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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.

**MOTION TO DISMISS APPEAL
and to STRIKE APPELLANT'S
FINAL BRIEF and
RECORD ON APPEAL**

Stephen P. Groves, Sr., Esquire
S.C. Bar No.: 007854
BUTLER SNOW LLP
25 Calhoun Street, Suite 250
Charleston, South Carolina 29401
Telephone: 843.277.3704
Telecopier: 843.277.3701
E-Mail: Stephen.Groves@butlersnow.com

John J. Dodds, III, Esquire
S.C. Bar No.: 001707
CISA & DODDS
858 Lowcountry Boulevard, Suite 101
Mount Pleasant, South Carolina 29464
Telephone: 843.881.6530
E-Mail: john@cisadodds.com

*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 of the South Carolina Appellate Court Rules, and respectfully requests this Court of Appeals to dismiss this appeal filed by the Appellant, DeWayne Alphonza Sykes, appearing as *pro se* (“Mr. Sykes”), for blatantly failing to comply with the mandatory requirements of Rules 209, 210, 211, 262, and 267, SCACR. Additionally, PVOne REO also respectfully requests this Court of Appeals to strike Mr. Sykes’ “*Final Brief of Appellant*” (the “*Final Brief*”), as well as Mr. Sykes’ “*Record on Appeal*” (the “*Record*” or “*ROA*”). The grounds of this motion, among other reasons, are that Mr. Sykes has consistently and continually failed to both comply with and/or abide by:

- a. **Orders and/or directives issued by this Court of Appeals¹ and**
- b. **the recognized and established appellate rules and procedures of South Carolina’s appellate court system.**

I. STATEMENT OF THE CASE AND THE FACTS

On 3 August 2022, the Respondent, PVOne REO, LLC (“PVOne REO”), brought a quiet title action 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 Circuit Court appointed Kelly Y. Woody, Esquire to represent the White Estate and the Unknown Defendants. On 16

¹ See Order of the South Carolina Court of Appeals dated 15 August 2024 (the “2024.08.15 COA Order”); Order of the South Carolina Court of Appeals dated 18 April 2024 (the “2024.04.18 COA Order”).

August 2022, Attorney Woody provided written notice of (a) her appointment, (b) these quiet title proceedings, and (c) the ultimate probable effect of the quiet title proceeding to Mary White's heirs and any persons who might claim and interest in and/or otherwise assert some entitlement to all or part of the Jacksonville Road Property. Attorney Woody did not receive any response to her written notifications.

The Master-In-Equity, on 12 January 2023, confirmed PVOne REO had purchased marketable, fee simple to the Jacksonville Road Property through its tax deed from Charleston County and all other claims, liens, rights, *etc.* were barred and extinguished. (*Id.*, at p.8). On 31 January 2023, Mr. Sykes moved to both intervene and to vacate the *Final Order* confirming PVOne REO's marketable, fee simple tax deed title. The Master-In-Equity held a hearing on 13 April 2023 and, post-hearing, accepted various exhibits from both Mr. Sykes and PVOne REO. 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 2023.² 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 held a hearing to consider PVOne REO's motion on 4 March 2024, and later required 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, in an effort to reduce the number of submissions herein, issued a directive which consolidated Mr. Sykes' two *Notices of Appeal* into one

² After Mr. Sykes filed his Notice of Appeal, he filed his Second Motion to Vacate on 3 July 2023 and then a Motion for Clarification of Orders on 25 July 2023. The Master-in-Equity never addressed either motion.

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. (2024.04.18 COA Order, p.2). In response, Mr. Sykes filed as *Amended Initial Brief* and *Amended Designation of Matter* on 14 May 2024.³ PVOne REO then unsuccessfully moved to dismiss the appeal or, in the alternative, to strike the *Amended Initial Brief* and *Amended Designation of Matter* on the grounds they failed to comply with this Court of Appeals' directives. Mr. Sykes has now filed the Record on Appeal and his Final Brief which, as usual, violates this Court of Appeals' directives and the appellate rules.

II. ARGUMENT AND CITATION OF AUTHORITY

Even though a "*pro se* litigant is not held to the same high standards as a member of the [South Carolina] Bar",⁴ they "must meet certain standards, including "respect for court orders without which effective judicial administration would be impossible."⁵ More importantly, "while th[is] [C]ourt [of Appeals] should afford a *pro se* litigant every reasonable opportunity to construct and present a potentially meritorious claim, th[is]

³ The 2024.04.18 COA Order consolidated Mr. Sykes' two Notices of Appeal and afforded him the opportunity to address the appeal bond imposition issues raised in the second Notice of Appeal. When Mr. Sykes filed his *Amended Initial Brief* he seemingly declined this Court of Appeals' offer to address the appeal bond dispute. Mr. Sykes' *Amended Initial Brief* was nothing more than a re-ordering and re-compilation of his Initial Brief. Mr. Sykes did not mention, much less address, the appeal bond issue in the *Amended Initial Brief*. Interestingly, Mr. Sykes did propose via his *Amended Designation of Matter*, to include in the *Record on Appeal*, albeit entirely improperly, documentation involved with the appeal bond dispute – an issue he clearly abandoned by failing to address it in his *Amended Initial Brief*.

⁴ *Pack v. South Carolina Wildlife and Marine Resources Dept.*, 92 F.R.D. 22, 25 (D.S.C., filed 6 Oct. 1981) (citing *Cruz v. Beto*, 405 U.S. 319, (1972); *Haines v. Kerner*, 404 U.S. 519 (1972)).

⁵ *Whittemore v. Astrue*, 2011 WL 6819098, at *1 (D.S.C., filed 28 Oct. 2011) (citing *Ballard v. Carlson*, 882 F.2d 93, 96 (4th Cir. 1989)).

[C]ourt [of Appeals] cannot act as counsel for the pro se litigant or excuse a failure to comply with the rules of this [C]ourt [of Appeals].”⁶ Consequently, as this Court of Appeals acknowledged, in Wilmington Savings Fund Society FSB as Trustee of Stanwich Mortgage Loan Trust C v. Bruce, “ ‘[a] pro se litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law.’ ”⁷ Moreover, the South Carolina Supreme Court, in Henning v. Kaye, recognized the “South Carolina Appellate Court Rules [we]re not mere technicalities but provide[d] the parties and [our appellate] [c]ourt[s] with an orderly mechanism through which to guide appeals in this State.”⁸ Therefore, as this Court of Appeals held, in Cohen v. Cohen, “[i]t is incumbent upon [the parties] to provide material that complies with the Rules and facilitates appellate review.”⁹ Furthermore, this Court of Appeals further stated “[p]ro se litigants have a duty to remain up-to-date on the progress of their case and comply with court orders.”¹⁰

⁶ Thompke v. City of Myrtle Beach, South Carolina, 2005 WL 8162877, at *2 (D.S.C., filed 1 Dec. 2005). See generally Barnett v. Hargett, 174 F.3d 1128, 1133 (10th Cir. 1999); Small v. Endicott, 998 F.2d 411, 417-418 (7th Cir. 1993); Beaudett v. City of Hampton, 775 F.2d 1274, 1278 (4th Cir. 1985), *certiorari denied*, 475 U.S. 1088 (1986).

⁷ Wilmington Savings Fund Society FSB as Trustee of Stanwich Mortgage Loan Trust C v. Bruce, 2024 WL 180964, at *2 (S.C.App., filed 17 Jan. 2024) (quoting State v. Burton, 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 n.5 (2003)). See also generally McNeil v. United States, 508 U.S. 106, 113 (1993) (cleaned up) (“[W]e have never suggested that procedural rules in ordinary civil litigation should be interpreted so as to excuse mistakes by those who proceed without counsel.”).

⁸ Henning v. Kaye, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992).

⁹ *Id.*

¹⁰ Cohen v. Cohen, 438 S.C. 9, 19, 881 S.E.2d 650, 655-656 (Ct.App. 2022) (citing Hill v. Dotts, 345 S.C. 304, 310, 547 S.E.2d 894, 897 (Ct.App. 2001) (“[A] party has a duty to monitor the progress of his case. Lack of familiarity with legal proceedings is unacceptable and the court will not hold a layman to any lesser standard than is applied to an attorney.” (Alteration in original) (quoting Goodson v. Amer. Bankers Ins. Co., 295 S.C. 400, 403, 368 S.E.2d 687, 689 (Ct. App. 1988)))).

A. Mr. Sykes Record On Appeal Failed To Comply With Both The 2024.08.15 COA Order And The Appellate Rules

1. *Mr. Sykes' Record on Appeal*

As previously noted, PVOne REO moved to dismiss the appeal in its entirety or, in the alternative, to strike Mr. Sykes' Amended Initial Brief and Amended Designation of Matter. Even though this Court of Appeals denied PVOne REO's motion, this Court of Appeals specifically directed Mr. Sykes to:

- (a) file the *Record on Appeal* within 30 days of 15 August 2024;
- (b) make sure the *Record on Appeal* "include[d] all matter designated to be included by any party under Rule 209[, SCACR];" and
- (c) make sure the *Record on Appeal* "compl[ied] with the requirements of Rule 267[, SCACR]."¹¹

Most importantly, this Court of Appeals directed Mr. Sykes to ensure that "[t]he Record [on Appeal] shall not . . . include matter which was not presented to the lower court or tribunal."¹²

While Mr. Sykes did seemingly filed the *Record on Appeal* with this Court of Appeals in a timely fashion,¹³ that is the sole directive from either this Court of Appeals of the appellate court rules to which Mr. Sykes complied. The *Record on Appeal* and the *Final Brief* fail to comply with Rules 209, 210, 211, 262, and 267, SCACR, in the following specifications:

¹¹ 2024.08.15 COA Order, p.2.

¹² *Id.* (Emphasis added). This Court of Appeals noted Mr. Sykes' "[f]ailure to comply with this order may result in dismissal of this appeal." *Id.* (Emphasis added).

¹³ The improper Certificate of Service states the "notice" was served on counsel on 14 May 2024. As of the date of this motion, the undersigned has not been served with a copy of either the *Record on Appeal* or Mr. Sykes' Final Brief.

- Rule 209(b), SCACR: Including documentation in the *Designation of Matter* which is not relevant to the appeal.
- Rule 209(c), SCACR: Improper certification stating *Designation of Matter* contains no matter which is irrelevant to the appeal.
- Rule 210(c), SCACR: *Record on Appeal* contains documentation which neither party designated for inclusion.
- Rule 210(c), SCACR: *Record on Appeal* contains documentation not presented to the lower court.
- Rule 210(c), SCACR: *Record on Appeal* contains documentation not relevant to the appeal.
- Rule 210(c), SCACR: Index to the *Record on Appeal* does not properly reflect the correct page numbers for the documentation included.
- Rule 210(e), SCACR: Index to the *Record on Appeal* does not properly reflect the correct page numbers for the documentation included.
- Rule 210(g), SCACR: Improper certification stating *Record on Appeal* contains all material proposed to be included by any of the parties as the *Record on Appeal* does not contain all of the designated documentation.
- Rule 210(g), SCACR: Improper certification stating *Record on Appeal* contains only designated documentation as the *Record on Appeal* contains material not designated by either party.
- Rule 211(a), SCACR: The *Final Brief of the Appellant* was not signed either electronically or otherwise to certify it complies with Rule 211(b), SCACR.

- Rule 211(b)(1), SCACR: The *Final Brief of the Appellant* does not contain specific references to the *Record on Appeal*.
- Rule 262(b), SCACR: *Proof of Service* is incorrect as to document served and date of service (indicates service of a "Notice" to opposing counsel on "May 14, 2024").
- Rule 262(b), SCACR: There is no *Proof of Service* for the *Final Brief of the Appellant*.
- Rule 267(c), SCACR: *Final Brief of the Appellant* is not double spaced through.

Mr. Sykes' submitted *Record on Appeal*, as noted above, violates the appellate court rules in numerous ways, as well as this Court of Appeals' directives as set forth in the 2024.08.15 COA Order. For example Mr. Sykes has included the below-listed documentation in the *Record on Appeal* (some 77 or so pages) even though **NONE** of the documentation was (A) referenced by either party in their respective *Designations of Matter* (whether original or amended), (B) ruled on, present to, and/or considered by the lower court, and (C) cited in Mr. Sykes' *Final Brief*:¹⁴

I. ORDERS/JUDGMENTS/OPINIONS

6. Master Order Granting Motion/Set Bond or Lift Automatic Stay 03/14/2024 – 16:26 (*Record on Appeal* – pp.25-29)¹⁵

II. PLEADINGS

5. PVOne REO LLC's Notice of Filing of Complaint 08/09/2022 – 07:33 (*Record on Appeal* – pp.45-46)

¹⁴ The numbers next to the described document refers to the number set forth in the *Index* to the *Record on Appeal*.

¹⁵ The Master-In-Equity did issue this order, but it is not part of this appeal. Mr. Sykes has abandoned any possible argument regarding the appeal bond issue by failing to address it in either his *Amended Initial Brief of the Appellant* or his *Final Brief of the Appellant*.

8. Notice of Appearance Atty Woody 08/11/2022
– 17:41
(*Record on Appeal* – undesignated pages)
(Does not appear to actually be included in the
Record on Appeal)
10. Service/Certificate of Service 09/26/2022 –
14:14
(*Record on Appeal* – undesignated pages)
Does not appear to actually be included in the
Record on Appeal)

III. MOTIONS

4. 2nd Motion to Vacate & Certificate of Service
07/03/2023 – 12:50 (*Record on Appeal* – pp.73-
83)
5. Motion for Clarification of Orders 07/25/2023 –
12:22
(*Record on Appeal*, pp.84-86)
6. Motion/Life Automatic Stay or Alternative
Require Appellant [to Post Appeal Bond]
10/26/2023 – 15:27
(*Record on Appeal*, pp.87-91)¹⁶

I. TRANSCRIPTS

2. Hearing 2 No Transcript
(*Record on Appeal* – undesignated pages) Does
not appear to actually be included in the *Record*
on Appeal)

II. EXHIBITS

1. Complaint in *Mary White v. Monday Green* 79-
CP-10-2289
(*Record on Appeal* – pp.118-122)

Order of Restoration dated 29 January
1981 in *Mary White v. Monday Green* 79-
CP-10-2289
(*Record on Appeal* – p.123)

¹⁶ The Master-In-Equity did ultimately address this motion, but it is not a part of this appeal. Mr. Sykes has abandoned any possible argument regarding the appeal bond issue by failing to address it in either his Amended Initial Brief of the Appellant or his Final Brief of the Appellant.

Order Striking Case dated 10 October 1980 in Mary White v. Monday Green 79-CP-10-2289

(*Record on Appeal* – p.124)

Master's Report and Final Decree dated 31 March 1981 in Mary White v. Monday Green 79-CP-10-2289

(*Record on Appeal* – pp.125-132)

Affidavit of John W. Bennett, Jr., Esquire sworn to on 7 December 1979 in Mary White v. Monday Green 79-CP-10-2289

(*Record on Appeal* – p.133)

Order of Default and Reference in Mary White v. Monday Green 79-CP-10-2289

(*Record on Appeal* – pp.134-135)

Affidavits of Publication

(*Record on Appeal*, pp.136-137)

4. Brethren Of Love Society Trust Deed and Plats
(*Record on Appeal*, pp.154-161G)

6. Mark Lehrer Letter dated 21 April 2022
(*Record on Appeal*, p.197).

8. DeWayne White Estate (Order of Appointment Guardian)
(*Record on Appeal*, pp.168-169)

Certificate of Appointment dated 17 October 1988

(*Record on Appeal*, p.170)

Certificate of Discharge dated 25 April 2011

(*Record on Appeal*, p.171)

Certificate of Appointment dated 25 February 2015

(*Record on Appeal*, p.172)

10. Notice of Electronic Notification 08-09-2022
(*Record on Appeal*, pp.173-174)

11. Notice of Electronic Notification 08-11-2022
(*Record on Appeal*, pp.175-176)

12. Notice of Electronic Notification 09-12-2022
(*Record on Appeal*, pp.177-178)

13. Notice of Electronic Notification 09-26-2022
(*Record on Appeal*, pp.179-180)
14. Notice of Electronic Notification 09-26-2022
(*Record on Appeal*, pp.181-182)
15. Notice of Electronic Notification 12-20-2022
(*Record on Appeal*, pp.183-184)
16. Notice of Electronic Notification 12-20-2022
(*Record on Appeal*, pp.185-185) (double
numbered)
17. Notice of Electronic Notification 01-10-2023
(*Record on Appeal*, pp.186-187)
18. Notice of Electronic Notification 01-12-2023
(*Record on Appeal*, pp.188-189)
19. Notice of Electronic Notification 01-12-2023
(*Record on Appeal*, pp.190-191)
20. Notice of Electronic Notification 02-09-2023
(*Record on Appeal*, pp.192-193)
21. Notice of Electronic Notification 02-27-2023
(*Record on Appeal*, pp.194-195)
22. South Carolina Secretary of State Business
Entities Online (Pine Valley One Real Estate
LLC)
(*Record on Appeal*, p.200)
23. South Carolina Secretary of State Business
Entities Online (PVone REO LLC)
(*Record on Appeal*, p.201)

Additionally, Mr. Sykes has failed to include in the Record on Appeal significant documentation which both he and PVOne REO designated for inclusion in their respective Designations of Matter (whether original or amended):

VI. EXHIBITS

____. Exhibit List for Final Hearing filed on 10
January 2023:

Exhibit 1 Charleston County Tax
Deed from Charleston County
Delinquent Tax Collector to

PVOne REO, LLC dated 18 March 2022 and recorded in Book 1098 at Page 183 on 7 April 2022;

Exhibit 2 Quit Claim Deed from Lucreita B. Lucado to Mary A. White dated 20 April 1981 and recorded in Book E125 at Page 36 on 20 April 1981 (**included in the Record on Appeal, pp.164-167**);

Exhibit 3 Affidavit of Edrian J. Trakas sworn to on 30 December 2022 (with attached exhibits) (**included in the Record on Appeal, pp.115-117**):

Exhibit A Execution Notice to Mary A. White from Charleston County Delinquent Tax Office dated 19 June 2020 (addressed to Mary A. White at 1953 Jacksonville Road, North Charleston, South Carolina);

Exhibit B Official Notice of Levy and Public Tax Sale to Mary A. White from Charleston County Delinquent Tax Collector dated 23 July 2022 (addressed to Mary A. White at 1953 Jacksonville Road, North Charleston, South Carolina);

Exhibit C Charleston County Delinquent Tax Sale notice of levy and seizure of 1959 Jacksonville Road by Tax Collector of Charleston County (red notice posted on porch pillar of 1959 Jacksonville Road on 22 October 2022);

Exhibit D Delinquent Tax Sale Notice as posted in *The Post and Courier* on 28 October 2022, 4 November 2022, and 11 November 2022;

Exhibit E Final Notice of Property Redemption notice to Mary A. White or (if deceased), Heirs of Same dated 11 October 2022 (listing delinquent tax address on 1959 Jacksonville Road) (addressed to Mary A. White or, if deceased, Heirs of Same at 1953 Jacksonville Road, North Charleston, South Carolina);

— Certificate of Mailing Affidavit of Harvey M. Dick, II sworn to on 28 March 2023 (Mailing notice of motions hearing on DeWayne Alphonza Sykes);

— Exhibits Submitted by DeWayne A. Sykes:

2. Devise/Descent of Real Estate in the Estate of Frank White, Sr., Case No 73-559, dated October 1973, and reflecting Mary Ancrum White, widow of Frank White, Sr., a life estate, and Frank White, Jr., William Timothy White, Clinton White, and Dewayne Alphonza White, remainder in fee simple, as to the property at 1953 Jacksonville Road, North Charleston, SC and also the property which lies adjacent to and immediately to the rear of 1953 Jacksonville Road;
3. Petition To Prove Will In Common Form Of Law And For Letters (undated) concerning the Estate of Frank White, Sr.;

4. Probate Court Order dated 10 May 1974 dismissing Mary Ancrum White as Executrix of Estate of Frank White, Sr.;
7. Listing of Heirs to Estate of Mary . White (appears to be dated 28 April 1987);

____ Probate Court Form Exhibit A for Schedule A stating Mary A. White had a 100% ownership interest in four separate properties, including Lot Y, Jacksonville Road, TMS No. 466-03-00-154 [1959 Jacksonville Road, North Charleston, SC 29405; and\

____ Certificate of Death of Mary Ancrum White dated 4 December 1996.

____ Exhibits Submitted by PVOne REO, L:LC:

1. Deed from Frank White to Ida Gadsden, dated 5 August 1939 and recorded in the Office of the Register of Deeds for Charleston County on 8 August 1939, in Book O-40, at Page 739;
2. Quit Claim Deed from Mary A. White to Lucreita B. Lucado, dated 6 April 1981, recorded in the Office of the Register of Deeds for Charleston County on 6 April 1981, in Book B-125, at Page 221;
4. Quit Claim Deed from Clinton White, Dewayne A. White, and William Timothy White to Mary A. White dated 15 May 1989, recorded in the Office of the Register of Deeds for Charleston County on 30 May 1989 in Book T184, at Page 216.

Notwithstanding this Court of Appeals providing Mr. Sykes every opportunity to perform appropriately, as well as giving him specific directions on how to do so, Mr. Sykes continues to consistently violate the South Carolina Appellate Court Rules and ignore, if not flaunt, this Court of Appeals' orders and directives. His *Record on Appeal* is a prime example of this proposition. Mr. Sykes, notwithstanding appearing *pro se*, has an obligation and responsibility to comply with the rules. His history demonstrates to the contrary and his appeal must be dismissed if our appellate rules are to mean anything.

2. Mr. Sykes' Final Brief of the Appellant

A cursory review of Mr. Sykes' *Final Brief* clearly and unambiguously shows Mr. Sykes has both ignored and violated Rule 211(b)(1), SCACR, as the *Final Brief* fails to specifically reference any of the documentation contained in the *Record on Appeal*. There is no way to determine if any of Mr. Sykes' assertions are supported by any of the evidence considered by the Master-In-Equity as he has failed to point out any support. Mr. Sykes apparently pursued this methodology as he knew there was no credible evidence admitted in the lower court which could justify his assertions. Mr. Sykes' *Final Brief* is improper and should be stricken.

B. Mr. Sykes's Appeal Must Be Dismissed

Our appellate rules provide, in pertinent part, that "[w]henver it appears that an appellant . . . has failed to comply with the requirements of these [South Carolina Appellate Court] Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court."¹⁷ Enough of this is enough. Mr. Sykes has undisputedly violated both the letter and the spirit of a multitude of our appellate rules

¹⁷ Rule 260, SCACR (Emphasis added). See generally Henning v. Kaye, 307 S.C. 436, 437, 415 S.E.2d 794, 794.

and procedures, as well as this Court of Appeals' orders and directives. Mr. Sykes has not given any impression he intends to comply in any manner whatsoever. Given the egregious nature of Mr. Sykes' several violations, even considering he is appearing *pro se*, this Court of Appeals should and, indeed, must dismiss his appeal in total.

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' appeal. 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

By: *Stephen P. Groves, Sr.*

Stephen P. Groves, Sr., Esquire
S.C. Bar No.: 007854
25 Calhoun Street, Suite 250
Charleston, South Carolina 29401
Telephone: 843.277.3704
Telecopier: 843.277.3701
E-Mail: Stephen.Groves@butlersnow.com

John J. Dodds, III, Esquire
S.C. Bar No.: 001707
CISA & DODDS
858 Lowcountry Boulevard, Suite 101
Mount Pleasant, South Carolina 29464
Telephone: 843.881.6530
E-Mail: john@cisadodds.com

Attorneys for the Respondent, PVOne REO, LLC

Charleston, South Carolina

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**PROOF OF SERVICE for
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Stephen P. Groves, Sr., Esquire
S.C. Bar No.: 007854
BUTLER SNOW LLP
25 Calhoun Street, Suite 250
Charleston, South Carolina 29401
Telephone: 843.277.3704
Telecopier: 843.277.3701
E-Mail: Stephen.Groves@butlersnow.com

John J. Dodds, III, Esquire
S.C. Bar No.: 001707
CISA & DODDS
858 Lowcountry Boulevard, Suite 101
Mount Pleasant, South Carolina 29464
Telephone: 843.881.6530
E-Mail: john@cisadodds.com

*Attorneys for the Respondent,
PVOne REO, LLC*

I, Stephen P. Groves, Sr., Esquire, hereby certify that on 17 September 2024, I served a copy of the **Motion to Dismiss Appeal and to Strike Appellant's Final Brief and Record on Appeal** submitted by the Respondent, PVOne REO, LLC, on the *pro se* Appellant, Mr. DeWayne A Sykes via electronic mail (Mrsykes79@gmail.com) and on 17 September, 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

17 September 2024