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Dec 10 2024

S.C. SUPREME COURT

**STATE OF SOUTH CAROLINA  
IN THE  
SUPREME COURT**

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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. 2024-0002005**

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*Ex parte:* DeWayne Alphonza Sykes,

Petitioner,

*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.

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**RETURN OF THE RESPONDENT  
TO THE PETITIONER'S  
PETITION FOR WRIT OF CERTIORARI**

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*Attorneys for the Respondent,  
PVOne REO, LLC*

TO: THE HONORABLE JUSTICES OF THE SUPREME COURT OF SOUTH CAROLINA:

COMES NOW the Respondent, PVOne REO, LLC (“PVOne REO”), pursuant to Rules 240(e) and 242(f) of the South Carolina Appellate Court Rules, and respectfully requests this Supreme Court to deny the *Petition for Writ of Certiorari* filed by the Petitioner, DeWayne Alphonza Sykes, appearing as *pro se* (“Mr. Sykes”), as meritless.<sup>1</sup>

The South Carolina Court of Appeals dismissed Mr. Sykes’ appeal, not “on the merits” (of which there were absolutely none), but for both continually and blatantly failing to comply with the mandatory requirements of the South Carolina Appellate Court Rules, especially Rules 209, 210, 211, 262, and 267, SCACR, as well as consistently and continually failing to either comply with and/or abide by the written orders and/or directives issued to him by the Court of Appeals.<sup>2</sup>

## I. STATEMENT OF THE CASE AND THE FACTS

On 3 August 2022, PVOne REO brought a quiet title action the Defendants, The Estate of Mary A. White (the “White Estate”), and others who were claiming or could potentially assert a claim under her will as her heirs and/or devisees (the “Unknown Defendants”). PVOne REO sought to confirm its tax title issued by Charleston County as

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<sup>1</sup> PVOne REO recognizes our appellate rules provide a party’s *Return* to a petitioner’s *Petition for Writ of Certiorari* “shall include an argument on each question and may include a counter-statement of the case and of the questions presented for review.” See Rule 242(f), SCACR. Unfortunately, due to Mr. Sykes’ “shotgun” approach to the questions he had raised in *his Petition for Writ of Certiorari*, the ability to coherently address each of his issues has, at best, been significantly diminished. This is especially true since the Court of Appeals’ dismissal of his appeal was based upon reasons other than the actual merits (of which there were none) of the case.

<sup>2</sup> 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”). Copies of the 2024.08.15 Order and the 2024.04.18 Order are collectively attached hereto as Exhibit “A” and incorporated herein by reference as are all other included exhibits.

“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 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.

On 12 January 2023, the Master-In-Equity confirmed PVOne REO had purchased marketable, fee simple to the Jacksonville Road Property through its tax deed from Charleston County and barred and extinguished all other claims, liens, rights, *etc.* 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 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 the Court of Appeals on 7 July 2023.<sup>3</sup>

PVOne REO later moved to lift the automatic stay or, in the alternative, to require Mr. Sykes to post an appeal bond. The Master-In-Equity ultimately 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. The Court of Appeals, in an effort to reduce the number of submissions herein, consolidated Mr. Sykes’ two *Notices of Appeal* into one

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<sup>3</sup> After Mr. Sykes filed his Notice of Appeal, he filed a 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 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 concerning the appeal bond matter. (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.<sup>4</sup> PVOne REO then unsuccessfully moved to dismiss the appeal or to strike the *Amended Initial Brief* and *Amended Designation of Matter* on the grounds they failed to comply with the Court of Appeals' directives. Mr. Sykes then filed the *Record on Appeal* and his *Final Brief* which, as had been the case throughout, violated the Court of Appeals' directives and our appellate rules.

On 17 September 2024, PVOne REO then filed another *Motion to Dismiss* Mr. Sykes' appeal for his continued blatant refusal to comply with the appellate rules and submit correct and proper appellate documents<sup>5</sup> even though the Court of Appeals had afforded Mr. Sykes every opportunity to comply. The Court of Appeals finally dismissed the appeal by order dated 16 October 2024, and denied Mr. Sykes' *Petition for Rehearing* on 25 November 2024. Mr. Sykes' now seeks *certiorari* from this Supreme Court.

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<sup>4</sup> 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 apparently declined the Court of Appeals' offer to address the appeal bond dispute as the new document did not contain any arguments or substantive references to 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.

<sup>5</sup> See Mr. Sykes' Direct Violations of the South Carolina Appellate Court Rules (the "Sykes' SCACR Violations"). A copy of the Sykes' SCACR Violations is attached hereto as **Exhibit "B"**. This exhibit sets forth in detail Ms. Sykes' violations of our appellate rules, as well as sets forth exactly how the applicable rule was violated.

## II. ARGUMENT AND CITATION OF AUTHORITY<sup>6</sup>

Even though a “*pro se* litigant is not held to the same high standards as a member of the [South Carolina] Bar”,<sup>7</sup> they “must meet certain standards, including “respect for court orders without which effective judicial administration would be impossible.”<sup>8</sup> More importantly, “while th[is] [Supreme] [C]ourt should afford a *pro se* litigant every reasonable opportunity to construct and present a potentially meritorious claim, th[is] [Supreme] [C]ourt cannot act as counsel for the *pro se* litigant or excuse a failure to comply with the rules of this [Supreme] [C]ourt.”<sup>9</sup> Consequently, as the South Carolina 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.’ ”<sup>10</sup> The United States Supreme Court, in McNeil v. United States, stated “we have never suggested that procedural rules in ordinary civil litigation

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<sup>6</sup> “A writ of *certiorari* is not a matter of right, but of sound judicial discretion, and will be granted only where there are special and important reasons.” Rule 242(b), SCACR. A cursory review of Mr. Sykes’ *Petition for Writ of Certiorari* clearly demonstrates there are neither special nor important reasons justifying this Supreme Court to consider his arguments in a positive light. Mr. Sykes’ arguments and issues do not invoke any deliberation under the enumerated, admittedly non-exclusive, designated consideration categories. See generally Rule 242(b)(1)-(5), SCACR.

<sup>7</sup> 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)).

<sup>8</sup> 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)).

<sup>9</sup> 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).

<sup>10</sup> 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) (*per curiam*) (quoting State v. Burton, 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 n.5 (2003)).

should be interpreted so as to excuse mistakes by those who proceed without counsel.” Moreover, as this Supreme Court 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.”<sup>11</sup> Consequently, “[i]t is incumbent upon [the parties] to provide material [which] complies with the Rules and facilitates appellate review.”<sup>12</sup> Furthermore, “[p]ro se litigants have a duty to remain up-to-date on the progress of their case and comply with court orders.”<sup>13</sup>

Mr. Sykes has demonstrated a consistent and continuing propensity to ignore, violate, and/or disregard the appellate rules in multiple ways.<sup>14</sup> He continued to do so even after the Court of Appeals directly warned him that his failure to comply could result in dismissal of the appeal. The Court of Appeal, apparently after reviewing Mr. Sykes’ final pre-dismissal submissions, concluded he was going to proceed in his own manner regardless of his consistent “coloring outside of the lines” and dismissed the appeal. The Court of Appeals was correct and afforded Mr. Sykes every opportunity to comply. He failed at every turn and this Supreme Court should not reward his misdeeds by granting Mr. Sykes further opportunities for blatant non-compliance.

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<sup>11</sup> Henning v. Kaye, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992).

<sup>12</sup> *Id.*

<sup>13</sup> 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))).

<sup>14</sup> See Addendum to Return to Petition for Writ of Certiorari dated 10 December 2024 (the “Addendum”). A copy of the Addendum is attached as Exhibit “B”. This includes Mr. Sykes’ violations of the appellate rules regarding the very presentation and contents of his *Petition for Writ of Certiorari*. See Rule 242(d), SCACR.

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 the Court of Appeals denied PVOne REO's motion, the 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[ie]d with the requirements of Rule 267[, SCACR].<sup>15</sup>

Most importantly, the 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.**"<sup>16</sup>

While Mr. Sykes seemingly filed the *Record on Appeal* timely,<sup>17</sup> that is the sole directive from either the Court of Appeals or 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:

Rule 209(b), SCACR: Included documentation in the *Designation of Matter* which was not relevant to the appeal.

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<sup>15</sup> 2024.08.15 COA Order, p.2.

<sup>16</sup> *Id.* (Emphasis added). The Court of Appeals noted Mr. Sykes' "**[f]ailure to comply with this order may result in dismissal of th[e] appeal.**" *Id.* (Emphasis added).

<sup>17</sup> The improper *Certificate of Service* states the "notice" was served on counsel on 14 May 2024.

- Rule 209(c), SCACR: Improper certification stating *Designation of Matter* contained no matter which was irrelevant to the appeal.
- Rule 210(c), SCACR: *Record on Appeal* contained documentation which neither party designated for inclusion.
- Rule 210(c), SCACR: *Record on Appeal* contained documentation not presented to the lower court.
- Rule 210(c), SCACR: *Record on Appeal* contained documentation not relevant to the appeal.
- Rule 210(c), SCACR: Index to the *Record on Appeal* failed to properly reflect the correct page numbers for the documentation included.
- Rule 210(e), SCACR: Index to the *Record on Appeal* failed to properly reflect the correct page numbers for the documentation included.
- Rule 210(g), SCACR: Improper certification stating the *Record on Appeal* contained all material proposed to be included by any of the parties as the *Record on Appeal* failed to contain all of the designated documentation.
- Rule 210(g), SCACR: Improper certification stating *Record on Appeal* contained only designated documentation as the *Record on Appeal* contained 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 complied with Rule 211(b), SCACR.
- Rule 211(b)(1), SCACR: The *Final Brief of the Appellant* failed to contain specific references to the *Record on Appeal*.
- Rule 262(b), SCACR: The *Proof of Service* was incorrect as to document served and date of service (indicated service of a “Notice” to opposing counsel on “May 14, 2024”).

Rule 262(b), SCACR: There was no *Proof of Service* for the *Final Brief of the Appellant*.

Rule 267(c), SCACR: The *Final Brief of the Appellant* was not double spaced through.

Mr. Sykes' submitted *Record on Appeal*<sup>18</sup> violated both the appellate court rules in various and numerous ways, as well as the Court of Appeals' directives set forth in the 2024.08.15 COA Order. For example Mr. Sykes 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, presented to, and/or considered by the lower court, and (C) cited in Mr. Sykes' *Final Brief*:<sup>19</sup>

**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)<sup>20</sup>

**II. PLEADINGS**

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

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<sup>18</sup> Mr. Sykes submitted a copy of the *Record on Appeal* as part of the “Appendix” to his Petition for Writ of *Certiorari*.

<sup>19</sup> The numbers next to the described document refers to the number set forth in the *Index* to the *Record on Appeal*.

<sup>20</sup> 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*.

(*Record on Appeal* – undesignated pages)  
Does not appear to actually be included in the  
*Record on Appeal*)

### III. MOTIONS

4. 2<sup>nd</sup> 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)**21**

### 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)  
  
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)

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**21** 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.

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 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 the 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 consistently violated the South Carolina Appellate Court Rules and ignored, if not flaunt, the Court of Appeals' orders and directives. His *Record on Appeal* was a prime example of this proposition. Mr. Sykes, notwithstanding appearing *pro se*, had an obligation and responsibility to comply with the rules. His history demonstrates to the contrary and his appeal was properly and correctly dismissed if our appellate rules were to mean anything. This Supreme Court has no compelling reason to consider Mr. Sykes' *Petition for Writ of Certiorari* as having any merit.

## **2. Mr. Sykes' Final Brief of the Appellant**

A cursory review of Mr. Sykes' *Final Brief* clearly and unambiguously showed Mr. Sykes both ignored and violated Rule 211(b)(1), SCACR, as the *Final Brief of the Appellant* failed 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 Petition for Writ of Certiorari And Appeal Must Be Finally And Fully 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.”<sup>22</sup> Enough was enough. Mr. Sykes undisputedly violated both the letter and the spirit of a multitude of our appellate rules and procedures, as well as the Court of Appeals' orders and directives. Mr. Sykes never indicated he intended to comply in any manner whatsoever. Given the egregious nature of Mr. Sykes' several violations, even considering he is appearing *pro se*, the Court of Appeals properly dismissed his appeal. This Supreme Court should deny Mr. Sykes' *Petition for Writ of Certiorari* as meritless.

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<sup>22</sup> Rule 260, SCACR (Emphasis added). See generally Henning v. Kaye, 307 S.C. 436, 437, 415 S.E.2d 794, 794.

### III. CONCLUSION

Based upon the arguments and citation of authority, the Respondent, PVOne REO, LLC, respectfully requests this Supreme Court to deny Mr. Sykes' petition. Appearing *pro se* notwithstanding, Mr. Sykes has shown a continual propensity to violate our appellate rules and, moreover, overall refusal to comply with appellate court orders and directives. The Court of Appeals properly dismissed Mr. Sykes' appeal. This Supreme Court should affirm that decision in all respects.

Respectfully submitted:

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