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Jun 20 2024

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 Sykes,

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.

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

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*Attorneys for the Respondent,
PVOne REO, LLC*

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

COMES NOW the Respondent, PVOne REO, LLC (“PVOne REO”), pursuant to Rule 240(f), SCACR, and respectfully submits this Reply to the response of the Appellant, DeWayne Alphonza Sykes, appearing as *pro se* (“Mr. Sykes”),¹ to PVOne REO’s previously filed combined Motion to Dismiss Appeal/Strike Amended Initial Brief and Amended Designation of Matter to be Included in the Record on Appeal (the “*Motion to Dismiss/Strike*”). Mr. Sykes’ Response is simply another example of his blatant failure to comply with the mandatory requirements of Rule 210, SCACR. Nothing in Mr. Sykes’ Response actually refutes or otherwise contests any of the propositions set forth in the *Motion to Dismiss/Strike* and, therefore, this Court of Appeals should grant the motion without further delay.

I. STATEMENT OF THE CASE AND THE FACTS

On 3 August 2022 PVOne REO brought a quiet title action against the Defendants, The Estate of Mary A. White (the “White Estate”), and others claiming under her will as her heirs and/or devisees (the “Unknown Defendants”). PVOne REO sought to confirm its tax title as “marketable, fee simple title” to certain real property (the “Jacksonville Road Property”). The Master-In-Equity ultimately confirmed PVOne REO had purchased marketable, fee simple to the Jacksonville Road Property and barring and extinguishing

¹ Although Mr. Sykes’ response was “dated” 10 June 2024, the undersigned counsel for PVOne REO did not receive it until Monday, 17 June 2024. Moreover, Mr. Sykes’ response has yet to be entered on the South Carolina Appellate Case Management System and, therefore, there is some question whether Mr. Sykes has yet filed his response with this Court of Appeals. Furthermore, Mr. Sykes is or certainly reasonably should be aware of the undersigned’s e-mail address (Stephen.Groves@butlersnow.com) to which service could easily be made.

any and all other claims, liens, rights, *etc.* On 31 January 2023, Mr. Sykes moved to both intervene and to vacate the Master-In-Equity's decision. By order dated and filed on 21 June 2023, the Master-In-Equity denied Mr. Sykes' dual motions. Mr. Sykes 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. This appeal followed and is currently in process.

PVOne REO later moved to lift the automatic stay or, in the alternative require Mr. Sykes to post an appeal bond. The Master-In-Equity ordered Mr. Sykes to post an appeal bond or the automatic stay would be lifted. Mr. Sykes filed his second *Notice of Appeal* on 14 March 2024. This Court of Appeals, seeking to reduce the number of submissions, issued a directive which consolidated Mr. Sykes' two *Notices of Appeal* into one matter for this Court of Appeals' consideration, as well as, more importantly, afforded Mr. Sykes the opportunity to file an amended initial brief and designation of matter to address the issues he raised in his second appeal. (04/18/2024 COA Order, p.2).² In response, Mr. Sykes submitted his purported *Amended Initial Brief* and *Amended Designation of Matter* on 14 May 2024.³

² See Order of the South Carolina Court of Appeals dated 18 April 2024 (the "04/18/2024 COA Order").

³ As an aside, based upon Mr. Sykes' mailings, it appears somewhat doubtful he actually filed the Amended Brief and Amended Designation of Matter timely. While Mr. Sykes' Proof of Service indicated he served his amended submissions on Tuesday, 14 May 2024, this Court of Appeals apparently did not receive the amended documents until Tuesday, 21 May 2024, ***some seven days*** after they were allegedly mailed. Moreover, the undersigned did not receive the amended documents until Tuesday, 28 May 2024, ***some 14 days*** after they were allegedly mailed. In addition, neither the envelope containing the amended documents sent to this Court of Appeals or to the undersigned contained any type of U.S. Postal Service postmark – dated or otherwise. In any case, the timing between the date which Mr. Sykes' asserted he mailed out the documents and the actual receipt dates seems, at best, very questionable.

II. ARGUMENT AND CITATION OF AUTHORITY

When PVOne REO submitted the Motion to Dismiss/Strike it pointed out the following:

- A. This Court of Appeals, in the 04/18/2024 Order provided Mr. Sykes the option, if he so choose, “to file an amended initial brief of appellant and designation of matter that addresses any issues [Mr. Sykes] raised in [his] second notice of appeal
- B. This Court of Appeals, in the 04/18/2024 Order provided Mr. Sykes the option, if he so choose to file the amended initial brief of appellant [and the amended designation of matter] within thirty (30) days of [18 April 2024].
- C. Mr. Sykes ostensibly “filed” his Amended Initial Brief and Amended Designation of Matter on 14 May 2024;
- D. Mr. Sykes’ *Amended Initial Brief* does not contain any mention of, much less any argument which addresses, the issues he raised in his second *Notice of Appeal* concerning the Master-In-Equity’s decision requiring Mr. Sykes to post an appeal bond.
- E. The version of Mr. Sykes’ *Amended Initial Brief* sent to the undersigned contained several attachments which could potentially be part of the Record on Appeal, but which are not proper attachments to an appellate brief.
- F. Mr. Sykes apparently did not sent this Court of Appeals the same version of his Amended Initial Brief as he forwarded to the undersigned as the attachments are not contained in the appellate record.
- G. Mr. Sykes’ *Amended Designation of Matter* included documents presented to the Master-In-Equity which only involved the appeal bond dispute – an issue Mr. Sykes failed to address in his *Amended Initial Brief*.
- H. Mr. Sykes’ violated this Court of Appeals’ 04/18/2024 Order by submitting an *Amended Initial Brief* which failed to address the very issues for which this Court of Appeals granted the opportunity for Mr. Sykes to file an *Amended Initial Brief*.

- I. Mr. Sykes' violated this Court of Appeals' 04/18/2024 Order by submitting an *Amended Designation of Matter* which designed materials which Mr. Sykes has never addressed either in his original Initial Brief or in his *Amended Initial Brief*.
- J. Both Mr. Sykes' *Amended Initial Brief* and his *Amended Designation of Matter* fail to comply with Rules 208, 209, SCACR, and are improper and must be struck.
- K. Mr. Sykes' has failed to submit the Record on Appeal as required by Rule 210, SCACR.
- L. Mr. Sykes continues to blatantly violate our appellate rules with unmitigated impunity.

A quick "review" of Mr. Sykes' Response demonstrates he has not contested or otherwise disputed any of the afore-listed propositions. While Mr. Sykes states he "timely" filed his Amended Initial Brief, **he does not assert** he addressed the appeal bond issue in his *Amended Initial Brief* as was requested by this Court of Appeals. His *Amended Initial Brief* was merely a reconstituted and reformatted version of his original *Initial Brief*. Mr. Sykes does not assert his *Amended Designation of Matters* included material which he had addressed in his *Amended Initial Brief* or his original *Initial Brief*. Mr. Sykes has contested nothing in his Response which is material to this appeal nor which demonstrates his compliance with the appellate rules. Even though Mr. Sykes is appearing *pro se*, his status does not give him the right to run roughshod over our well-established appellate procedures.

It has become abundantly clear from Mr. Sykes' various meritless and redundant filings that he is using the appellate process as a means to delay implementation of the Master-In-Equity's various decisions and to obfuscate the true facts of this matter. Pursuant to Rules 260, 269, SCACR, Mr. Sykes' appeals should and, indeed, must be dismissed.

III. CONCLUSION

Based upon the arguments and citation of authority, the Respondent, PVOne REO, LLC, respectfully requests this Court of Appeals to dismiss Mr. Sykes' appeals. Appearing *pro se* notwithstanding, Mr. Sykes continually violates our appellate rules and, moreover, declines to comply with this Court of Appeals' orders and directives. This appeal should be dismissed.

Respectfully submitted:

BUTLER SNOW LLP

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*Attorneys for the Respondent,
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Charleston, South Carolina

20 June 2024

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*Attorneys for the Respondent,
PVOne REO, LLC*

I, Stephen P. Groves, Sr., Esquire, hereby certify that on **20 June 2024**, I served a copy of the **Reply to Appellant's Response to Motion to Dismiss Appeal and to Strike Appellant's Amended Initial Brief and Amended Designation of Matter** submitted by the Respondent, PVOne REO, LLC, on the *pro se* Appellant, Mr. DeWayne A Sykes via electronic mail (Mrsykes79@gmail.com) and on **20 June 2024**, via regular U.S. Mail, as well as by Certified U.S. Mail, Return Receipt Requested, and addressed as follows:

Mr. DeWayne A. Sykes
1953 Jacksonville Road
North Charleston, South Carolina 29405
Telephone: 843.345.9870

Appearing Pro Se

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

Charleston, South Carolina

20 June 2024

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