Deed T184, page 216[, which] resulted in her fee simple ownership of [Jacksonville Road].

(*Id.*, at p.3, para. 2) (Emphasis added). Notwithstanding Mr. Sykes' "assertions" to the contrary, the evidence clearly supports the Master-In-Equity's decision to deny him the requested intervention.

Mr. Sykes asserted "Mary A. White [wa]s a Life Estate holder of an assignment on property located at 1953 Jacksonville R[oa]d, North Charleston, [South Carolina]. [When she] died in . . . 1997 at the time of her death the [L]ife Estate ended." (*Sykes Letter*, p.1). Mr. Sykes "as Sole heir of DeWayne Alphonza White and Remainderman [claimed] his interests as remainderman [we]re not affected from a tax sale against a life estate holder." (*Motion to Intervene/Vacate*, p.1). After the Master-In-Equity issued the order quieting the title of Jacksonville Road in PVOne REO (*Final Order*, pp.1-12), Mr. Sykes later switched positions and alleged Mary White, not only had a life estate in 1935 Jacksonville Road, but she also had a life estate in several other properties, including Jacksonville Road. (*Motion to Intervene/Vacate*, pp.1-8). Mr. Sykes then claimed, since he was the sole heir to his deceased father's "remainderman" interest in those properties, again including Jacksonville Road, Mr. Sykes' "interests", therefore, trumped any alleged interest which PVOne REO purchased from Charleston County at the delinquent tax sale. (*Id.*). Finally, Mr. Sykes' asserted the tax sale was void as it could not rest on Mary White's mere life estate in Jacksonville Road as he, as his father's sole heir, had a material and substantial interest in the property and want not provided proper notice of the quiet title action. (*Id.*).

The evidence in the record clearly demonstrates Ms. Sykes' position and his claims are based entirely upon a precarious "house of cards". His first card assumes Mr. Sykes' grandfather – Frank White, Sr. – left all of his property, both real and personal, to his wife (Mr. Sykes' grandmother) – Mary A. White – to have and to hold only for her lifetime. (*Frank White Will*, p.1, para. 3; *1979 Reference Tr.*, p.4). The second card assumes Frank White, Sr. then required, upon Mary White's passing, all of his property to go to his four sons to share and share alike. (*Id.*; *1979 Reference Tr.*, p.4). The third card assumes DeWayne Alphonza White - one of Frank White's sons and Mr. Sykes' father - as a designated remainderman under Frank White, Sr.'s will, obtained joint ownership of the devised real property together with his three brothers (*Id.*; *1979 Reference Tr.*, p.4) when Mary White died. (*Id.*; *1979 Reference Tran.*, p.4). The fourth card assumes the will of his grandfather – Frank White, Sr. – devised Jacksonville Road and, with his father's passing, Mr. Sykes then inherited the property.

Unfortunately for Mr. Sykes, by *Quit Claim Deed* dated 15 May 1989, his father and his uncles had already relinquished to their mother – Mary White - their respective "remainderman" interests in Jacksonville Road, stating they "remised, released, and forever quit-claimed" their ownership interests in Jacksonville Road (PIN 466-03-00-154 (Lot Y)), as well as the two adjacent parcels to Jacksonville Road (PIN 466-03-00-267 (Lot Z), and PIN 466-03-00155 (Lot X)). (*Sons to Mary White Deed*, pp.-1-4).³⁸ Therefore, when Mr. Sykes' father – DeWayne Alphonza White – died in 2016 it was impossible for him to bequeath his "remainderman" interest in Jacksonville Road to Mr.

³⁸ 1953 Jacksonville Road and 1965 Jacksonville Road, respectively.

Sykes because the elder Mr. White did not have any “remainderman” interest to devise, having relinquished it to his mother – Mary White – in 1989. (*Sons to Mary White Deed*, pp.-1-4).³⁹

Mr. Sykes ignored the *Quit Claim Deed* from his father and his uncles to their mother (Mary White) which conveyed to her all of their interests in several properties, including Jacksonville Road. (*Sons to Mary White Deed*, pp.-1-4). Mr. Sykes, regardless of whether he was his father’s sole heir or not, did not and could not inherit any interest whatsoever in Jacksonville Road as his father did not have any interest to pass on.

When Mr. Sykes moved to intervene into this case, the evidence clearly demonstrated he did not have and, in fact, never had any legally protected and legitimate interest in and/or claim to Jacksonville Road. His father never had any interest into Jacksonville Road to bequeath to Mr. Sykes.

**B. MR. SYKES WAS NOT ENTITLED TO VACATE
THE ORDER QUIETING PVONE REO’S TAX TITLE
PURSUANT TO RULE 60(b)(4), SCRCivP**

Mr. Sykes sought to have the Master-In-Equity vacate the 12 January 2023 order quieting PVOne REO’s tax title on the grounds the Master-In-Equity’s “prior final order was void for lack of subject matter [since Mr. Sykes interests as remainderman [we]re not affected [by the] tax sale [made] against a life estate holder.” (*Motion to Vacate/Intervene*,

³⁹ See *Centerline Enterprises, Inc. v. Washington*, 465 So.2d 1129, 1130 (Ala. 1985) (*citing Crommelin v. Fain*, 403 So.2d 177 (Ala. 1981)) (A person “may not convey, by mortgage or otherwise, a property interest greater than that which he owns.”). See also generally *In re Estate of Marable*, 2009 WL 117904, at *4 (Cal.App. 2nd. Dist. 2009) (person who owns 50% interest in property cannot transfer 100% to a third-party); *Warden v. South Pasadena Realty & Improvement Co.*, 178 Cal.4th 440, 174 P.26 (1918). Cf. *Aqua-Chem, Inc. v. Marine Systems, Inc.*, 2014 WL 792922, at *3 (W.D.Wash, filed 27 Feb. 2014) (*citing Morse Electro Prods. Corp. v. Beneficial Indus. Loan Co.*, 90 Wash.2d 195, 579 P.2d 1341, 1342 (1978); *Colver v. Fraser, Goodwin & Colver*, 166 Wash. 398, 7 P.2d 24, 26 (1932)) (“[I]t is axiomatic that a receiver may only transfer such property interests as are owned by the estate, not more.”).

p.1) (Emphasis in original). Mr. Sykes further stated the Master-In-Equity's judgment for PVOne REO was void⁴⁰ "because [Mr. Sykes] as [the] remainderman was not properly served with the [S]ummons and [C]omplaint." (*Motion to Vacate/Intervene*, p.3). Both of Mr. Sykes' reasons are without legal and/or evidentiary support. His claims are meritless.

" 'Whether to grant or deny a motion under Rule 60(b)[, SCRCivP,] lies within the sound discretion of the [master].' "⁴¹ The " 'movant in a Rule 60(b)[, SCRCivP,] motion has the burden of presenting evidence proving the facts essential to entitle him [or her] to relief.' "⁴² The Master-In-Equity denied Mr. Sykes'; motion noting:

Mr. Sykes also seeks to have th[e] . . . Quiet Title Order vacated pursuant to Rule 60(b)4, SCRCivP,] on the basis [it was] void for lack of subject matter jurisdiction and insufficient service of process. [Mr. Sykes'] argument [wa]s that he was a remainderman and, as a Life Tenant, Mary A. White could not affect his ownership interest in the property. Th[is] [Master-In-Equity] [C]ourt has addressed above its basis for finding that, upon her death, Ms. White owned fee simple title to [Jacksonville Road] and [her] Life Tenancy had been extinguished through both the [White v. Monday] court action as well as the recording of multiple deeds conveying title to her in fee. As this argument [wa]s the sole basis for [Mr. Sykes'] Rule 60 motion, th[is] [Master-In-Equity] Court finds it unfounded and denies [Mr. Sykes'] motion.

(*Master's Order*, p.5, para. 7).

⁴⁰ The definition of "void" under [Rule 60(b)(4), SCRCivP,] only encompasses judgments from courts which failed to provide proper due process, or judgments from courts which lacked subject matter jurisdiction or personal jurisdiction." McDaniel v. United States Fidelity & Guar. Co., 324 S.C. 639, 644, 478 S.E.2d 868, 871 (Ct.App. 1996) (*citing* Thomas & Howard Co. v. T.W. Graham and Co., 318 S.C. 286, 457 S.E.2d 340 (1995); James F. Flanagan, South Carolina Civil Procedure, 487 (SC Bar 2nd ed.1996); 11 Charles A. Wright, Arthur R. Miller, Jr., and Mary Kaye Kane, Federal Practice and Procedure: Civil 2d, § 2862, at 326-329 (West Group 1995)).

⁴¹ Belle Hall Plantation Homeowners Association, Inc. v. Murray, 419 S.C. 605, 617, 799 S.E.2d 310, 316 (Ct.App. 2017) (*quoting* Raby Constr., L.L.P. v. Orr, 358 S.C. 10, 17, 594 S.E.2d 478, 482 (2004)) (Second alteration in original).

⁴² Sanders v. Smith, 431 S.C. 605, 616, 848 S.E.2d 604, 609 (Ct.App. 2020) (*quoting* Bowers v. Bowers, 304 S.C. 65, 67, 403 S.E.2d 127, 129 (Ct. App. 1991)). *See also* BB&T v. Taylor, 369 S.C. 548, 552, 633 S.E.2d 501, 503 (2006).

Without rehashing prior arguments too much, the evidence clearly demonstrated on 27 November 1996, when Mary White passed away, she unquestionably owned Jacksonville Road 100% with no one else having any legal and protectable interest and/or claim. (*Master's Order*, pp.2-3, paras. 1-2). Mary White 100% ownership resulted from (a) the *White v. Monday* litigation (*White v. Monday Tr.*, p.1; *Motion to Intervene/Vacate*, pp.6-8), (b) the 20 April 1981 Quit Claim Deed to Mary White from Lucreita Lucado (*Master's Order*, pp.2-3; *Lucado to White Deed*, pp.1-4), and (c) the 5 May 1989 *Quit Claim Deed* to Mary White from her sons (*Master's Order*, pp.2-3; *Sons to Mary White Deed*, pp.1-4). The latter *Quit Claim Deed*, dated 15 May 1989, is of particular importance since it divested Mr. Sykes' uncles (Clinton White and William Timothy White)⁴³ and his father (DeWayne A. White) of their respective interests in, *inter alia*, Jacksonville Road, designed in part in the deed's legal description, as TMS No. 466-03-00-154 (Lot Y).⁴⁴ (*Id.*, *Sons to Mary White Deed*, pp.1-4). This transaction confirmed Mary White's 100% sole ownership and clear marketable fee-simple title to Jacksonville Road.

When Mr. Sykes' father -DeWayne A. White - passed away in 2016, he did not have any type of ownership and/or remainderman interest in Jacksonville Road to bequeath to Mr. Sykes. DeWayne A. White had on 15 May 1989, relinquished to his mother any claim and/or ownership interest in Jacksonville Road. It was legally

⁴³ Frank White, Jr. was not part of the transaction and has never appeared herein. (*Sons to Mary White Deed*, pp.-1-4). Mr. Sykes has never asserted he has any type of claim, inherited or otherwise, to Jacksonville Road by and/or through Frank White, Jr. (*Motion to Vacate/Intervene*, pp.1-8; *White v. Green Tr.*1-21).

⁴⁴ PIN 466-03-00-267 (Lot Z) is designated **1953** Jacksonville Road and PIN 466-03-00155 (Lot X) is designated **1965** Jacksonville Road. PIN 466-03-00-154 (Lot Y) is Jacksonville Road. They "remised, released, and forever quit-claimed" their interests in Jacksonville Road.. (*Master's Order*, pp.2-3; *Sons to Mary White Deed*, p.1).

impossible for DeWayne A White to bequeath his “remainderman” interest in Jacksonville Road to Mr. Sykes because the elder Mr. White did not have any “remainderman” interest to devise. (*Sons to Mary White Deed*, pp.-1-4).⁴⁵

Neither Mr. Sykes nor any other person or entity, whether claiming to be a remainderman, devisee, decedent, heir, mortgagee, beneficiary, creditor, lienholder, or otherwise, had any legitimate and/or legally supportable interest and/or claim whatsoever in, on, and/or to Jacksonville Road when Mary White died. Mr. Sykes was not a remainderman to Jacksonville Road on 27 November 1996 when Mary White died nor is Mr. Sykes a remainderman today. Contrary to Mr. Sykes’ assertions ad protestations, Mary White owned Jacksonville Road 100% when she passed and her interest was not limited solely to a Life Estate. Mr. Sykes’ fictional “justifications” for his Rule 60(b)(4), SCRCivP, motion simply never existed. The Master-In-Equity properly denied Mr. Sykes’ Motion to Vacate, as well as his corresponding Motion to Intervene and those decisions should be affirmed in all respects.

⁴⁵ See Centerline Enterprises, Inc. v. Washington, 465 So.2d 1129, 1130 (*citing* Crommelin v. Fain, 403 So.2d 177). See also generally In re Estate of Marable, 2009 WL 117904, at *4; Warden v. South Pasadena Realty & Improvement Co., 178 Cal.4th 440, 174 P.26. Cf. Aqua-Chem, Inc. v. Marine Systems, Inc., 2014 WL 792922, at *3 (*citing* Morse Electro Prods. Corp. v. Benefit Indus. Loan Co., 90 Wash.2d 195, 579 P.2d 1341, 1342; Colver v. Fraser, Goodwin & Colver, 166 Wash. 398, 7 P.2d 24, 26).

V. CONCLUSION

Based upon the foregoing arguments and citation of authority, the Respondent, PVOne REO, LLC, respectfully requests his Court of Appeals to affirm each of the orders and decision of the Master-In-Equity in this matter and, in turn, dismiss the appeal of the Appellant, DeWayne Alphonza Sykes, as meritless.

Respectfully submitted:

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Charleston, South Carolina

2 April 2024

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SC Court of Appeals

**STATE OF SOUTH CAROLINA
IN THE
COURT OF APPEALS**

Appeal from the Court of Common Pleas
For Charleston County
Honorable Mikell R. Scarborough, Master-In-Equity
Civil Action No.: 2022-CP-10-03492
Appellate Case No.: 2023-001086

Ex parte: DeWayne Alphonza Sikes,

Appellant,

In re:

PVOne REO, LLC,

Respondent.

v.

The Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 1959 Jacksonville Road, Charleston County, South Carolina PIN 466-03-00-154, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title interest, estate in, or lien upon, the real estate described as 1959 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154,

Defendants.

**PROOF OF SERVICE FOR
INITIAL RESPONDENT'S BRIEF**

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PVOne REO, LLC*

I, Stephen P. Groves, Sr., Esquire, hereby certify that on **2 April 2024**, I served a copy of the **Initial Respondent's Brief** submitted by the Respondent, PVOne REO, LLC, on the *pro se* Appellant, Mr. DeWayne A Sykes via the U.S. Mail (*Certified Mail, Return Receipt Requested*) and addressed as follows, as well as via e-mail:

Mr. DeWayne A. Sykes
1953 Jacksonville Road
North Charleston, South Carolina 29405
E-Mail: Mrsykes79@gmail.com

Appearing Pro Se for Himself

A copy of the **Initial Respondents' Brief** was also sent on **2 April 2024**, to Kelly Y. Woody, Esquire, addressed as follows, as well as by e-mail:

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and the Unknown Defendants*

Signed: **Stephen P. Groves, Sr.**
Stephen P. Groves, Sr.

Charleston, South Carolina

2 April 2024
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