

RECEIVED

Dec 20 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF CALHOUN

AFFIDAVIT

Personally appeared before me, one INV. ROGER A. CARTER who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

ALL DOCUMENTATION AVAILABLE FOR THE ACCOUNT(S) FOR THE PROPERTY LOCATED AT 307 CHURCH STREET, ST. MATTHEWS, SC 29135 FOR THE TIME PERIOD OF JUNE, 2023 THROUGH THE TIME THIS REQUEST IS FULFILLED... THE DOCUMENTATION SHOULD INCLUDE ANY BILLING STATEMENTS FOR THE TIME FRAME, ANY AND ALL CONTACTS MADE WITH DOMINION ENERGY REGARDING THIS ACCOUNT (PHONE, EMAIL, MAIL, ETC...), ANY CONTACTS...

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

DOMINION ENERGY - LEGAL OPERATIONS
815 HARRY C. RAYSOR DR, ST. MATTHEWS SC, 29135

803-217-7908

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

ON 11/28/23 THE CALHOUN COUNTY SHERIFFS OFFICE BEGAN INVESTIGATING A HARASSMENT CASE WHERE THE SUSPECT HAS BEEN ATTEMPTING TO CLAIM/TAKE CONTROL OF THE COMPLAINANT'S ELDERLY MOTHER'S HOUSE FOR SEVERAL MONTHS. THE INITIAL ATTEMPT APPEARS TO HAVE BEGAN IN OR AROUND SEPTEMBER, WHERE THE SUSPECT REPORTEDLY CHANGED THE POWER INTO HER NAME FOR THIS HOUSE. AFTER THIS WAS ADDRESSED THE SUSPECT THEN REPORTEDLY ATTEMPTED TO CHANGE THE POWER INTO HER NAME AGAIN IN OCTOBER AND THEN AGAIN THE WEEK OF 11/22/23, WHICH THE COMPLAINANT HAD TO STOP THE CHANGE FROM OCCURRING BOTH TIMES.

DEPUTIES KNOW FROM TRAINING AND EXPERIENCE THAT POWER COMPANIES MAINTAIN ACCURATE AND DETAILED RECORDS OF ALL ACCOUNTS FOR BILLING AND SERVICE RELATED ISSUES.

DEPUTIES BELIEVE THAT BY GAINING ACCESS TO THE REQUESTED INFORMATION WE WILL BE ABLE TO CONFIRM THAT THE SUSPECT HAS MADE SEVERAL ATTEMPTS TO CHANGE THE POWER INTO HER NAME FOR A PROPERTY THAT THEY DO NOT OWN AND HAVE NO LEGITIMATE REASON TO BE DOING SO.

Sworn to and Subscribed before me

this

day of NOV. 29, 2023

Signature of Judge (with handwritten signature and '0932 HRS')

Jeffery P. Bloom, Magistrate
2833 Old Belleville Road
P.O. Box 131
St. Matthews, SC 29135

INV. ROGER A. CARTER

Affiant (with handwritten signature)

Address 2811 OLD BELLEVILLE ROAD

ST. MATTHEWS, SC 29135

Phone 803-874-2741

#2023-62

20 PH12: 20
Certificate For Service by Publication

(Case#)2023-CP-0900098/2023-LP-0900013

CERTIFICATE FOR SERVICE BY PUBLICATION,

Plaintiff, Shaneeka Stroman hereby certifies that (s)he believes the hereinafter named defendant(s) cannot be personally served because after diligent inquiry within the State, County in which this action is pending the places of residence of the said defendants cannot be ascertained by plaintiff, or, if ascertained, the places of residence of said defendants are beyond the territorial limits of personal service as provided in Rule 71A, Federal Rules of Civil Procedure.

(Names of Defendants.)

Carol B. Fischer; et, al Heir, Parties and Unknown persons of interest Town lean, Mortgage Companies Minor or disable persons of interest any person in the Military, Native Tribes, Richard Roe, or John Doe any Alian, Alias.

United States

State of South Carolina

Calhoun County

Address Description: 307 Church St. St. Matthews SC 29135 TPS# 118-16-11-002 Deed book 258/Deed page 15 Plat 4550.

Dated:08/31/2023

See attachments. Calhoun Times News Paper.

Plaintiff signature.

[Handwritten signature]

Witness:

Morgan Reed

WORN to and subscribed before me this

20 day of September

, 2023.

Notary Public for South Carolina

Signature: *Janice Baskin*

Commission expires: 6-24-2032



The within instrument has been received
this 23rd day of NOVEMBER 2010 at
10:29 O'Clock AM,
In the Assessor's office, Tax map
No. 118-16-11-002
Assessor's Office-CALHOUN, S.C.

STATE OF SOUTH CAROLINA
COUNTY OF CALHOUN

TITLE TO REAL ESTATE
NO TITLE EXAMINATION DONE

KNOW ALL MEN BY THESE PRESENTS that TIMOTHY FISCHER ("Grantor"), of
Charleston County, South Carolina, pursuant to Calhoun County Case Number 2008-DR-09-0037,
and as consideration for a property settlement to CAROL BENOIT-FISCHER ("Grantee"), of
Calhoun County, South Carolina, the receipt of which is acknowledged, does hereby remise, grant,
release, and forever quitclaim to Grantee, her heir and assigns, all right, title, and interest of Grantor,
if any, in and to the following real estate:

All that certain piece, parcel or lot of land with all improvements thereon situate, lying and
being in the Amelia Township, Town of St. Matthews, Calhoun County, South Carolina,
containing 0.98 acres, more or less, being more particularly shown and delineated on a plat of
survey prepared for Timothy L. Fischer by Edisto Surveyors, Inc., approved by A.R. Parler,
Jr., RLS, dated November 17, 2000, revised December 21, 2000, recorded in the Office of the
Clerk of Court for Calhoun County in Plat Book CABL P.4550, being bounded and
measuring generally on the NORTHEAST by property now or formerly of Melvin Bolton
Life Estate and by property now or formerly of A.J. Wise and Margaret Wise for a total
distance of 261.55 feet; on the SOUTHEAST by Church Street for a distance of 162.38 feet;
on the SOUTHWEST by property now or formerly of A.J. Wise and Margaret Wise for a
distance of 270.72 feet; and on the NORTHWEST by property now or formerly of A.J. Wise
and Margaret Wise for a distance of 161.61 feet; all measurements being more or less and
subject to an accurate current survey.

This is the same property conveyed to Timothy Fischer and Carol Benoit-Fischer by deed of
Georgie M. Woovis and Shannon Cone-Woovis recorded September 18, 1996, in said
Clerk's Office in Deed Book 103 page 240.

Tax Map number 118-16-11-002

TO HAVE AND TO HOLD, all and singular, the same, together with all the buildings,
improvements and appurtenances belonging thereto, if any, to the Grantee and Grantee's heirs,
successors and assigns forever.

Carol E. Benoit-Fischer
307 Church St.
Saint Matthews, SC 29135

I HEREBY CERTIFY THAT THE WITHIN
INSTRUMENT HAS BEEN THIS 29th day
of NOVEMBER, 2010 AND
RECORDED IN BOOK 4 OF DEED
PAGE 232

Camela R. Jabre
AUDITOR FOR CALHOUN COUNTY
Book 258 Page 15

2010002357
DEED
RECORDING FEES \$10.00
STATE TAX \$0.00
COUNTY TAX \$0.00
PRESENTED & RECORDED:
11-19-2010 09:55:25 AM
KENNETH HASTY
REGISTER OF DEEDS
CALHOUN COUNTY, SC
By: PHYLLIS WALKER
BK:D 258
PG:15-18

**CERTIFICATION FOR INVOLUNTARY DISPLACEMENT,
FOR DOMESTIC VIOLENCE, HATE CRIMES, OR DISPLACEMENT TO AVOID REPRISALS**

03/08/2024

TO: _____

Dear _____,

Shaneeka M. Stroman has applied for housing assisted by this agency and has indicated that he/she has been involuntarily displaced and is not living in standard, permanent replacement housing, or will have to vacate the unit because of one of the following (please circle):

- 1) **DISPLACEMENT BY DOMESTIC VIOLENCE.** The applicant has vacated a housing unit because of actual or threatened physical violence directed against one or more members of the applicant family by a spouse or other member of the applicant's household or the applicant lives in a housing unit with a person who has engaged in domestic violence of a continuing nature.
- 2) **DISPLACEMENT TO AVOID REPRISALS.** An applicant family is involuntarily displaced if:
 - 1. A family member provided information on criminal activities to a law enforcement agency, and
 - 2. Based on a threat assessment, the law enforcement agency recommends rehousing the family to avoid or minimize a risk of violence against family members.
- 3) **DISPLACEMENT BY HATE CRIMES.** "Hate crime" means actual or threatened physical violence or intimidation that is directed against a person or his or her property and that is based on the person's race, color, religion, sex, national origin, handicap, or familial status. An applicant is involuntarily displaced if:
 - 1. One or more members of the applicant's family has been the victim of one or more hate crimes, and
 - 2. The applicant has vacated a housing unit because of such crime, or the fear associated with such crime has destroyed the applicant's peaceful enjoyment of the unit.

In order to determine the federal preference status for the above applicant, we are required by Federal regulations to verify the preference. Therefore, we would appreciate your completing the certification below and returning this form in the enclosed envelope. This information will be used only for the purpose of determining the preference claimed by this applicant.

I hereby authorize the release of the requested information.

X _____
(Client Signature)



**SWANSEA
POLICE DEPARTMENT**

EARL WILLIAMS III
Chief of Police

P.O. Box 429
320 West Third Street
Swansea, SC 29160
Office (803) 568-3366
Fax (803) 568-3034
ewilliams@swansea-sc.gov

I certify that **Shaneeka M. Stroman** () has been or () will be involuntarily displaced for reason (s) cited above.

Firm or Agency Name: SWANSEA POLICE DEPARTMENT
Agency Address: 320 WEST THIRD STREET SWANSEA SC 29160
Agency Representative Signature: CHIEF E. WILLIAMS
Date: 3/21/2024

HAD...

0 21

STATE OF SOUTH CAROLINA)
COUNTY OF CALHOUN)

CIVIL CASE NUMBER _____
IN THE MAGISTRATE'S COURT

PLAINTIFF(S))
VS.)

DEFENDANT(S))

APPLICATION FOR
EJECTMENT
(Eviction)

Def. Phone#: _____
Def. Email address: _____

I, _____, plaintiff in this action, state that I am the landlord-lessor of premises within the jurisdiction of Magistrate Bloom / Keller / Teague which is described as: (address and description of premises - apartment, house, etc.)

I further state that, with regard to the above-described premises, a landlord-tenant relationship exists between myself and the defendant, _____, the tenant-lessee, as evidenced by the following: (Attach lease papers or other written proof.)

- Grounds for this ejectment are one or more of the following:
- The tenant fails or refuses to pay the rent when due or when demanded in the amount of \$ _____; or
 - The term of tenancy or occupancy has ended; or
 - The terms or conditions of the lease have been violated as follows:

Sworn to before me)
this _____ day of _____, 20____)

Magistrate or Notary Public for South Carolina) PLAINTIFF (or his attorney/agent)

My Commission expires _____) Address

) City/State/Zip

) Phone Number

Email Address

SECTION 15-67-20. Plaintiff limited to one action for recovery of real property.

The plaintiff in actions for recovery of real property or the recovery of the possession of real property is limited to one action for recovery.

SECTION 15-67-10. Persons who may bring action to determine adverse claim.

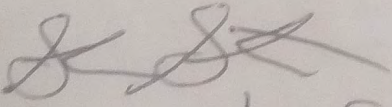
Any person in possession of real property, by himself or his tenant, or any person having or claiming title to vacant or unoccupied real property may bring an action against any person who claims or who may or could claim an estate or interest therein or a lien thereon adverse to him for the purpose of determining such adverse claim and the rights of the parties, respectively.

HISTORY: 1962 Code Section 10-2401; 1952 Code Section 10-2401; 1942 Code Section 878; 1932 Code Section 878; Civ. P. '22 Section 826; 1916 (29) 928.

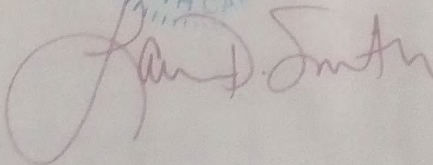
Defendant is and was in possession during these proceedings and has been misled and wrongfully removed from the property without due process.

Under these pretenses, the defendant is asking for a motion to be dismissed with prejudice and the case be transferred to circuit court in Calhoun County for a separate lawsuit exceeding 7500 related to a defamation liberally, excessive force, reputation damage etc.

United States v. Becker, 53 MJ 229 (test for violations of the Sixth Amendment right to a speedy trial includes four factors: (1) length of delay; (2) reasons for the delay; (3) appellant's demand for speedy trial; and (4) prejudice to appellant).


Shaneks Stroman
7-10-24





The defendant was the occupant until forced entry and detainer occurred. Therefore, the trespassing charge is invalid. The plaintiff bringing the charges is neither the owner nor the occupant.

When heirs' property is created, the heirs own all the property together (in legal terms, they own the property as "tenants in common"). In other words, they each own an interest in the undivided land rather than each heir owning an individual lot or piece of the land. In addition, unless the heirs go to the appropriate administrative agency or court in their jurisdiction and have the title or deed to the land changed to reflect their ownership, the land will remain in the name of the person who died.

Therefore, the plaintiff Emily Bunker allegations against the defendant are invalid and bogus

The Postal Service **may withdraw delivery service to vacant delivery points**. A vacant delivery point is a delivery point where responsible personnel are aware the delivery point has been unoccupied for a period longer than ninety (90) consecutive days

Plaintiff Emily Fischer Bunker was unaware of the delivery points because of her negligence by being an irresponsible personnel of Carol Fischer's mail by admitting abandoning the mail. 307 Church Street has been unoccupied longer than (90) consecutive days.

Color of Title in SC

The color of title refers to a document that appears to give the squatter the right to claim legal ownership of the property, even if the title has a defect or no actual valid claim. In South Carolina, color of title enables a squatter to claim adverse possession after only 5 years of continuous occupation, instead of the typical 10 years without color of title.

Defendant does have a color of title affidavit recorded and notarized by the clerk of court.

Whether it's an improper recording or not South Carolina law states that The duties of the ROD are provided for in Title 30, Chapter 5 of the S.C. Code of Laws. The proper recording of documents provides notice to subsequent purchasers or creditors of the interests of others in the property and establishes priority of claims against that property. Generally, all instruments conveying an interest in real property must be recorded in that county's ROD in order to be valid. Other documents of public interest may also be recorded by the ROD.

Defendant has written recorded instrument relating to conveyance and possession of the recovered abandoned vacant property.

1. **the validity of any document.**
2. Collection of appropriate recording and documentary fees and notation on the instrument that the fees were paid.
3. Entry on document of the date, hour and minute document was presented for filing.
4. Assignment of a book and page location of the instrument. Note: After filing, the ROD must allow its land records to be inspected by the public. The documents are to bear a "book and page number" which indicate the recording location. Since instruments inspected by the public may be photocopies, microfilm, or digital images, the "book and page number" refers to the document location in either a book, a roll of microfilm, and/or a computer database. Indices of the instruments are to be created to ease public inspection and they may be computer generated.
5. Entry of recording upon proper indexes.
6. Endorsement of a certificate on the instrument showing the date, book and page where recorded.
7. Processing of the document into a permanent record, by photocopy, microfilm or digital imaging, and place conspicuously for public inspection. An original roll of security film must be created and deposited with the S.C. Department of Archives and History (SCDAH) for all records. For more details, contact the Microfilm Lab at the SCDAH at 803-896-6209.
8. Return of original instrument to recording party.

Defendant has document recorded with all information above. This is before allegations and charges even exist. Therefore, all allegations against the defendant are bogus and invalid.

Defendant was never found on property for trespassing by the Calhoun County Sheriff office. Defendant was given a trespass notice by the St Matthews Police department. Defendant never encountered with owner or heir's Matthews Police department is the only party putting defendant on trespass notice. Plaintiff never personally or through postal mail

requested that defendant leave the premises. Defendant was never given a notice to quit or a notice to vacate.

2023 South Carolina Code of Laws

Title 15 - Civil Remedies and Procedures

Chapter 67 - Recovery Of Real Property

Section 15-67-210. Presumption of possession; when occupation deemed under legal title.

Universal Citation: SC Code § 15-67-210 (2023)

In every action for the recovery of real property or the possession thereof the person establishing a legal title to the premises shall be presumed to have possessed thereof within the time required by law. The occupation of such premises by any other person shall be deemed to have been under and in subordination to the legal title unless it appears that such premises have been held and possessed adversely to such legal title for ten years before the commencement of such action.

Universal Citation: SC Code § 15-82-10 (2023)

(A) As used in this section, the terms:

(1) "Possessor of land" means the possessor of any fee, reversionary, or easement interest in real property, including an owner, lessee, or other lawful occupant.

(2) "Trespasser" means a person who enters or remains on the land of another without permission or without legal privilege.

(B) A possessor of land owes no duty to a trespasser except to refrain from causing a willful or wanton injury.

(B) The owner or tenant of any lands may accomplish the posting of notice as follows:

(1) by posting a notice in four conspicuous places on the borders of such land prohibiting entry thereon; or

Plaintiff Bunker never had any signs of trespassing along with open access in the front entry and back Entry, and side entry open given access for public use. Police Chief arrived after acknowledged that and allowed defendant to enter the home. (Video verification of evidence is in defendants' possession).

(2) by marking boundaries with a clearly visible, purple-painted marking, consisting of one vertical line not less than eight inches in length and two inches in width, and the bottom of the mark not less than three nor more than six feet from the ground or normal water surface. These marks must be affixed to immovable, permanent objects that are not more than one hundred yards apart and readily visible to any person approaching the property.

Plaintiff Bunker for Carol B Fischer neglected marking boundaries. Which is inconsistent with her representative duties as an heir.

(C) When any owner or tenant of any lands shall post a notice as provided in this section, proof of the posting is deemed and taken as notice conclusive against the person making entry for the purpose of trespassing.

Defendant posted No trespassing signs all around the home and secured home. Plaintiff Bunker had no trespassing signs which allowed Defendant to enter vacant/abandoned property lawfully along with St. Matthews Police Department.

HISTORY: 1962 Code Section 16-386; 1952 Code Section 16-386; 1942 Code Section 1190; 1932 Code Section 1190; Cr. C. '22 Section 81; Cr. C. '12 Section 241; Cr. C. '02 Section 186; G. S. 2507; R. S. 176; 1866 (13) 406; 1883 (18) 43; 1898 (22) 811; 1954 (48) 1705; 2022 Act No. 219 (H.3291), Section 1, eff May 23, 2022.

Effect of Amendment

Motion to Dismiss Plaintiff's Claims

Case #2024A0910100025

RULE 3.8: SPECIAL RESPONSIBILITIES OF A PROSECUTOR

The prosecutor in a criminal case shall:

(a) refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause; Probable cause does not exist on either charge for the defendant because Calhoun County Sheriff's office and USPS provided evidence of vacant and abandoned property.

In the State of South Carolina

Prosecutor Carter at Calhoun County sheriff department was provided with a copy of service by Calhoun County sheriff's department labeling 307 Church Street abandoned.

NOT ONLY DID CALHOUN COUNTY STAMP ABANDONED ON 307 CHURCH STREET ADDRESS BUT THE UNITED STATES POSTAL SERVICE ALSO STAMPED 307 CHURCH STREET VACANT.

2022 South Carolina Code of Laws
Title 16 - Crimes and Offenses
Chapter 11 - Offenses Against Property
Section 16-11-600. Notice of trespassing; purple paint.

Universal Citation: SC Code § 16-11-600 (2022)

PreviousNext

(A) Every entry upon the lands of another, after notice from the owner or tenant has been posted or given prohibiting such entry, is a misdemeanor and must be punished by a fine of not more than one hundred dollars or by imprisonment not more than thirty days.