

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

PVone REO, LLC,)
)
Plaintiff,)
)
vs.)
)
The Estate of Mary A. White,)
et al.,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
OF THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2022-CP-10-03492

MASTER'S ORDER
(Granting Plaintiff's Motion to Set Bond
Or Lift Automatic Stay)

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APR 12 2024
SC Court of Appeals

This matter came to be heard by me on March 4, 2024 at Charleston, South Carolina pursuant to Plaintiff's Notice of Motion and Motion to Lift Automatic Stay or, in the alternative, to Require Appellant to Post Appeal Bond pursuant to Rule 241(b)(4), SCACR and Rule 62(d), SCRCP. Present at the Hearing was John J. Dodds III, attorney for Plaintiff ("Attorney Dodds"), and Appellant, DeWayne Alphonza Sykes ("Mr. Sykes"), appearing Pro Se. Prior to the Hearing, the Court accepted a written Opposition to Plaintiff's Motion and Affidavit of Facts filed by Mr. Sykes on March 4, 2024. The Court heard oral argument from both Attorney Dodds and Mr. Sykes, as well as reviewed Plaintiff's Motion and Affidavit of Mark Lehrer, Manager of Plaintiff, in support of the Motion, and Mr. Sykes' written Opposition to Plaintiff's Motion and Affidavit of Facts.

After careful consideration of the arguments of Attorney Dodds and Mr. Sykes, respectively, and after carefully reviewing Plaintiff's Motion and Affidavit of Mark Lehrer, Manager of Plaintiff, in support of the Motion, and Mr. Sykes' written Opposition to Plaintiff's Motion and Affidavit of Facts, I find and conclude as follows:

ONE: Plaintiff purchased the real property, together with improvements, located at 1959 Jacksonville Road, North Charleston, SC, Charleston County TMS# 466-03-00-154 (“Subject Property”) at a Charleston County Delinquent Tax Sale on November 16, 2020 for the sum of Eighty-Eight Thousand and No/100 (\$88,000.00) Dollars. Plaintiff received a Tax Deed from Charleston County Tax Collector, dated March 18, 2022, and recorded in the Register’s Office for Charleston County on April 7, 2022, in Book 1098, at Page 183. This Court issued its Final Order on January 12, 2023 in a Quiet Title action initiated by Plaintiff after receiving the Tax Deed finding and concluding, among other things, that: 1) the Tax Sale extinguished all rights, titles, claims, interests, estates, liens, mortgages, judgments, and other creditors’ claims in, to, or upon the Subject Property; 2) the two (2) year statute of limitations contained in Sections 12-51-90(c) and 160, Code of Laws of South Carolina, 1976, as amended, rendered Plaintiff’s Tax Title incontestable and barred any and all past, present and future claims concerning the Tax Sale of the Subject Property; 3) quieting and confirming Plaintiff’s marketable, fee simple title to the Subject Property ... certain and free from all reasonable doubt; and 4) directing the Sheriff of Charleston County to remove all property and persons from the subject Property and put Plaintiff in full, peaceful and quiet possession without delay;

TWO: Notwithstanding Plaintiff’s ownership and possession of the Subject Property, Mr. Sykes broke the newly installed locks on the Subject Property and resumed his occupation of the Subject Property;

THREE: On April 13, 2023, this Court had a Hearing on two (2) motions filed by Mr. Sykes on January 31, 2023, to both Intervene in the Quiet Title action initiated by Plaintiff and to Vacate the Court’s Final Order to Quiet Tax Title filed January 12, 2023. Pursuant to this Court’s Order

filed June 21, 2023, both of Mr. Sykes' Motions were denied and Plaintiff was awarded immediate possession of the Subject Property;

FOUR: Mr. Sykes timely filed an Appeal of this Court's Order, filed June 21, 2023, to the South Carolina Court of Appeals. This Appeal is pending;

FIVE: Plaintiff entered into a written Agreement/Contract: To Buy and Sell Real Estate (General Commercial Use), dated June 21, 2023, to sell the Subject Property for the sum of Two Hundred Twenty-Five (\$225,000.00) Dollars. Plaintiff has been unable to sell the Subject Property as the Appeal filed by Mr. Sykes is an encumbrance, as well as cloud on the title of the Subject Property. Further, Plaintiff is currently paying the cost of force-placed casualty/liability insurance on the Subject Property, as well as monthly electrical utility costs; and

SIX: In accordance with Section 18-9-170, Code of Laws of South Carolina, 1976, as amended, Rules 205 and 241(b)(4), SCACR, and Rule 62(d), SCRPC, it is just and proper that Plaintiff's Motion be granted. Mr. Sykes shall be required to post a written bond security undertaking in the amount of Seventy-Five Thousand and No/100 (\$75,000.00) Dollars in favor of Plaintiff, either in cash, or with two (2) known, sufficient and solvent sureties doing business in South Carolina, on or before five (5) o'clock p.m. on March 22, 2024. In the event Mr. Sykes fails to post a written bond security undertaking as hereinabove set forth on or before five (5) o'clock p.m. on March 22, 2024, then, and in that event, the automatic stay resulting from the currently pending appeal filed by Mr. Sykes, namely, Appellate Case No. 2023-001086, shall be immediately lifted without further Order or action by Plaintiff.

NOW, THEREFORE, it is

ORDERED, ADJUDGED and DECREED as follows:

ONE: That Plaintiff's Motion to Lift Automatic Stay, or in the alternative, to Require appellant to Post Appeal Bond shall be, and is hereby, granted;

TWO: Mr. Sykes shall be, and is hereby, required to post a written bond security undertaking in the amount of Seventy-Five Thousand and No/100 (\$75,000.00) Dollars in favor of Plaintiff, either in cash, or with two (2) known, sufficient and solvent sureties doing business in South Carolina, on or before five (5) o'clock p.m. on March 22, 2024. In the event Mr. Sykes fails to post a written bond security undertaking as hereinabove set forth on or before five (5) o'clock p.m. on March 22, 2024, then, and in that event, the automatic stay resulting from the currently pending appeal filed by Mr. Sykes, namely, Appellate Case No. 2023-001086, shall be, and is hereby, immediately lifted without further Order or action by Plaintiff.

AND IT IS SO ORDERED at Charleston, South Carolina.

MIKELL R. SCARBOROUGH
Master-In-Equity



Charleston Common Pleas

Case Caption: Pvone Reo Llc VS Mary A White Estate , defendant, et al
Case Number: 2022CP1003492
Type: Master/Order/Other

So Ordered

s/Mikell R. Scarborough 3062