

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

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Dec 16 2024

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
Supreme Court Case No.: 2024-002005

PVONE REO LLC

Respondent,


v.

Mary A. White et al,

Appellant.

REPLY PETITION FOR CERTIORARI

December 16, 2024


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

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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 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?.....4
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Petition for Rehearing

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To The Supreme Court

11. Are the orders on appeal interlocutory, where they affect the Due Process and other rights of Petitioner and Mary White and the heirs?.....6

12. 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.....6

13. 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?.....6

14. 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?.....6

15. 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?.....7

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 court's proceedings. This petition asserts that these decisions were erroneous and violated Petitioner's due process rights.

Argument

1. Jurisdictional Deficiency and Improper Service of Process

Petitioner argues that the Master in Equity Court erred in affirming that PVOne REO, LLC properly served Mary A. White, her heirs, and the Petitioner at 1935 Jacksonville Road when the correct addresses were 1953 and 1959 Jacksonville Road. Under SCRCF Rule 4, proper service by publication requires strict adherence to statutory and procedural requirements. The incorrect address used in the Summons and Complaint invalidates service, as demonstrated in cases such as *Jones v. Wallis*, 211 N.C. App. 353, 712 S.E.2d 180 (2011). The incorrect property descriptions and misleading information regarding multiple parcels deprived the court of jurisdiction, rendering the judgment void under established South Carolina law, including *Universal Benefits, Inc. v. McKinney*, 349 S.C. 179, 561 S.E.2d 659 (Ct. App. 2002). The Master in Equity Court erred by failing to recognize the jurisdictional deficiencies created by the Respondent's reliance on incorrect property descriptions and misleading information. The discrepancy between the property identified in the complaint (1935 Jacksonville Road) and the actual subject of the dispute (1959 Jacksonville Road) created confusion and deprived the Appellant of adequate notice regarding the nature of the claims.

The same with the notice of appointment with the Gal who sent notice served Mary A. White, her heirs, and the Petitioner at 1935 Jacksonville Road when the correct addresses were 1953 and 1959 Jacksonville Road. Under SCRCF Rule 4, proper service requires strict adherence to statutory and procedural requirements.

Moreover, the reliance on an ambiguous tax map sequence number (TMS 466-03-00-154), which encompassed multiple parcels, further obfuscated the claims and impeded the Appellant's ability to defend against the allegations. Such misleading actions undermine the principles of fairness and judicial integrity. Proper jurisdiction cannot be established on the basis of vague or incorrect descriptions that prevent parties from understanding the claims against them.

2. Reliance on Incorrect Property Description and Deceptive Actions

The Master in Equity Court's failure to recognize that the Respondent relied on misleading information regarding multiple parcels led to jurisdictional deficiencies. Service at 1935 Jacksonville Road, rather than 1953 and 1959 Jacksonville Road, was not only incorrect but also misleading. Such reliance on incorrect property descriptions undermines the court's jurisdiction, violating principles set forth in *Richardson Construction Co. v. Meck Engineering & Construction Co.*, 274 S.C. 307, 262 S.E.2d 913 (1980), and *Caldwell v. Wiquist*, 402 S.C. 565, 741 S.E.2d 583 (Ct. App. 2013).

3. Default Judgment Based on Improper Service and Jurisdictional Deficiency

The issuance of a default judgment based on improper service of process and jurisdictional deficiencies was legally insufficient under South Carolina law. In *Universal Benefits, Inc. v.*

McKinney, 349 S.C. 179, 561 S.E.2d 659 (Ct. App. 2002), the court held that lack of personal jurisdiction due to defective service renders judgments void. The default judgment issued in this case should therefore be vacated as it lacks jurisdiction due to the improper service of process.

4. Sykes Letter and Notice of Tax Sale

The April 2022 letter from the Brethren of Love Society (Sykes letter) cannot serve as notice of a tax sale for 1959 Jacksonville Road. The Master in Equity Court erred in affirming this notice, as the incorrect property description rendered it legally insufficient. The reliance on the Sykes letter violated SCRCP Rule 4 and denied due process to Mary A. White, her heirs, and Petitioner, further undermining jurisdiction. The Master in Equity Court erred in its finding. The April 2022 letter from the Brethren of Love Society, known as the Sykes Letter, cannot be construed as notice of a tax sale at 1959 Jacksonville Road. The letter was addressed to Pine Valley One Real Estate LLC, not PVOne REO, LLC, and lacked any indication that it pertained to a tax sale for the 1959 Jacksonville Road property.

Additionally, the letter's content did not meet the standards of notice required under South Carolina tax sale law, which demands clear and unequivocal notification of the tax sale process. The Respondent's attempt to rely on this unrelated correspondence to establish notice is both procedurally and substantively flawed, further undermining the validity of the proceedings.

5. Proper Plaintiffs and Jurisdiction

The Master in Equity Court erred by affirming that PINE VALLEY ONE REAL ESTATE LLC was a proper plaintiff along with PVOne REO, LLC. The Petition for Rehearing demonstrates that PVOne REO, LLC lacked standing, as established in *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992). PINE VALLEY ONE REAL ESTATE LLC was not properly established as a party to this case, thus violating SCRCP Rule 17. The Master in Equity Court erred in this regard. Pine Valley One Real Estate LLC and PVOne REO, LLC are distinct entities with separate legal identities. The Court's conflation of the two entities creates confusion regarding the actual Plaintiff in this case.

Such confusion affects the Appellant's ability to adequately respond to the claims and undermines the integrity of the judicial process. Without clear identification of the proper Plaintiff, jurisdiction and standing become uncertain, further invalidating the Court's rulings.

6. Misunderstanding of Compliance with Rule 209, SCACR

The Court of Appeals erred in dismissing the appeal based on a misunderstanding of the facts regarding compliance with Rule 209, SCACR. Petitioner submitted verifiable proof of compliance, yet the dismissal order lacked specificity, in violation of due process principles as affirmed in *Richardson Construction Co. v. Meck Engineering & Construction Co.*, 274 S.C. 307, 262 S.E.2d 913 (1980).

7. Vagueness of the Dismissal Order

The dismissal order issued by the Court of Appeals was impermissibly vague and lacked specificity, violating due process principles. The Court of Appeals failed to provide detailed guidance on how to correct the Record, thereby depriving Petitioner of the opportunity to amend under Rule 240, SCACR, as required by *Caldwell v. Wiquist*, 402 S.C. 565, 741 S.E.2d 583 (Ct. App. 2013).

8. Opportunity to Amend or Correct Record

The Court of Appeals should have permitted Appellant to amend or correct the Record on Appeal. Procedural errors related to Record non-compliance should not result in automatic dismissal, as established in Rule 240, SCACR, which promotes fairness and judicial economy. The failure to allow for such amendments contravenes the principles set forth in *Universal Benefits, Inc. v. McKinney*, 349 S.C. 179, 561 S.E.2d 659 (Ct. App. 2002).

9. External Factors and Procedural Irregularities

The Court of Appeals erred by failing to account for procedural irregularities and external factors, such as ignored requests for essential transcripts. Appellant made diligent efforts to obtain these transcripts, but no response was received, as noted in *Universal Benefits, Inc. v. McKinney*, 349 S.C. 179, 561 S.E.2d 659 (Ct. App. 2002). This failure unjustly penalized Appellant.

10. Misapplication of Rule 210(c), SCACR

The Court of Appeals misapplied Rule 210(c), SCACR, as Appellant diligently complied with Rule 209 in designating and submitting all relevant materials. Any perceived deficiencies should have been corrected rather than resulting in dismissal, as supported by *Universal Benefits, Inc. v. McKinney*, 349 S.C. 179, 561 S.E.2d 659 (Ct. App. 2002).

11. Interlocutory Orders and Due Process Violations

The orders on appeal are interlocutory because they affect the due process rights of Petitioner and Mary A. White and her heirs. The judgments based on jurisdictional deficiencies due to improper service of process violate these fundamental rights, as emphasized in *Caldwell v. Wiquist*, 402 S.C. 565, 741 S.E.2d 583 (Ct. App. 2013).

12. Jurisdictional Deficiency

The Circuit Court/Master in Equity Court was without jurisdiction to hear the case due to the improper service of process. Under *Richardson Construction Co. v. Meck Engineering & Construction Co.*, 274 S.C. 307, 262 S.E.2d 913 (1980), judgments issued without proper jurisdiction are void.

13. Error in Court of Appeals Finding No Material Facts Overlooked

The Court of Appeals erred in finding no material facts or principles of law were overlooked or disregarded, despite substantial evidence to the contrary. The reliance on incorrect property descriptions and misleading service actions deprived the court of jurisdiction, as established in *Jones v. Wallis*, 211 N.C. App. 353, 712 S.E.2d 180 (2011).

14. Jurisdictional Deficiency and Misleading Service

The Court of Appeals erred by affirming the Master in Equity Court's ruling that PVOne REO, LLC properly served Mary A. White, her heirs, and the Petitioner at 1935 Jacksonville Road when the correct addresses were 1953 and 1959 Jacksonville Road. Such service violates Rule 4 of the SCRPC and Petitioner's due process rights.

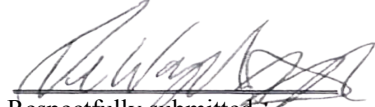
15. Deception and Default Judgment

The courts erred in concluding that Respondent and its attorneys did not engage in deception by claiming service at the wrong address, leading to a default judgment based on jurisdictional deficiencies. This conduct violated Appellant's right to a fair hearing and undermined the fairness of the legal process.

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 16, 2024

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THE STATE OF SOUTH CAROLINA