

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

103899

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Charles B. Simmons, Jr., Master-in-Equity

RECEIVED

FEB 04 2025

SC Court of Appeals

Civil Action No. 2023-CP-23-05810

Oriole Properties, LLC., Petitioner.
IN RE:
Castlebrook Homeowner’s Association, Inc., Plaintiff,

Of Whom Castlebrook Homeowner’s Association, Inc., and Oriole Properties,
LLC,..... Respondents,

v.

Ardie C. Gary and Primary Residential Mortgage, Inc., Defendants,

Of Whom Ardie C. Gary,....., Appellant.

NOTICE OF APPEAL

PLEASE TAKE NOTICE that Defendant, Ardie C. Gary, hereby appeals to the South Carolina Court of Appeals from orders issued by the Honorable Judge Charles B. Simmons, Jr., Master-in-Equity Court of Common Pleas for Greenville County, dated December 23, 2024, and on a motion for Reconsideration of same.

The appeal is based on the following grounds:

1. Improper Evaluation of the WHAM Factors in Determining Default Judgment:

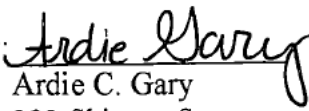
The lower court failed to fully evaluate and apply the factors set forth in the South Carolina Supreme Court decision in *Wham v. Shearson Lehman Bros., Inc.* in its consideration of Defendant Gary's arguments regarding the entry of default judgment and whether such judgment was proper given the circumstances and the service of the Summons and Complaint.

2. Improper Denial of Intervention for Brandon Nedwards:

The court erred in denying the motion for intervention filed by Defendant Gary's grandson, Brandon Nedwards, who sought to join the case as an intervenor based on substantial legal and equitable interests in the property.

3. Improper Denial of Motion for Reconsideration and Granting motion for Eviction:

The court erred in denying Defendant's motion for reconsideration and granting Plaintiff's motion and order of Eviction.

By: 
Ardie C. Gary
323 Skipton St
Greenville, SC 29605
Appellant

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Charles B. Simmons, Jr., Master-in-Equity

Civil Action No. 2023-CP-23-05810

RECEIVED

FEB 04 2025

SC Court of Appeals

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2025, I served a copy of the forging document(s) via
United States Mail, postage prepaid and addressed to:

Babb, Bixler And Dollar
Attn: Alfred Lyon Bixler
505 W. Butler Road
Greenville, SC 29607
Attorney for
Castlebrook Homeowner's Association, Inc.

Womble Bond Dickinson
Attn: Jason D. Wyman
550 S. Main Street, Suite 400
Greenville, SC 29601
Attorney for Oriole Properties, LLC

Primary Residential Mortgage, Inc.
CT Corporation System
2 Office Park Ct. Suite 103
Columbia, SC 29223
Defendant

/s/Ardie C. Gary
Ardie C. Gary
323 Skipton St
Greenville, SC 29605
Appellant

January 29, 2025

The Honorable Jay Gresham
Clerk of Court Greenville County
305 E. North Street
Greenville, SC 29601

RECEIVED
FEB 04 2025
SC Court of Appeals

Re: Oriole Properties, LLC., vs. Ardie C. Gary
Civil Action No. 2023-CP-23-05810

Dear Clerk of Court:

Enclosed for filing is a Notice of Appeal in the above case.

Sincerely,

Ardie C. Gary
323 Skipton St
Greenville, SC 29605
Beardedgr8ness@gmail.com

Cc: Babb, Bixler And Dollar
Attn: Alfred Lyon Bixler
505 W. Butler Road
Greenville, SC 29607
Attorney for
Castlebrook Homeowner's Association, Inc.

Womble Bond Dickinson
Attn: Jason D. Wyman
550 S. Main Street, Suite 400
Greenville, SC 29601
Attorney for Oriole Properties, LLC

Primary Residential Mortgage, Inc.
CT Corporation System
2 Office Park Ct. Suite 103
Columbia, SC 29223
Defendant

January 29, 2025

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Oriole Properties, LLC., vs. Ardie C. Gary
Civil Action No. 2023-CP-23-05810

RECEIVED
FEB 04 2025
SC Court of Appeals

Dear Ms. Kitchings:

Enclosed for the filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Money order for filing fees \$250.00; and \$50.00 for motion fees.
- (2) Certificate of service of the notice of appeal on the respondents.
- (3) A copy of the order denying Appellant's motion to set aside the default in the lower court.
- (4) Motion for Stay
- (5) This appeal is being filed with the South Carolina Court of Appeals from a Court Common Plea Master in Equity's order.

Sincerely,

Ardie C. Gary
323 Skipton St
Greenville, SC 29605
Beardedgr8ness@gmail.com

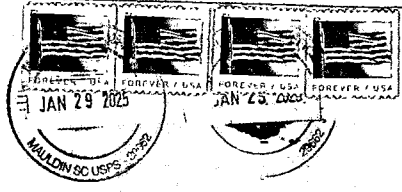
Cc: Babb, Bixler And Dollar
Attn: Alfred Lyon Bixler
505 W. Butler Road
Greenville, SC 29607
Attorney for
Castlebrook Homeowner's Association, Inc.

Womble Bond Dickinson
Attn: Jason D. Wyman
550 S. Main Street, Suite 400
Greenville, SC 29601
Attorney for Oriole Properties, LLC

Primary Residential Mortgage, Inc.
CT Corporation System
2 Office Park Ct. Suite 103
Columbia, SC 29223
Defendant

Ardie Gary
323 S Kipton St.
Greenville, SC 29605

RECEIVED
FEB 04 2025
SC Court of Appeals



The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

