

**THE STATE OF SOUTH CAROLINA
In The Supreme Court of South Carolina**

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S.C. SUPREME COURT

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,

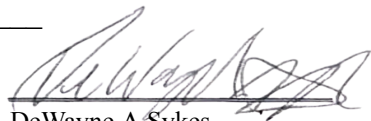
v.

Mary A. White et al,

Appellant.

PETITION FOR CERTIORARI

December 2, 2024


DeWayne A. Sykes
1953 Jacksonville road
N. Charleston, South Carolina 29405
(843) 478-5735
Appellant

CC: John Dodds III
858 Low County Bld ste, 101, Mt, Pleasant, South Carolina 29464

Stephen Peterson Groves
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P.O. Box 6432, Columbia SC 29260

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CERTIFICATE OF PETITIONER

Petitioner, acting on their own behalf, certifies that the Petition for Rehearing was duly filed and ruled upon by the South Carolina Court of Appeals on November 25, 2024.

QUESTIONS PRESENTED

In the Court of Appeals

I. Jurisdictional Deficiency and Improper Service of Process

1. Did the Master in Equity Court err in affirming in its ruling that Respondent PVOne REO, LLC properly served Mary A White, the heirs of , and the Petitioner at 1935 Jacksonville Road when the correct address was 1953, and 1959 Jacksonville Road, in violation of Rule 4 of the South Carolina Rules of Civil Procedure and Mary A White, the heirs of ,and Petitioner's due process rights?
2. Did the Master in Equity Court err in failing to recognize that the Respondent's incorrect property description and reliance on misleading information regarding multiple parcels deprived the lower court of jurisdiction?
3. Was the Master in Equity court's issuance of a default judgment based on improper service of process and deceptive actions by the Respondent legally sufficient under South Carolina law, given the jurisdictional deficiencies?
4. Did the Master in Equity Court err by affirming that the April 2022 letter from the Brethern of love Society known through out this case as the Sykes letter to PINE VALLEY ONE REAL ESTATE LLC was notice of a tax sale at 1959 Jacksonville road.
5. Did the Master in Equity Court err by affirming that PINE VALLEY ONE REAL ESTATE LLC is the Plaintiff to this case along with PVOne REO, LLC?

Petition for Rehearing

1. Did the Court of Appeals err by dismissing the appeal based on a misunderstanding of the facts concerning compliance with Rule 209, SCACR, and failing to acknowledge verifiable proof of submission of relevant documents?
2. Was the dismissal order of the Court of Appeals impermissibly vague and lacking in specificity, thereby violating the principles of due process?
3. Should the Court of Appeals have permitted Appellant to amend or correct the Record on Appeal in accordance with Rule 240, SCACR?
4. Did the Court of Appeals fail to account for procedural irregularities and external factors, including ignored requests for essential transcripts, when dismissing the appeal?
5. Was Rule 210(c), SCACR, misapplied by the Court of Appeals despite Appellant's diligent compliance efforts?

To The Supreme Court

1. Are the orders on appeal interlocutory, where they affect the Due Process and other rights of Petitioner and Mary White and the heirs?
2. Was the circuit court / Master in Equity Court without jurisdiction to hear the case, which was explicitly based on improper service of process of the summons and complaint.
3. Did the Court of Appeals err in finding that no material fact or principle of law was overlooked or disregarded, despite substantial evidence to the contrary?
4. Did the Court of Appeals err in practicality affirming the Master in Equity Court in affirming in it's ruling that Respondent PVOne REO, LLC properly served Mary A White, the heirs of , and the Petitioner at 1935 Jacksonville Road when the correct address was 1953, and 1959 Jacksonville Road, in violation of Rule 4 of the South Carolina Rules of Civil Procedure and Mary A White, the heirs of ,and Petitioner's due process rights?
5. Did the Courts err in finding when the Respondent and its attorneys knowingly misled the court by claiming to serving the Summons and Complaint at the wrong address leads to Deception Leading to a Default Judgment and causing the court to erroneously conclude it had jurisdiction did not undermined the fairness of the legal process and violated the Appellant's right to a fair hearing?

STATEMENT OF THE CASE

This case arises from the Court of Appeals' dismissal of Appellant's appeal for alleged non-compliance with the South Carolina Appellate Court Rules. Specifically, the Court dismissed the appeal on the basis that the Record on Appeal did not conform to Rule 209, SCACR.

Appellant asserts that:

- All relevant documents were submitted and transmitted via registered mail to the Master in Equity's office, as verified by proof of submission.
- Efforts to secure the Supersedeas Bond hearing transcript were made but ignored by the lower court's office.
- The dismissal order issued by the Court of Appeals on October 16, 2024, lacked specificity, failing to identify the alleged deficiencies in the Record.

Despite these facts, the Court granted Respondent's motion to dismiss without affording Appellant the opportunity to amend or correct the Record. This resulted in an unjust outcome contrary to principles of due process and judicial fairness.

The Petitioner, DeWayne Sykes, seeks review of a default judgment issued by the Master in Equity Court and affirmed by the Court of Appeals, concerning a tax sale dispute involving property located at 1959 Jacksonville Road. The Respondent, PVOne REO, LLC, initiated the proceedings by filing a complaint alleging delinquent taxes. However, the Respondent improperly served the summons and complaint at an incorrect address, 1935 Jacksonville Road, rather than at the Petitioner's correct addresses (1953, 1959, and 1965 Jacksonville Road).

The Master in Equity Court issued a default judgment in favor of Respondent despite the jurisdictional deficiencies and the misleading information provided in the complaint. The Court of

Appeals subsequently affirmed the judgment and dismissed Petitioner's appeal, finding no material errors in the lower court's proceedings. This petition asserts that these decisions were erroneous and violated Petitioner's due process rights.

ARGUMENT

1. The Court of Appeals Overlooked Key Facts and Principles of Law

The Court of Appeals erred in determining that no material fact or principle of law was overlooked. Appellant provided verifiable proof that all necessary documents were properly designated and submitted in compliance with Rule 209, SCACR. The decision to dismiss appears to have disregarded these facts, leading to an unjust result.

2. The Dismissal Order Lacked Specificity and Violated Due Process

The Court's order of dismissal was impermissibly vague, failing to specify the alleged deficiencies in the Record on Appeal. Due process mandates that parties be clearly informed of the grounds for dismissal. The lack of clarity left Appellant without guidance on how to amend the Record, thereby prejudicing Appellant's rights.

3. Appellant Was Not Permitted to Amend or Correct the Record

Even if deficiencies existed in the Record on Appeal, the Court should have allowed Appellant to amend or correct them. Rule 240, SCACR, supports the principle that procedural errors should not bar a case from being heard on its merits. The premature dismissal was inconsistent with this rule and fundamental fairness.

4. Procedural Irregularities Were Ignored

Appellant's efforts to obtain the Supersedeas Bond hearing transcript were repeatedly ignored by the lower court's office. These irregularities, beyond Appellant's control, contributed to the alleged deficiencies in the Record. Penalizing Appellant for such external factors is unjust and warrants reconsideration.

5. Rule 210(c) Was Misapplied

The Court of Appeals misapplied Rule 210(c), SCACR, in dismissing the appeal. Appellant had complied with Rule 209 by submitting all relevant materials. Any perceived deficiencies stemmed from misunderstandings or procedural irregularities that should have been resolved through an opportunity to amend the Record, not by outright dismissal.

I. Jurisdictional Deficiency and Improper Service of Process

A. Improper Service of Process and Lack of Jurisdiction

Under South Carolina law, proper service of process is essential to confer jurisdiction on the court. Rule 4, South Carolina Rules of Civil Procedure, mandates that summons and complaints must be served at the correct address to ensure notice to the defendant. In this case, Respondent served the summons at 1935 Jacksonville Road, an address that does not belong to Petitioner, despite having knowledge of Petitioner's actual addresses at 1953, 1959, and 1965 Jacksonville Road.

This improper service undermines the jurisdiction of the Circuit Court. Without proper service, the court's orders and judgments are void ab initio, as the court lacks authority over the person of the defendant.

B. Failure to Serve at the Correct Address

Respondent's failure to serve the summons and complaint at 1959 Jacksonville Road constitutes a fatal procedural error. Public records and prior communications unequivocally demonstrate that Respondent knew or should have known the Petitioner's correct address. Service at an incorrect address violates Petitioner's due process rights, which guarantee notice and an opportunity to be heard before depriving an individual of property.

C. Incorrect Property Descriptions and Misleading Information

The Respondent's complaint is fundamentally flawed due to incorrect property descriptions and misleading information that create jurisdictional confusion and further deprive the Petitioner of due process. Specifically, the complaint:

1. Property Description Discrepancies:
 - The complaint references 1935 Jacksonville Road while relying on a tax map sequence number (TMS 466-03-00-154) that encompasses multiple parcels, including 1959 Jacksonville Road.
 - This inconsistency misrepresents the facts and fails to adequately identify the property in question, undermining the jurisdictional basis of the proceedings.
 - The failure to provide clear and accurate property descriptions violates procedural fairness and imposes an unreasonable burden on the Petitioner to discern the exact nature of the claims.
2. Historical and Legal Context of the Property:
 - The land in question, part of the Stromboli Farm on Charleston Neck, has historical significance as it was identified in an 1875 trust deed as belonging to The Brethren of Love Society, a charitable organization.
 - As the established titleholder of this property, The Brethren of Love Society retains ownership unless a valid, board-approved, and properly executed sale is evidenced.
3. Charitable Status and Legal Protections:
 - The Brethren of Love Society was established prior to 1886 and qualifies as a charitable organization created before 1900, falling under the protections of SECTION 33-31-305 of the South Carolina Nonprofit Corporation Act.
 - Under SECTION 33-31-302, the Society retains broad powers to manage its property and affairs, including the presumption of perpetual corporate powers unless explicitly dissolved or superseded by lawful action.
 - The South Carolina Constitution Article X, Section 3, along with state statutes, provides property tax exemptions for organizations exclusively serving charitable purposes. As such, the land owned by the Brethren of Love Society, including the subject property at 1959 Jacksonville Road the head quarters of the organization for over 149 years is exempt from ad valorem taxation.
4. Invalid Property Tax Sale:
 - Any sale of the Stromboli Farm or its subdivisions, including 1959 Jacksonville Road, would have required:
 - Proper board authorization as evidenced by meeting minutes documenting the decision.
 - A valid deed executed with signatures of board members.
 - Without these elements, any purported sale of ownership is legally invalid.
5. Violation of Constitutional and Statutory Rights:
 - The property tax assessment and subsequent sale conducted by Charleston County are in direct violation of:

- The South Carolina Constitution Article X, Section 3, which prohibits ad valorem taxation on property used exclusively for charitable purposes.
- The Nonprofit Corporation Act, which upholds the rights and protections of pre-1900 charitable organizations like The Brethren of Love Society.
- As such, any property tax sale on the Stromboli Farm land is void ab initio and constitutes an unlawful encroachment on the rights of a historic charitable trust.

II. Lack of Personal Jurisdiction

Personal jurisdiction requires valid service of process. By serving Petitioner at an incorrect address, Respondent failed to meet the fundamental requirement for conferring personal jurisdiction upon the court. The resulting orders, including the default judgment, are void and without legal effect.

III. Deception Leading to Default Judgment

Respondent's reliance on service at 1935 Jacksonville Road and its argument that a letter dated April 5, 2022, concerning 1953 Jacksonville Road provided notice for the tax sale of 1959 Jacksonville Road misled the court. The court's reliance on these assertions created a false presumption of proper service and jurisdiction. This deception resulted in the issuance of a default judgment, depriving Petitioner of an opportunity to defend against the claims on the merits.

IV. Due Process Violations and Judicial Fairness

The improper service, coupled with the vague and misleading information in the complaint, deprived Petitioner of his constitutional right to due process. Due process mandates notice and an opportunity to be heard, which were denied in this case. The lower court's and Court of Appeals' failures to address these jurisdictional deficiencies undermine the integrity of the judicial process and warrant review by this Honorable Court.

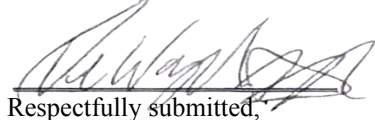
V. Sovereign Immunity and Official Immunity Protect Against Respondent's claims

The Petitioner argues that sovereign immunity prevents Respondent from bringing this suit in state court, as it clearly appears in substitute to Marry White and the heirs of Marry White that the Brethern of love Society's trust is the real party in interest. Furthermore, the Petitioner contends that he is a tribal official acting within the scope of his official duties with in the Brethern of Love Society, and Respondent cannot bypass sovereign immunity by naming Petitioner as an individual official in place of the Brethern of love Society's trust itself. Official Immunity protects government officials from liability for actions within the scope of their duties- should shield Petitioner from this lawsuit. Respondent's claims must fall under either doctrine.

RELIEF REQUESTED

Petitioner respectfully requests that the Supreme Court of South Carolina grant this Petition for Writ of Certiorari and:

1. Review the decision of the Court of Appeals dismissing the appeal.
2. Provide clear instructions or remand the case to allow Appellant to amend or correct the Record on Appeal.
3. vacate the judgments of the lower courts, and remand the case with instructions to dismiss the Respondent's claims for lack of jurisdiction.
4. Alternatively, Petitioner requests that this Court order a new hearing to address the jurisdictional deficiencies and provide Petitioner with an opportunity to present evidence on the merits of the case.
5. Petitioner further requests any other relief that the Court deems just and proper.



Respectfully submitted,

DeWayne Sykes
Petitioner, Pro Se

Date: December 2, 2024

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