

The State of South Carolina
In The Court of Common Pleas

Appeal From Spartanburg County
Court of Common Pleas

Honorable Shannon M. Phillips
Master In Equity For Spartanburg Co.

Case No. 2023-CR42-03390

Appellate No. 2024-000747

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SC Court of Appeals

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
Respondent,

v.

Charles Norris, Individually, as legal heir or devisee of
the Estate of Mary Frances Norris aka Mary Norris aka
Mary Frances Greer Norris, Deceased, Carrie Norris, III,
Individually, as legal heir or devisee of the Estate of
Mary Frances Norris aka Mary Norris aka Mary
Frances Greer Norris; Deceased; Clyde Norris, Individually,
aka Mary Frances Norris aka Mary Frances Greer
Norris, Deceased, their heirs or devisees, successors
and assigns, and any other heir-at-law or devisee of
the Estate of Mary Norris aka Mary Norris aka
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; and
unknown minors or persons under a disability being
a class designated as Richard Roe; and Douglas Miller, Sr.
of whom Carrie Norris III is the Appellant
Defendants.

(1)

Carrie Norris III
Perry Corr. Inc.
420 Oakburn Rd
Petter, S.C. 29669

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The Master In Equity judge erred in dismissing/denying defendant's 59(e) motion to Alter/revise 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 finding of facts and conclusions of law to each of the contentions argued in 59(e) hearing.

Conclusion ?

Table of Authorities

Cases

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

Elam v. SC DOT, 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 entirely 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. Flan 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. see [Certificate of Service ext.]

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/wards 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 Carrie Morris advising him to pay a \$75.00 filing fee. See attached letter from Master In Equity. [Exhibits 5]

Defendant Carrie Morris received this letter on March 26, 2024. see [Exhibit 6] Envelope

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 [Exhibits 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.

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Federal Home Loan Mortgage Corporation, as Trustee
for Freddie Mac Seasoned Credit Risk Transfer Trust,
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v.
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, Corrine 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
Mary Frances Norris a/k/a Mary Frances Greer Norris,
Deceased, their heirs or devisees successors and assigns,
and any other Heir-at-law or Devisee of the Estate of Mary
Norris a/k/a Mary Frances Greer Norris, Deceased; and
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
as Richard Doe; and Douglas Miller, Sr.

Defendants.

of whom Corrine Norris III is the Appellant

Certificate of Service

I, Carrie Morris ^{III} certify that I have served the Respondents with a copy of my Final Brief by placing a copy in the Perry mailroom hands for mailing, postage prepaid, addressed as follows:

T. Richmond McPherson
McBain Woods
201 W. Tryon St, Suite 3000
Charlotte, NC. 28202-2146

I, Carrie Morris ^{III} certify and verify under the penalty of perjury that the foregoing is true and correct.

Carrie Morris
8-1-24

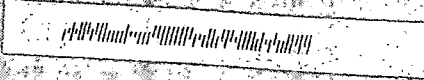
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SC Court of Appeals

Cornie Morris #22-7226
Perry Corr. Inst, QUB-220
430 Oaklawn Rd
Pelzer, S.C. 29669

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