

State of South Carolina
In The Court of Appeals

RECEIVED

JUL 11 2024

Appeal From The Master In Equity SC Court of Appeals
Honorable Shannon M. Phillips

CA. 2023-CP-42-03390

Carnie Morris III Defendant

Fed Home Loan mortgage Respondent

Initial Brief of Defendant

other counsel of record
Guyton Murrell
P.O. Box 2005
Columbia, SC 29202

Carnie Morris III
Defendant

Perry Correctional
430 Oaklawn Rd
Pelzer, S.C. 29669

Table of Contents

Table of Contents

Table of Authorities

Statement of Issues on Appeal

Statement of the case

Argument

The Master in Equity judge erred in dismissing/denying defendant's 5(e) motion to Alter/amend judgment as untimely where the motion was served on opposing counsel four (4) days after receiving order.

The Master in Equity abused her discretion by setting a quick sale date of the property in foreclosure while case was on appeal.

The Master in Equity erred by not specifically stating her findings of facts and conclusions of law to each of the contentions argued in 5(e) hearing.

Conclusion

Table of Authorities

Cases

Curtis v. Blake, 381 S.C. 189, 672 S.E.2d 576

Elam v. SCDOT, 361 S.C. 9, 602 S.E.2d 772

Rule

S.C. Civil Procedure 59(e)

statement of Issues on Appeal

Did the Master In Equity err in dismissing/denying defendant's 59(e) motion to Alter/Amend judgment as untimely where the motion was served on opposing counsel four (4) days after receiving order?

Did the Master In Equity abuse her discretion by setting a quick sale date while case was on appeal?

Did the Master In Equity err by not specifically stating her finding of facts and conclusions of law as required in the 59(e) order?

Did the Master in Equity err by denying the 59(e) motion as untimely where the motion was served on opposing counsel after receipt of written notice of entry of judgment

A timely Rule 59 motion stays the time for an appeal for all parties until receipt of written notice of entry of the order granting or denying such motion. Flaw v. SCIDOT, 361 S.C. 9, 602 S.E. 2d 772. The question here is whether the post-trial motion was "made" at the time it was filed with the court, or when it was served on opposing counsel, under the holdings of Curtis v. Blake, 381 S.C. 189, 672 S.E. 2d 576, the motion was "made" when it was placed in the mail for service on opposing counsel. [Exhibit 1]

under Rule 59(e), a motion to alter or amend the judgment shall be served not later than 10 days after receipt of written notice of entry of the order see Envelope dated March 11, 2024 [Exhibit 2]

In this foreclosure proceeding before the Honorable Shannon M. Phillips, a foreclosure hearing was held on February 29, 2024 via (webex) 2:30 pm, and April 22, 2024

on March 1, 2024, Master in Equity entered judgment against the Defendant Corrie Morris III, see Form 4 (Judgment in a civil case) [Exhibit 3]

The defendant Corrie Morris III received written notice of the order on March 11, 2024 see attached envelope and order [Exhibit 2]

on March 15, 2024, the defendant Corrie Morris III served and file by placing in the Perry Correctional hands for mailing, an original copy of his 59(e) motion to the Master in Equity and the plaintiff buyton murrell for mailing, postage prepaid. See attached copy of 59(e) motion and stamp March 15, 2024 by the Perry mailroom. [Exhibit 4]

All parties were served

On March 20, 2024 Master In Equity sent a letter to defendant Carnie Morris advising him to pay a \$25.00 filing fee. See attached letter from Master In Equity. [Exhibit 5]

Defendant Carnie Morris received this letter on March 25, 2024 [Exhibit 6]

On March 26, 2024, the defendant served and was granted In Forma Pauperis by the Master In Equity. on 4-1-24 [Exhibit 7] 59(e) filed by clerk on 4-1-24

On April 22, 2024, a 59(e) hearing was held by the Master In Equity who denied the defendant's claims the same day 4-22-24. See attached order [Exhibit 8]

On April 26, 2024 the defendant filed and served all parties with a notice of appeal after receiving the final order denying the 59(e) motion.

This appeal follows.

State of South Carolina
County of Spartanburg

Common Pleas
2023-CP-42-03390

Federal Home Loan Mortgage
Corporation, as trustee for
Freddie Mac Seasoned Credit
Risk Transfer Trust, Series
2017-2, as owner of the
Related Mortgage Loan,
Plaintiff

Certificate
of
service
[Exhibit 1]

vs
Charles Morris, defendant
et al

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JUL 11 2024

SC Court of Appeals

The defendant Corrine Morris III, certify
that he have served the below plaintiffs with
a copy of his Motion to Alter/Amend by
placing a copy in the Perryworkroom hands
for mailing, addressed as follows, postage
prepaid.

Ion Cohean (CAL)
Attorney Athaw
325 Rocky Slope Rd
Greenville, S.C.
29607

Scott + Corley, P.A.
P.O. Box 20015
Columbia, S.C. 29204

I, Corrine Morris III, certify and verify under
the penalty of perjury that the foregoing is
true and correct.

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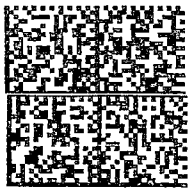
MAR 15 2024

PCI MAILROOM

Corrine Morris

A.

4 B220



quadiant
FIRST-CLASS MAIL
IMI
\$000.88[®]
03/06/2024 ZIP 29607
043M30222401

US POSTAGE

Carnie Norris, III, 00227226, Q4B-0220-B
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

RECEIVED

MAR 11 2024

PCI MAILROOM

[Exhibit 2]

**STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG
IN THE COURT OF COMMON PLEAS**

**FORM 4
JUDGMENT IN A CIVIL CASE**

CASE NO. 2023-CP-42-03390

Federal Home Loan Mortgage Corporation, as trustee for Freddie Mac Seasoned Credit Risk Transfer Trust, Series 2017-2, as owner of the Related Mortgage Loan

Charles Norris, Individually, as Legal Heir or Devisee of the Estate of Mary Frances Norris a/k/a Mary Norris a/k/a Mary Frances Greer Norris, Deceased; Carnie Norris, III, Individually, as Legal Heir or Devisee of the Estate of Mary Frances Norris a/k/a Mary Norris a/k/a Mary Frances Greer Norris, Deceased; Clyde Norris, Individually, as Legal Heir or Devisee of the Estate of Mary Frances Norris a/k/a Mary Norris a/k/a Mary Frances Greer Norris, Deceased, their heirs or devisees, successors and assigns, and any other Heirs-at-Law or Devisees of the Estate of Mary Frances Norris a/k/a Mary Norris a/k/a Mary Frances Greer Norris, Deceased; all unknown persons with any right, title or interest in the real estate described herein; also any persons who may be in the military service of the United States of America, being a class designated as John Doe; any unknown minors or persons under a disability being a class designated as Richard Roe; and Douglas Miller, Sr.

[Exhibit 3]

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Scott and Corley, P.A.	Attorney for : <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant
--------------------------------------	--

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED FOR BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.
Additional Information for the Clerk :

The property which is the subject of this action shall be sold at public sale pursuant to the Master in Equity's Report and Judgment of Foreclosure and Sale.

FILED
 22 APR - 3:22 PM
 CLERK OF COURT
 SPARTANBURG COUNTY
 AMY DORR
 2023

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A		

State of South Carolina
County of Spartanburg

Federal Home Loan Mortgage
Corporation, as trustee for
Freddie Mac Seasoned Credit
Risk Transfer Trust, Series
2017-2, as owner of the
Related Mortgage Loan,
Plaintiff

vs
Charles Morris, defendant,
et al

Common Pleas
2023-CP-42-03390

Motion To Alter/
Amend Judgment
59(e)

[Exhibit 4]

The defendant Carrie Morris ~~III~~
hereby file this 59(e) motion to alter/for
amend it's judgment for the following
reasons:

A foreclosure hearing was held on
February 29, 2024 at 3:30pm before the
Honorable Shannon M. Phillips, Master
in Equity for Spartanburg. This hearing
was held using remote communication
technology (webex).

Gyton Murrell was in attendance
for Scott + Corley and Federal Home Loan
Mortgage Corporation, along with Douglas
Miller, Sr. and Tonia Cohean (GAH for
Carrie Morris ~~III~~)

(1)

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MAR 15 2024

PCI MAILROOM

During the course of the hearing, Murrell and Douglas Miller Sr. was give the opportunity to state their complaint to the Master in Equity. Corrine Morris was not given the opportunity to rebut and or state his case/complaint because the GAL representing him agreed with the offered testimony by the plaintiffs, without Morris consent.

Did the Master in Equity and the GAL representing the defendant Corrine Morris failed to provide procedural due process rights by failing to allow him to submit credible evidence and arguments pertaining to two critical documents submitted for review?

Was the defendant Corrine Morris procedural due process rights violated in the hearing because he is incarcerated and indigent?

When the defendant Morris found out that a hearing would be held, he sent documents to the GAL Bohan showing that fraud have been committed in this case showing that the defendant's Charles & Clyde Morris willfully concealed/destroyed Mary F. Morris LW + T. See attached letter

GAL Cohean have never conferred with defendant Carrie Morris other than letting him know that he was the GAL assigned to this case. GAL Cohean have not and did not represent the best interest of defendant Morris by waiving testimony in the hearing that could have been rebutted by the documents presented to him by Morris.

Based upon the documents submitted and presented to GAL Cohean, he did not conduct an independent, balanced and impartial investigation to determine the facts relevant to this case. GAL Cohean did not interview anybody that had personal knowledge about this case of fraud. GAL failed to talk to or interview attorney Zandra J. Scott, Gary Poliakoff and David H. Walsh, esquire.

GAL Cohean did not submit to the Master in Equity a brief, statement, a report or recommendation on the record in a manner consistent with the S.C. Rules of Evidence and other state law. GAL Cohean did not preserve for appellate review any viable objection, thereby waiving Defendants right to be heard.

GAL Goleon was instructed to request this case be transferred to the Spotsylvania County Probate Court to settle any and all claims and debts, because of the fraud committed by Charles & Clyde Morris.

* Defendant Morris did not waive anything on the record, because he was not given the opportunity by the master in Equity to respond and/or object to testimony by the plaintiffs, only the GAL was acknowledge during the course of the hearing.

* Defendant Morris is requesting this Honorable Master in Equity to alter/amend #7, #8 and #22 of the order for the above reasons. A fundamental right triggers strict scrutiny to determine whether defendant Morris was denied procedural due process of law and the Equal Protection clause of the 14th Amendment.

Defendant have filed this pleading because of the acts and omissions of the GAL. If GAL entirely fail to subject the Foreclosure case to meaningful adversarial testing, as in the case at bar, there has been a denial of Sixth Amendment rights which makes adversary process itself presumptively unreliable.

The defendant Carmie Morris respectfully request the Master in Equity to construe his pleading liberally and not be held to lawyer standards because of non-consultation with an attorney.

Carmie Morris

MASTER IN EQUITY
EQUITY COURT
SPARTANBURG COUNTY JUDICIAL CENTER
180 MAGNOLIA STREET, 4TH FLOOR
SPARTANBURG, SOUTH CAROLINA 29306

MAILING ADDRESS
PO BOX 5666
SPARTANBURG, SC 29304-5666
Website: www.spartanburgcounty.org/Master-in-Equity

Shannon M. Phillips
Judge

Telephone (864) 596-2501
Fax Number (864) 596-2078

March 20, 2024

[Exhibit 5]

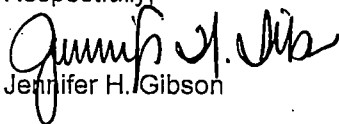
Carnie Norris #227226
Perry Correctional Institution Q4B-220
430 Oaklawn Road
Pelzer, SC 29669

Re: Federal Home Loan Mortgage Corporation v. Charles Norris, et al
Case Number: 2023-CP-42-3390

Dear Mr. Norris:

Our office is in receipt of your Motion to Alter/Amend Judgment. We are returning these documents to you. We have been advised by Court Administration that this Motion to Alter/Amend Judgment will need to be filed with the Spartanburg County Clerk of Court, along with the required \$25.00 filing fee. The address for the Clerk of Court is Post Office Box 3483, Spartanburg, SC 29304.

Respectfully,


Jennifer H. Gibson

/jhg
Enclosure

[Exhibit 6]

4B220

296 296 29669 N1-21
PRSR FIRST-CLASS MAIL
U.S. POSTAGE PAID
GREENVILLE SC
PERMIT# 113
4040240320 - 161121323
2 RETURN SERVICE REQUESTED
29669

MASTER IN EQUITY
EQUITY COURT
SPARTANBURG COUNTY JUDICIAL CENTER
180 MAGNOLIA STREET, 4th FLOOR
SPARTANBURG, SOUTH CAROLINA 29306

TO: Carnie Norris #227226
Perry Correctional Institution Q4B-220
430 Oaklawn Road
Pelzer, SC 29669

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STATE OF SOUTH CAROLINA,)
)
)
Federal Home Loan)
Mortgage Corporation)
Plaintiff)

[Exhibit 7]

MOTION AND AFFIDAVIT TO
PROCEED IN FORMA PAUPERIS

vs.)
Charles Morris, et al)
Defendant.)

FILE NO. 2023-CP-42-3390

I, Cornie Morris III being duly sworn, state that I am the defendant and that I do not have the funds available to pay the costs of filing and service in the present matter. I hereby request: 590 motion be filed and service made without costs.

Sworn to and Subscribed before me)
this 26 day of March, 2024)
Jamarc Conwell)
Notary Public for South Carolina)
My Commission Expires October 6, 2033)
My Commission expires October 6, 2033)

Cornie Morris III)
Signature of Plaintiff or)

ORDER

- Leave is *granted* to proceed in forma pauperis without payment of the filing fee.
- Leave is granted to proceed in forma pauperis without payment of the service costs.
- Leave is *denied* to proceed in forma pauperis.

2024 APR -1 PM 4:10
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

FILED

Dated: 4/1, 24
Spartanburg, South Carolina

Sharon M. Phillips
JUDGE/CLERK OF COURT

State of South Carolina
County of Spartanburg

Federal Home Loan Mortgage
Corporation, as trustee for
Freddie Mac Seasoned Credit
Risk Transfer Trust, Series
2017-2, as owner of the
Related Mortgage Loan,
Plaintiff

vs
Charles Morris, defendant,
et al

Common Pleas
2023-CP-42-03390

Motion To Alter/
Amend Judgment
59(e)

[Exhibit 2]

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was held using remote communication
technology (webex).

Byron Murrell was in attendance
for Scott + Corley and Federal Home Loan
Mortgage Corporation, along with Douglas
Miller, Sr. and Tom C. Cohean (GAH for
Cornie Morris III)

FILED
MARCH -1 PM 3:24
CLERK OF CLERK
SPARTANBURG
ANY W. CO.

During the course of the hearing, Murrell and Douglas Miller Sr. was give the opportunity to state their complaint to the Master in Equity. Corrine Morris was not given the opportunity to rebut and or state his case/complaint because the GAL representing him agreed with the offered testimony by the plaintiffs, without Morris consent.

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Based upon the documents submitted and presented to GAL Cohean, he did not conduct an independent, balanced and impartial investigation to determine the facts relevant to this case. GAL Cohean did not interview anybody that had personal knowledge about this case of fraud. GAL failed to talk to and interview attorney Zandra J. Scott, Cory Poliakoff and David H. Walsh, esq.

GAL Cohean did not submit to the Master in Equity a brief, statement, any report or recommendation on the record in a manner consistent with the S.C. Rules of Evidence and other state law. GAL Cohean did not preserve for appellate review any viable objection, thereby waiving Defendant's right to be heard.

2024 APR - 1 PM 3:54
CLERK OF COURT
SPARTANBURG COUNTY
SOUTH CAROLINA

FILED

GAL Goleon was instructed to request this case be transferred to the Spotsylvania County Probate Court to settle any and all claims and debts, because of the fraud committed by Charles & Clyde Morris.

Defendant Morris did not waive anything on the record, because he was not given the opportunity by the Master in Equity to respond and/or object to testimony by the plaintiffs, only the GAL was acknowledge during the course of the hearing.

Defendant Morris is requesting this Honorable Master in Equity to alter/ amend #7, #8 and #22 of the order for the above reasons. A fundamental right triggers strict scrutiny to determine whether defendant Morris was denied procedural due process of law and the Equal Protection Clause of the 14th Amendment.

Defendant have filed this pleading because of the acts and omissions of the GAL, because entirely fail to subject the Foreclosure case to meaningful adversarial testing, as in the case at bar, there has been a denial of Sixth Amendment rights which makes adversary process itself presumptively unreliable.

FILED
2021 APR - 7 PM 3: 23
CLERK OF COURT
SPOTSYLVANIA COUNTY
AMY M. COOPER

The defendant Carnie Morris respectfully request the master in Equity to construe his pleading liberally and not be held to lawyer standards because of non-consultation with an attorney.

Carnie Morris
3-15-24

FILED

2024 APR -1 PM 3:24

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

State of South Carolina
County of Spartanburg

Common Pleas
2023-CP-42-03390

Federal Home Loan Mortgage
Corporation, as trustee for
Freddie Mac Seasoned Credit
Risk Transfer Trust, Series
2017-2, as owner of the
Related mortgage loan,
Plaintiff

Certificate
of
service

vs
Charles Morris, defendant
et al

The defendant Corrine Morris III, certify
that he have served the below plaintiffs with
a copy of his Motion to Alter/Amend by
placing a copy in the Perryman room hands
for mailing, addressed as follows, postage
prepaid.

Ion Cohean (GAL)
Attorney Athaw
325 Rocky slope Rd
Greenville, S.C.
29607

Scott & Corley, P.A.
P.O. Box 2005
Columbia, S.C. 29204

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

2024 APR -1 PM 3:24

FILED

I, Corrine Morris III, certify and verify under
the penalty of perjury that the foregoing is
true and correct.

Corrine Morris
3-15-24

(6)

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

IN THE COURT OF COMMON PLEAS

Federal Home Loan Mortgage Corporation,)
as trustee for Freddie Mac Seasoned Credit)
Risk Transfer Trust, Series 2017-2, as owner)
of the Related Mortgage Loan,)

Case No. 2023CP4203390

PLAINTIFF,

ORDER DENYING MOTION TO ALTER/
AMEND JUDGMENT 59(e)

VS.

[Exhibit 8]

Charles Norris, Individually, as Legal Heir)
or Devisee of the Estate of Mary Frances)
Norris a/k/a Mary Norris a/k/a Mary)
Frances Greer Norris, Deceased; Carnie)
Norris, III, Individually, as Legal Heir or)
Devisee of the Estate of Mary Frances)
Norris a/k/a Mary Norris a/k/a Mary)
Frances Greer Norris, Deceased; Clyde)
Norris, Individually, as Legal Heir or)
Devisee of the Estate of Mary Frances)
Norris a/k/a Mary Norris a/k/a Mary)
Frances Greer Norris, Deceased, their heirs)
or devisees, successors and assigns, and any)
other Heirs-at-Law or Devisees of the)
Estate of Mary Frances Norris a/k/a Mary)
Norris a/k/a Mary Frances Greer Norris,)
Deceased; all unknown persons with any)
right, title or interest in the real estate)
described herein; also any persons who may)
be in the military service of the United)
States of America, being a class designated)
as John Doe; any unknown minors or)
persons under a disability being a class)
designated as Richard Roe; and Douglas)
Miller, Sr.,)

DEFENDANT(S).

A Rule 59(e) SCRPC motion to reconsider and to alter or amend has been filed with the Court. A hearing was held via WebEx on April 22, 2024 at 2:30 p.m. Guyton Murrell appeared on behalf of Plaintiff. Ian Gohean appeared as Guardian Ad Litem for Carnie Norris. Carnie Norris appeared.

After careful consideration of the able arguments and filings of the Parties and review of the record, the Court is unable to discover any material fact or principle of law that either has been overlooked or disregarded and further finds no error of law or fact not appropriately considered. Accordingly, the Motion for Reconsideration made pursuant to Rule 59, SCRPC is DENIED. The Motion is also denied because it was not filed until April 1, 2024, thirty-one days after electronic notice of the Order was issued.



Spartanburg Common Pleas

Case Caption: Federal Home Loan Mortgage Corporation , plaintiff, et al VS Charles Norris , defendant, et al
Case Number: 2023CP4203390
Type: Master/Order/Other

IT IS SO ORDERED.

s/ Shannon M. Phillips - 3087

State of South Carolina) S.C. Court of Appeals
County of Spartanburg) 2024-000747

Federal Home S
Plaintiff

Charles Morris et al
Defendant

Certificate of Service

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JUL 11 2024

SC Court of Appeals

I, Carrie Morris ~~II~~, certify that I have served the S.C. Court of Appeals and the defendants with a copy of my initial brief by placing a copy in the Perry mailroom hands for mailing, postage prepaid, addressed as follows:

C/O Guyton Murrell
Scott & Corley, T. A

P.O. Box 2065

Columbia, S. C. 29204

I, Carrie Morris #227826, certify and verify under the penalty of perjury that the foregoing is true and correct.

Carrie Morris

7-5-24

Carmie Morris #527026
Perry Corr. Inst. W4B-220
430 Oaklawn Rd
Pelzer, S.C. 29669

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SC Court of Appeals

South Carolina Court of Appeals
Jenny A. Kitchings, Clerk
P.O. Box 11629
Columbia, S.C. 29211