

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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JUN 20 2024

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.

**APPELLANT OPPOSITION TO RESPONDENT MOTION TO DISMISS
APPEAL and to STRIKE APPELLANT'S AMENDED INITIAL BRIEF
and AMENDED DESIGNATION OF MATTER**

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS:

COMES NOW the Appellant DeWayne Alphonza Sykes, The Respondent, PVOne REO, LLC ("PVOne REO"), pursuant to Rule 240 of the South Carolina Appellate Court Rules (SCACR), has requested this Court to dismiss the appeal filed by the Appellant, Mr. Sykes, who appears pro se. PVOne REO alleges that Mr. Sykes has blatantly failed to comply with the mandatory requirements of Rule 210, SCACR, and further requests that the Court strike Mr. Sykes' "1st Amended [Initial] Brief of Appellant (the "Amended Initial Brief") and Amended Designation of matter (the "Amended Designation of matter)". However, this appeal should not be dismissed, nor should Mr. Sykes' Amended Initial Brief and Amended Designation of matter be struck down, based on the following grounds:

STATEMENT OF CASE

1. April 4, 2022 a company named PINE VALLEY ONE REAL ESTATE LLC (PINE VALLEY ONE) sent a post card to Mary White that it now owns the property at 1953 Jacksonville road. The home Appellant lives (Appellants home).
2. April 5, 2022 THE BRETHERN OF LOVE SOCIETY by way of Appellant sent a reply letter to PINE VALLEY ONE REAL ESTATE LLC that there is no tax sale at 1953 Jacksonville road and their notice was unclear.
3. April 21, 2022 PINE VALLEY ONE REAL ESTATE LLC by way of Mark Lehrer responded back to THE BRETHERN OF LOVE SOCIETY and appellant about 1953 Jacksonville road.
4. Respondent PV one REO LLC (PVONE REO). filed a Summons and Complaint on August 3, 2022. The summons and complaint do not reference DeWayne Sykes, DeWayne White, William White, Frank White jr., Clinton White,
5. Respondent claims it attempted service on Mary White and the heirs of her estate and Defendants by attempting to serve Defendants at 1935 Jacksonville road, North Charleston, SC 29405 identified by them as (the Jacksonville property). No service was attempted as no evidenced by an Affidavit of Service, or Non-Service filed on record.
6. On or about August 9, 2022 Respondent filed a Motion and Order appointing a Guardian ad Litem Nisi, in which it sought publication of Summons together with the Notice of Filing of Complaint and Notice of Appointing Guardian ad Litem Nisi by publication in the Post and Courier News addressed to 1935 Jacksonville road. Notice was subsequently published in the Post and Courier News.
7. A quick search of the Charleston County Public records reveals the addresses to Mary White are identified as 1965, 1959, 1953 Jacksonville road for the. No service was attempted at these addresses of notice or the summons or complaint by PVOne REO LLC.
8. The Complaint states "Plaintiff PVone REO, LLC ("Respondent"), Respondent asserts this Complaint against the defendants for the purpose of confirming its tax title to real property described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154 (the "Property"), which is herein below more specifically described and identified. Plaintiff claim to have acquired the Property through a tax deed resulting from a tax sale conducted by Charleston County pursuant to statute."
9. Respondent claims is based on 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. 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,
10. The Order/ Appt GAL & Order for Service by Publication dated 08/09/2022-16:54, the Order/ Referred to Master or Special Referee dated 09/26/2022-15:09, and the

- Master/Order/Final Order Quiet Title and Form 4 dated 01/12/2023-16:04 are all based on improper service of process to a unknown address of 1935 Jacksonville Road.
11. During the hearing on 01/12/2023 Respondent attorney entered on the record EXHIBIT 1 Tax Deed EXHIBIT, 2 Deed to Mary A. White EXHIBIT, 3 Affidavit of Edrian Trakas EXHIBIT, 4 Letter from Dewayne Sykes,
 12. EXHIBIT 3 Affidavit of Edrian Trakas paragraph # 2 states " Edrian Trakas Office sold a parcel of Real Property commonly known as 1935 Jacksonville Road",
 13. the EXHIBIT 2 Deed to Mary A. White deed 125PG036 from lucrate lacudo to Mary White PIN 466-03-00-154, Charleston County Tax Deed,
 14. EXHIBIT 4 Letter from Dewayne Sykes identifies that Respondent had knowledge of Appellant and known the correct Address to serve the Summons and complaint.
 15. After the order Master/Order/Final Order Quiet Title and Form 4 dated 01/12/2023-16:04 Appellant was notified about the court case by a agent of Respondent who trespassed on Appellant property,
 16. FINDINGS OF FACT, Amendment to Correct Property Address Based on its title search, Plaintiff identified the Property address as 1935 Jacksonville Road in its prior pleadings and filings. At the hearing, it was determined that based on the Property's PIN of 466-03-00-154, and the GIS and Assessor's records of Charleston County, the correct address of the Property is 1959 Jacksonville Road. Accordingly, the case caption and all prior pleadings are hereby amended nunc pro tunc to reflect the correct address of 1959 Jacksonville Road, pursuant to Rules 15(a), (b), (c), and (d) SCRCP.alsoPrior to filing this action, Plaintiff received a letter dated April 5, 2022, from DeWayne Sykes stating as follows: This letter is to notify you that Mary A White is a Life Estate holder of a [sic] assignment on property located at 1953 Jacksonville Rd, North Charleston, SC Charleston County, South Carolina from the last will and testament of Frank White Sr. Mary A. White died in the year of 1997 at the time of her death the life Estate ended. 11/16/20 is 23 years after the ending of the life estate. Also PINE VALLEY ONE REAL ESTATE, LLC did not exist in The state of South Carolina until the day of 03/14/2022 it could not have done business in South Carolina in 11/16/2020. Tax sale under execution issued against one who is not the owner of the land is void. Donohue v. Ward, 298 S.C. 75, 378 S.E.2d 261 (Ct.App.1989). A copy of this letter was entered into evidence as Exhibit 4: The Court finds that Mr. Sykes did not challenge Plaintiff's title to the Property, which has an address of 1959 Jacksonville Road, because Mr. Sykes' letter references property located at 1953 Jacksonville Road. Based on the GIS records of Charleston County, the Property is adjacent to 1953 Jacksonville Road. Additionally, Plaintiff's title search did not find that DeWayne Sykes holds an interest of record in the Property, and Plaintiff's title search and the Tax Collector's office did not find any records showing that Mary A. White held a life estate interest in the Property.
 17. After the trespass on the property and Respondent agent giving notice of an Order against Appellant I than filed a Motion / Intervene & Motion to Vacate such a void order. an hearing was held where I entered the last will and testament of Frank White Sr, transcript of Case # 79-CP-10-2289 in the motion I filed arguments on the Estates of DEWAYNE WHITE , MARY WHITE, FRANK WHITE SR., IDA GREEN GADSDEN, MONDAY GREEN ,JAMES JACKSON, and the BRETHREN OF LOVE SOCIETY.

18. During the same hearing Respondent by way of Mr Johnny Dodds argued that he believed that there is an alternate title to the property, and that he does not think Frank White sr. conveyed the property out prior to his death and that it came to be owned by Ida Gadsden then to Lucreita B. Lucado then to Mary White, Respondent only argued the deed to Ida Gadsden and the deed from Lucreita to Mary White and the Sykes letter in April 15 2022 and that this case has already been filed and pending.
19. This case was filed on August 3rd 2022.
20. The Respondent by way of Mr. Dodds also argued if Appellant motion to intervene was timely do to the April, 5, 2022 letter to PINEVALLY ONE REAL ESTATE LLC, and that Affidavit of Edrian Trakas stated that he did not find and reference to any obituary of Mary White and any record of her Estate and or any deed of distribution of any property and finally whether Appellant is a real party in interest and have a legitimate stake in the outcome of this property?
21. Respondent filed a Proposed Order/Substitution 02/27/2023-15:30, Motion/Lift Automatic Stay or Alternative Require Appellant, 10/26/2023-15:27, Master Order Granting Motion/Set Bond or Lift Automatic Stay 03/14/2024-16:26,
22. Appellant filed a Notice of Appeal As to Order Dated 6/21/2023 FILED, Pendency As Constructive Notice 07/25/2023-08:37, Notice of Appeal as to Order Judgment Dated March 4, 2024/Sr 03/15/2024-08:05,
23. Notice of Appeal (Civil) - Second or Subsequent 03/29/2024, Deficiency - Deficiency Letter Sent The notice of appeal is not accompanied by a complete copy of the order(s) and/or judgment(s) challenged on appeal 04/03/2024
24. Non-Dispositional Decision - Order Combining Notices and Setting Time for Amended Briefs 04/18/2024 The Court received multiple notices of appeal in this case. The notices of appeal have been consolidated for consideration by the Court, and we anticipate receiving one record on appeal. If the appellant wishes to file an amended initial brief of appellant and designation of matter that addresses any issues raised in their second notice of appeal they must serve and file the amended initial brief of appellant within thirty (30) days of the date of this order. Any amended respondent's brief must be filed within thirty (30) days of the service of the appellant's initial brief. FOR THE COURT BY CLERK Columbia, South Carolina April 18, 2024
25. Appellant sent amendment brief by USPS May 14,2024 and it was received by this court May 21,2024
26. Consolidate: to join together into one whole, Amend: to change or modify (something) for the better

Jurisdictional Deficiency and Improper Service of Process

1. **Improper Service of Process and Lack of Jurisdiction:** The Respondent, PVOne REO, LLC, has not established proper jurisdiction due to improper service of process in the lower court. Without proper service, the jurisdiction of this Court remains in question, and as such, the motion to dismiss the appeal should be denied until jurisdiction is properly established.

- **Failure to Serve at Proper Address:** The Respondent PVOne REO, LLC was required to serve the summons and complaint at the appellant's correct address, as mandated by Rule 4 of the South Carolina Rules of Civil Procedure. However, service was effected at an incorrect address, violating the appellant's due process rights by failing to provide proper notice.
- **Incorrect Property Descriptions:** The Sykes letter April 5 2022 and the Mark Lehrer reply letter April 21, 2022 referenced a different parcel than the one involved in this case. The Tax Map Sequence (TMS 466-03-00-154) number provided is attached to more than one parcel with differing property descriptions, adding to the confusion and misleading the appellant.
- **Lack of Personal Jurisdiction:** Personal jurisdiction over the appellant was not established due to improper service of process. Any orders or judgments issued without proper jurisdiction are void ab initio.
- **Deception Leading to Default Order:** The Respondent PVOne REO, LLC's actions in serving the documents to an incorrect address of 1935 Jacksonville road and argument that the Sykes letter April 5 2022 to PINE VALLEY ONE REAL ESTATE LLC of correspondence about an alleged tax sale of address 1953 Jacksonville Road was notice about a tax sale at a different parcel 1959 Jacksonville road and the subject matter of this case deceived the court into believing it had jurisdiction. This enabled the Respondent to improperly obtain a default order, undermining the judicial process.
- **Supersedeas Bond and Secondary Hearing Tainted:** The request for a supersedeas bond, stemming from the secondary hearing, is also tainted. The secondary hearing relied on the default order, which was based on insufficient service and incorrect property descriptions, invalidating the subsequent proceedings and the bond request.

Consideration of Pro Se Litigants

2. **Less Stringent Standards for Pro Se Litigants:** The courts have long held that pro se pleadings are to be considered without regard to technicality. Pro se litigants' pleadings are not to be held to the same high standards of perfection as those drafted by lawyers. This principle is well-supported by precedents such as:
 - **Jenkins v. McKeithen, 395 U.S. 411, 421 (1959):** The Supreme Court recognized that pro se pleadings should not be dismissed for minor technical defects and should be construed liberally.
 - **Picking v. Pennsylvania R. Co., 151 F.2d 240:** The court emphasized that pro se complaints must be read with less stringent standards compared to those drafted by attorneys.
 - **Pucket v. Cox, 456 F.2d 233 (6th Cir. 1972):** It was held that a pro se complaint requires a less stringent reading than one drafted by a lawyer. Justice Black's opinion in **Conley v. Gibson** reiterates this view, emphasizing the need for leniency and understanding in the assessment of pro se litigations.
3. **Equitable Consideration:** Given the equitable principle of ensuring fair access to justice, dismissing the appeal or striking down the Amended Initial Brief and Amended

Designation of Matter on purely technical grounds would be unjust. It is essential to ensure that pro se litigants like Mr. Sykes are afforded the opportunity to present their case fully and fairly.

Compliance with Court Order

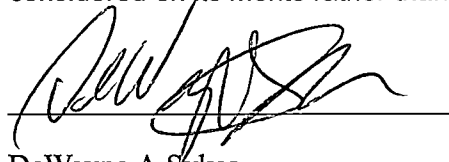
- 4. Timely Filing of Amended Initial Brief:** This Court issued an Order on April 18, 2024, combining notices and setting a time for amended briefs. The Order specified that if the appellant wished to file an amended initial brief of appellant and designation of matter addressing any issues raised in their second notice of appeal, they must serve and file the amended initial brief within thirty (30) days of the date of the Order. Mr. Sykes complied with this Order by sending his amended initial brief and designation of matter via USPS on May 14, 2024. The Court received these documents on May 21, 2024. Although the 30-day period ended on May 18, 2024, the Court allows an additional three days if documents are sent by postal mail, extending the deadline to May 21, 2024. Therefore, Mr. Sykes' Amended Brief and designation of matter were timely filed in accordance with the Court's instructions.

Non-Consent to Email Service

- 5. Violation of South Carolina Supreme Court Directive on Email Service:** According to the Supreme Court of South Carolina directive regarding service by email, a self-represented litigant who is not a lawyer admitted to practice in this state may consent in writing to be served by email and must designate a correct email address for service. Mr. Sykes never consented in writing at any time for the Respondent, PVOne REO, LLC, or its attorney to serve him by email. Consequently, any service of process attempted via email is invalid and further supports the argument that proper jurisdiction was never established.

Conclusion

For the aforementioned reasons, the motion to dismiss the appeal filed by Mr. Sykes and the request to strike his Amended Initial Brief and Amended Designation of Matter should be denied. Mr. Sykes has made a good faith effort to comply with the procedural rules, and his pro se status warrants a less stringent standard of review. The fundamental principles of fairness and justice dictate that his appeal should be considered on its merits rather than dismissed on technical grounds.



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

Defendant Exhibit 1
The Mark Lehrer Email
The Mark Lehrer Letter

From: Mark Lehrer
Sent: Thursday, April 21, 2022 9:36 AM
To: mrsykes79@gmail.com
Subject: 1953 JACKSONVILLE RD, NORTH CHARLESTON. 4660300154

Dear DeWayne Sykes:

I am in receipt of your letter dated April 5, 2022 in response to my letter to Mary A White.

After reviewing the records from the Tax Collector's office, it appears that Mary White has more than a life estate interest and that I have learned that the tax deed has been recorded. The Tax Collector's office advised me that the tax deed was recorded on April 7, 2022, in Book 1098, page 183. I looked at the Register of Deed's website, but the recorded tax deed is not yet available online.

According to Charleston County, Mary A White was conveyed more than a life estate and has fee simple interest title to the property. We researched this to determine if Mary White had a life estate interest, but it does not appear that is the case.

We are prepared to discuss this situation with the family or you. Please provide something in writing to me stating we can discuss the property with you.

I look forward to our conversation. Let me know a good telephone number and a good day and time for a call. Please confirm receipt of this email.

Thanks
Mark Lehrer
Portfolio Manager
Pine Valley One Real Estate

312.967.3425

Exhibit F-2
The SYKES Letter

ELECTRONICALLY FILED - 2023 Jan 12 4:48 PM - CHARLESTON - COMMON PLEAS - CASE#2022CP1003492

COFITACHIQUI

English Translation

BRETHREN OF LOVE SOCIETY

April 5, 2022
Attn. Mark Lehrer, Portfolio Manager
PINE-VALLEY ONE REAL ESTATE, LLC
650 SE 12TH ST
Dania Beach, FL 33004

Re: 4660300154

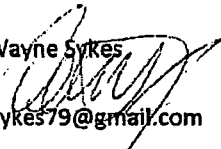
Dear Sir or Madam:

This letter is to notify you that Mary A White is a Life Estate holder of a assignment on property located at 1953 Jacksonville Rd, North Charleston, SC Charleston County, South Carolina from the last will and testament of Frank White Sr. Mary A. White died in the year of 1997 at the time of her death the life Estate ended. 11/16/20 is 23 years after the ending of the life estate. Also PINE VALLEY ONE REAL ESTATE, LLC did not exist in The state of South Carolina until the day of 03/14/2022 it could not have done business in South Carolina in 11/16/2020.

Tax sale under an execution issued against one who is not the owner of the land is void. Donohue v. Ward, 298 S.C. 75, 378 S.E. 2d 261 (Ct.App.1989).

Sincerely,

DeWayne Sykes


Mrsykes79@gmail.com

1953 JACKSONVILLE ROAD, CHARLESTON, SC 29405

EXHIBIT 4

RECEIVED

JUN 20 2024

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master in Equity Judge

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

PVONE REO LLC

Respondent,

v.

Mary A. White et al,

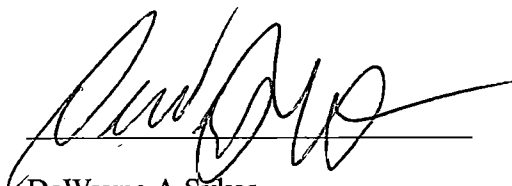
Appellant.

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 June 10, 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.

June 10, 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**

June 10, 2024

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

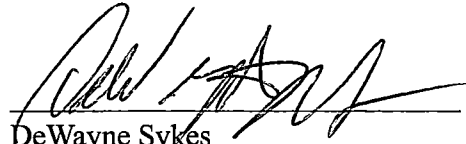
RECEIVED
JUN 20 2024
SC Court of Appeals

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

Dear Ms. Kitchings:

Enclosed for filing is an Appellant Opposition to Respondent MOTION TO DISMISS APPEAL and to STRIKE APPELLANT'S AMENDED INITIAL BRIEF and AMENDED DESIGNATION OF MATTER, The Sykes Letter April 5, The Mark Lehrer Letter April 21, Certificate of Service on the respondent.

- (1) Appellant Opposition to Respondent MOTION TO DISMISS APPEAL and to STRIKE APPELLANT'S AMENDED INITIAL BRIEF and AMENDED DESIGNATION OF MATTER
- (2) The Sykes Letter April 5, 2022
- (3) The Mark Lehrer Letter April 21, 2022
- (4) 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 WHITE Estate
153 Jacksonville Road
N. Charleston SC, 29405

CERTIFIED MAIL



9589 0710 5270 1055 7062 27



POSTAGE PAID - TAXE PERCUE
UPS Retail (22) Universal Postage Union
Office of Origin
Stamp seal

RECEIVED

JUN 20 2024

SC Court of Appeals

Attn: Jenny Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11689
Columbia, SC 29211

USPS Int'l, Air Manual
742.1 Marking Postage Paid
742.2 Parcels W/ Stamps - treat as Pre Paid

2921181629

