

PETITION FOR A WRIT OF CERTIORARI TO THE

COURT OF APPEALS

THE STATE OF SOUTH CAROLINA

In The Supreme Court

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S.C. SUPREME COURT

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

Marvin H. Dukes, Circuit Court Judge

Case NO. 2020-CP-07-0899

Opinion No. 000967 (S.C. Ct. App. filed July 12, 2022)

Rachel M. Polite A/K/A

Rachel Chaplin

Respondent,

V.

Karen P. Polite,

Petitioner.

PETITION FOR A WRIT OF CERTIORARI

s/ Karen P.
Karen P.
Post Office Box 213 ,St. He
South Carolina 29920
(843) 321-3722
Pro,se Karen Polite

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Respondent,

V.

Karen P. Polite

Appellant.

CERTIFICATE OF COUNSEL

Karen P. Polite PETITIONS THE U.S SUPREME COURT, FOR WRITS OF CERTIORARI
Counsel for petitioner certifies that the Petition for Rehearing was made Option,
No. 2024- UP- 062 Submission, February 14, 2024. (AFFIRMED) February 21,2024
and finally ruled on by the Court of Appeals on Petition For Rehearing(DENIED) February
28,2024. Potential Conflict Of Interest (DENIED) February 28, 2024

April 29,2024

s/ Karen P. Polite
Karen P. Polite
Post Office Box 213 ,St. Helena
South Carolina 29920
(843) 321-3722
Pro,se Karen Polite

QUESTIONS PRESENTED

1. Did the Court of Appeals err in considering whether the trial court erred, there were mistakes drafted in the Judgment and final order and The Temporary Injunction ?
2. Did the Court of Appeals err in considering whether the trial court erred, saying “he made a mistake and he got this wrong” ?
3. Did the Court of Appeals err in considering whether the trial court erred, by not asserting no affirmative defense for fraud ?
4. Did the Court of Appeals err: considering whether the Master erred the Attorney witness testimony as Self-Incrimination?
5. Did the Court of Appeals err considering whether the trial court erred using any of Appettants witness testimonial statements or her evidence ?
6. Did the Court of Appeals err why the Attorney client did not want to enter her exhibit 6 points of entry ?
7. (7)Did the Court of Appeals err considering whether the Master erred on the true owner of the properties and how much acres of land there were.
8. Did the Court of Appeals err considering whether the trial court err whether the Attorney client did not prove or showed any evidence about a water hydrant and why did the trial court say who claims to have a simple explanation ?
9. Did the Court of Appeals err whether the trial court erred on whether there were different driveways used prior to? “or common boundary, or separation between the two parties” ?
10. Did the Court of Appeals err considering whether the trial court err location of 525 and 6 and why?
11. Did the Court of Appeals err when considering whether the trial court erred, whether there were changes made to the December 2, 2020 Temporary Injunction and why ?

STATEMENT OF THE CASE

On April 29, 2024 Karen P. Polite brought this action. . . .The Court of Appeals affirmed the judgment of the circuit court. Alysoun Eversole, Esq. As Personal Representative Rachel M. Polite v. Karen P. Polite, Petitioner seeks a writ of certiorari to review that Op. No. 000967 (S.C. Ct. App. filed April 11, 2022). decision.

Karen P. Polite Pro-se, was not satisfied with the decision of the lower court and not a hundred percent sure about legal proceedings, because she represented herself and couldn't afford a lawyer. Karen stood alone with doubts and legal uncertainty, as she fought her Mother's Attorney to stay on heirs property which had belonged to Karen's father Bubby since 1972, who was one time married to her Mother Rachel, but soon thereafter separated from his wife.

During the eight year separation In 1983, the wife Rachel would split 1 acre of the land, which she would later receive the same identical property in 1989 from Karen's Father, during the divorce, but not before Karen the youngest daughter purchased a mobile home in 1988. "After the split and before the divorce".

The Father would then put Karen's home on the 3 and 1/2 acres that are no longer, because here comes owner number 2 Rachel's oldest son who spoke out and said " this was his property" at the trial court. Karen continued living on the property peacefully for more than 30 years, until Karen's father passed away in 2018, shortly after the father's passing, Karen's Mother Rachel would file a 2019 action to evict Karen from the .79 acres of land in the Beaufort County Magistrate, the action would be dismissed.

In 2020 Karen's Mother Rachel would file a second action to evict Karen from the .79 acres of land, in the Circuit Court in Beaufort County. Before the trial began Karen became a victim of violence, In 2020 Karen would file an action for A Temporary Injunction in Beaufort County Magistrate, but before the Judge dismissed the action he said " you are an Heir of your father." In December 2,2020 Karen would file another action for A Temporary Injunction In the Circuit Court in Beaufort County this order would be granted until the trial on April 11,2022 afterwards the courts rule against Karen as an heir of her Father in favor of her Mother Rachel the .79 acres of land.

The court ruling was based on a theory that Karen claimed adverse possession, but before the trial began, the judge said in front of witnesses "I did know how you expect to win, Karen continued on through the trial then she would appeal the case, after which the trial court would remove the Temporary Injunction. On September 9, 2022 Karen's Mother Violated The Court Order I filed a motion, and the motion was dismissed.

The Court of Appeals affirmed the judgment of the circuit court. Alysoun Eversole, Esq. as Personal Representative Rachel M. Polite v. Karen P. Polite, Op. No.000967 (S.C. Ct. App. filed April 11,2022). Petitioner seeks a writ of certiorari to review that decision.

Karen believes because of wrong instructions given, it may have caused substantial harm and damage to Karen's property aka mobile home; during the term of the appeal while she was paying a \$500 stay of bond, the trial court mistake and the Attorney Misconduct and behavior may have violated Karen's Constitutional substantive rights under

18 USC 242/241. I understand that "Due Process is a requirement that legal matters be resolved according to established rules and principles and that individuals be treated fairly of the law", but this was not the case, Karen believed there were Prejudicial Error", Ambiguity, bias, unfairness and problems in this case, that might have violated Karen Constitutional right that may prevent her the right to a fair trial under "Procedural due process rule of law."

Argument

(1.)Karen argues the case, according to the pleadings, the 1 acre of land and not the eviction action, of .79 acres . Karen counter claimed " was not "adverse possession"but instead Heir of her Father Bubby, I believe the facts in trial court were clear. In the "December 2, 2020 Temporary Injunction was overlooked, altered and or changed ", the Court of Appeals erred in considering the Master erred in confusion.

The Temporary Injunction in this case identified and explained both properties 525 Seaside road and 6 Ladson road, and the question is,why(1) Did the Court of Appeals err in considering whether the trial court erred, were there mistakes drafted in the Judgment and final order and or The Temporary Injunction?
(Rp.3,4 line 13-14)(Rp.28-31)(Plaintiff Exhibit 6 Rp96)(Defendant Exhibit 16 Rp115)

(2.)Karen argues the facts at trial were erroneous and nothing should have been ruled on about adverse possession; the correct assertion should have been she is an Heir of her father, which was clear and convincing evidence. (2) Did the Court of Appeals err in considering whether the trial court erred, saying "he made a mistake and he got this wrong"? Karen argues that it is certainly in the case because of wrong instructions given, it my caused substantial harm to Karen's property; while she was paying a \$500 bond after living on the property for more than 30 years , may have violated her "Constitutional Right".(Rp. 40)(Rp66 (b)102,103,104)

(3.)Karen objected to the court's view, at trial and argued about issues that was not "clear and convincing" but otherwise conflicting theories (Rp. 66 (b)104,104)(Rp.67(b)106,109) by; The Attorney client for Rachel Polite Chaplain deception, deceiving the court of law at trial on issues that was not address at the trial court on April 11,2020.(3) Did the Court of Appeals err in considering whether the trial court erred, by not asserting no affirmative defense for fraud ? (Rp3)(R.p 49 (b)23 lines 4-7)(R.p66 (b) 102,103,104,105)(R.p67 (b)106,108,109)(R.p68 (b)110,111,12,113)

(4.) Karen argues that EVERSOLE -WITNESS RACHEL POLITE self incriminated herself committing a fraudulent act, given testimonial statement at the trial court while asserting an affirmative defense, should this appeal to the Attorney client to and why, (4) Did the Court of Appeals err: considering whether the Master erred the Attorney witness testimony as Self-Incrimination?

Karen argues that the Attorney client, Rachel Polite asserted that she split the property before the divorce was finalized in (1983) while separated from her husband, Bubby Polite.(Rp.65(b)98-101)(Rp.66(b)103-105)(Rp.68(b)113 line 1-25)
(Plaintiff Exhibit 6 Rp96)(Defendant Exhibit 16 Rp115)

(5.) Karen argues that the court only used her answer to the complaint of adverse possession asserting a direct appeal as affirmative defense and denying all other motions filed with clear and convincing evidence why (5) Did the Court of Appeals err considering using Karen evidence and witness testimony why ? Karen argues that the court only used the Attorney client Rachel testimony and evidence at the court of appeals and trial court , and none of Karen P. Polite Pro,se evidence or her witness testimonial statement at the trial court,

Karen Witness number (1) said "Karen paid property taxes, Rachel never took care of the yard". (Rp73 (b)154-155)(Rp116 Appellant Exhibit 16)

Witness number(2) said" Rachel house was on the left and Karen house was on the right. Rp.74 (b) 160 lines 17-25)(Rp.75 (b)167,168)(Rp.84 (b)289 line 14-16)

Was there bias or unfairness towards Karen?

(Rp.20,26)(Rp74(6)160)(Rp.75(b)167,168

(6.) Karen argues that Eversole client Rachel exhibit 6 Aerial map proves that "Conveyance voids out a unconditionally convey or title at the time because the deed was not delivered if a party can prove that delivery, was not made or that there was intent to convey a title at the time the deed was delivered", so did Eversole client Rachel convey a title and

(6)Did the Court of

Appeals err why the Attorney client did not want her exhibit 6 entered as evidence? Karen argues because Eversole client Rachel intended to execute a conveyance of the title and" convey of the title was executed by Eversole client Rachel spit of the property in March 19,1983 should the deed become void, Respondents (exhibit 6 Aerial map) prove beyond a reasonable doubt that this was true why did both court's overlook this very important evidence and the Attorney client testimony.

Was there bias or unfairness towards Karen?

(Plaintiff Exhibit 6 Rp96)(Defendant Exhibit 16 Rp115)

EVERSOLE -WITNESS RACHEL POLITE: Rachel testified and said "In 1972 She wanted to re-acquire the property", "but was unable to obtain a bank loan on her own", "so her husband,"Bubby Polite", "obtained the financing".

"Karen argues that this was not Eversole client

Rachel's property, and that's what she testified to at the trial court on April 11,2022.

Karen argues where is rest of property (R.p 4 lines 3-9)(R.p48 (b)19 lines7-24 (b)20,21)

(7.) EVERSOLE -WITNESS RACHEL POLITE: Rachel testified and said" the deed was put In his name A.K.A"(Bubby Polite)' ,Eversole client Rachel testified that "she could not afford to buy the property, and asked Bubby to cosign for her and he did".Where is the proof (R.p 48 (b)20 lines 14-24). Karen argues if this is a true statement by Eversole client Rachel,

Bubby Polite would still be the true owner of the property? and his daughter Karen an Heir of her father's property ? Karen argues the true facts in this case, is that Eversole client Rachel,

was never the true owner of this .79 acre of land, and Karen is an heir of her father. Both courts of law should have agreed to this statement and fact. Karen argues if any statement is true by Eversole client Rachel what proof did she have to support this claim. Karen showed 20 exhibits, 19 of them were clear photos of the property and two witnesses at the trial court on April 11, 2020. Was there some bias or unfairness towards Karen or (7)Did the Court of Appeals err considering whether the Master erred who the true owner was of the properties and how much acres of land there were. (Rp.46(b)13)(Rp.54(b)47)(Rp.55(b)58)(Rp.56(b)58)

(8.) Karen argues Eversole's client, Rachel's testimony only proves one thing, she is not capable of telling the truth, "Beyond A Reasonable Doubt" the basics of this case, and Eversole's witness Rachel testified at trial that, the property was "3 1/2 acre then 1.79 acre and now .79 acre.(R.p 49 (b)22 lines 1-25,(b)23 lines 1-7)R.p56 (b)58 lines 1-25)(R.p54 lines 47-24) (R.p 55 (b)57 lines 14-25) (R.p 65 (b)99,100,101)(R.p66 (b)104 line 102-105).

(8)Did the Court of Appeals err considering whether the trial court err whether the Attorney client did not prove or showed any evidence about a water hydrant and why did the trial court say who claims to Have a simple explanation but what about the Attorney explanation which would explain the truth, if there are two properties ?

Karen argued, if Eversole's witness Rachel testified at trial that the property was "3 1/2 acre, where's the evidence and does the deed support this claim and does the description match the property, to support or prove this claim of the water hydrant taken a portion of the property.(Rp 49 (b)23 lines 4-7) (Rp. 67 (b)106)

.EVERSOLE -WITNESS RACHEL POLITE: Rachel testified and said" because when the water line came for the water hydrant they took" a portion of the property and that's why it's .79 acres now"(Rp. 67 (b)106,107).Where Is the rest of the property? 114-B where Karen lived for over 30 years is now 114-A. Karen said "this was not true,Rp. 67(b) 106) was there bias or unfair towards Karen?

(9.) Karen argues the best evidence in the trial court would be "The December 2, 2020, Consent Order for The Temporary Injunction of the properties exact location, of 525 Seaside road" and 6 Ladson, and two "different driveways used prior to", " common boundary, and separation between the two parties" the 1983 split of both properties. "A (split) of property, what happened to the property?

Karen Polite home and separate tank never moved.
Nothing would reduce the property to .79 acres except Eversole client.(9)Did the Court of Appeals err whether the trial court erred on whether there "were different driveways used prior to? or common boundary, or a separation between the two parties" ?
(Rp68(b)110,111,112,113)

“A (Split) of property or land voids out any document associated with the property, such as the, deed Karen argues yes there was a split and two separate driveways, that separate both property that did not change since December 2, 2020, so were did (Plaintiff Exhibit 3 Rp93) came from this is not the exhibit received at the trial court change from what was describe, in the transcript was this new evidence

EVERSOLE -WITNESS RACHEL POLITE: Rachel testimony only describe a “shed and four-house” and the trial court Judge describe (Plaintiff Exhibit 2 Rp.84) on top 197/678 (Plaintiff Exhibit 6 Rp96) and (Defendant Exhibit 16 Rp115) (Rp53(b)42)

(10.)The Temporary Injunction was wherein the parties were enjoined from”, “among other things, disturbing each other, and the Plaintiff would access her home over property located at 525 Seaside Road”, and the Defendant would continue to access her over Ladson Road and driveway on the property”.

(10)Did the Court of Appeals err considering whether the Master erred in confusion of properties location 525 and 6? The Defendant filed a “Notice of Motion and Motion” for The December 2, 2020, Consent Order for The Temporary Injunction deed in question. (Rp 28-31)(Rp74 (b)160 lines 17-25)(Rp75 (b)167,168).

(11.) Karen argues about the Temporary Injunction and deed in question which could have been edited and added in the record on appeal by mistake I have doubts and concerns about the December 2, 2020, Consent Order for The Temporary Injunction deed in question. The Temporary Injunction deed and or exhibits was identified by the trial court at the trial, and (11)Did the Court of Appeals err when considering whether the trial court erred in the exhibits used by the Attorney's client?

Karen argues that none of the Attorney's client exhibits match these properties including what Eversole's witness Rachel testified at trial, the description of the property and what she was looking at none of this makes sense ,what was described in the trial court as a “shed and four-house” ? (Rp.53 (b)42)and the trial court Judge described what was written on on top 197/678 (Plaintiff Exhibit 2 Rp.84) (Rp.49 (b)24-25) and why did the trial court Judge describe the Plaintiff Exhibit 2 for her, at the trial court. Was this overlooked, bias, or unfair towards Karen?

Karen P. Polite Prose. PETITIONS THE U.S SUPREME COURT, FOR WRITS OF CERTIORARI Counsel for petitioner certifies that the Petition for Rehearing was made Option, No. 2024- UP- 062 Submission, February 14, 2024. (AFFIRMED) February 21,2024 and finally ruled on by the Court of Appeals on Petition For Rehearing(DENIED) February 28,2024. Potential Conflict Of Interest (DENIED) February 28, 2024

CONCLUSION

For the reasons stated, petitioner asks the Court to grant the petition for a writ of certiorari.

Respectfully submitted,

On April 29, 2024

s/ Karen P. Polite
Karen P. Polite
Post Office Box 213 ,St. Helena
843) 321-3722
Pro,se Karen P. Polite /s/
Attorney for Petitioner