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Feb 06 2025

SC Court of Appeals

MOTION FOR STAY

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

B. Alex Hyman,
15th Circuit Court Resident Judge

Case No. 2025-CP-2600218

A and K Properties of SC Inc.,

Respondent,

v.

Waretrust, et al,

Appellant.

MOTION FOR STAY

**TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF
RECORD:**

COMES NOW, Appellant-Plaintiff WARE TRUST, by and through its duly Authorized Representative, Jameerah Tahidah; Ware, Trustee, and files this Motion For Stay, respectfully showing this Honorable Court the following:

I. INTRODUCTION

1. Appellant-Plaintiff, by explicit reservation of rights, and Respondent-Defendant entered into a valid lease agreement for the property located at 514 Battery, SC 29588, effective the 1st day of September, 2024 with monthly rent of “ Two thousand dollars (\$2,000.00) in lawful money of the United States”; incorporated herein by reference, and made a part hereof as if fully reproduced.
2. On October 31, 2024, Appellant-Plaintiff tendered, by personal hand delivery to Respondent-Defendant, lawful U.S. dollars in the sum certain amount of Twenty-five thousand Two hundred .00/100 (\$25,200.00) Dollars; incorporated herein by reference, and made a part hereof as if fully reproduced.
3. On December 18, 2024, Appellant-Plaintiff received a “RULE TO VACATE OR SHOW CAUSE (EVICTION)” by personal delivery from the MAGISTRATE’S COURT OF HORRY COUNTY, SOUTH CAROLINA (“MAGISTRATE COURT”); incorporated herein by reference, and made a part hereof as if fully reproduced.
4. On or about December 24, 2024, Appellant-Plaintiff sent a “PLEA OF TENDER AND DEMAND FOR LAWFUL MONEY REDEMPTION” to the MAGISTRATE COURT via U.S.P.O. First Class Regular Mail, Certificate of Mailing, and to the Ms. Janet L. Yellen, Secretary of the Treasury, Department of the Treasury/IRS, via U.S.P.O. Certified Mail RRR # 70210950000116572161, incorporated herein by reference, and made a part hereof as if fully reproduced.
5. On January 6, 2025, the MAGISTRATE COURT held a hearing and determined that Appellant-Plaintiff failed to pay rent when due or demanded and violated the terms or conditions of said lease, paragraph 4.

6. That day, the MAGISTRATE COURT entered a “WRIT OF EJECTMENT” and the Horry County Sheriff’s office served Appellant-Plaintiff with a copy of said Writ; incorporated herein by reference, and made a part hereof as if fully reproduced.
7. On January 9, 2025, Appellant-Plaintiff filed a “PLEA OF TENDER AND DEMAND FOR LAWFUL MONEY REDEMPTION AND OTHER RELIEF”; incorporated herein by reference, and made a part hereof as if fully reproduced.
8. On January 10, 2025, Appellant-Plaintiff appealed from the judgment of the MAGISTRATE COURT to the Common Pleas Court of Horry County, South Carolina (“COMMON PLEAS COURT”).
9. On January 15, 2025, The United States filed a “SUPERSEDEAS BOND” in the MAGISTRATE COURT for the benefit of Ware Trust; incorporated herein by reference and made a part hereof as if fully reproduced.
10. On January 21, 2025, the MAGISTRATE COURT held a bond hearing and determined that Appellant-Plaintiff failed to comply by attending the hearing and entered an order for noncompliance; incorporated herein by reference, and made a part hereof as if fully reproduced.
11. On January 29, 2025, the COMMON PLEAS COURT entered a judgment in favor of Respondent-Defendant; incorporated herein by reference, and made a part hereof as if fully reproduced.
12. On February 5, 2025, Appellant-Plaintiff received from the MAGISTRATE COURT by personal delivery a “WRIT OF EJECTMENT” directing the eviction of Appellant-Plaintiff from the aforesaid property within twenty-four (24) hours; incorporated herein by reference and made a part hereof as if fully reproduced.

13. Appellant-Plaintiff has appealed from the judgment of the COMMON PLEAS COURT to this Court.

II. RELIEF SOUGHT

Appellant-Plaintiff requests that this motion be granted and that an emergency order for stay be entered by this Court staying the action in the case below until this appeal has been resolved; and that this Court grant to Appellant such further and other relief this Court deems just, proper and equitable.

III. GROUNDS FOR RELIEF

14. The Magistrate and Common Pleas courts and Respondent-Defendant, ALL accepted and deposited on their books a security of the United States. The security was credited to account and ledgered as a financial asset.

15. Consequently, a trust formed for the benefit of Appellant-Plaintiff wherein all financial assets are trust property, and the U.S. Treasury is grantor and Appellant-Plaintiff is true beneficiary, not Respondent-Defendant and or the Magistrate and Common Pleas courts who are the true trustees.

16. Despite this, on January 6, 2025, the trustee Magistrate court in the person of the presiding judge held a hearing on the claim of Respondent-Defendant. Appellant-Plaintiff requested from the parties full disclosure concerning the claim. However, full and complete disclosure was not provided the Appellant-Plaintiff and the presiding judge threatened the Authorized Representative of Appellant-Plaintiff with sanctions for speaking and asking questions and requesting documenting evidence of Respondent-Defendant's claim and, by issuance of the writ of ejectment, condemned trust property for public use.

18. On January 21, 2025, following the appeal of the magistrate court's judgment, the presiding judge held a bond hearing to determine if there was a need for a bond for appeal in the common pleas court. Appellant-Plaintiff was not informed where or when the hearing was to take place, and did not receive written notice of the hearing, and the true nature and cause of the hearing was not otherwise explained to Appellant-Plaintiff.
19. On January 29, 2025, the trustee common pleas court in the person of the presiding judge issued a judgment.
20. On January 30, 2025, the Authorized Representative of Appellant-Plaintiff just so happened to be reviewing the public index for updates in the case when she learned that the trustee common pleas court had entered said judgment. Appellant-Plaintiff still has not received from the aforesaid trustee written notice of said judgment.
21. As a direct result and proximate cause of the acts, razor sharp actions and omissions of the trustee, Appellant-Respondent was denied the right to access the court and be heard in a meaning manner; and was deprived of due process as is guaranteed by Amendment XIV of the federal U.S. Constitution.
22. Additionally, the condemnation of the trust assets by the trustees does not square with the Appellant-Plaintiff's right NOT to be deprived of property without due process of law nor its right to obtained just compensation for public use of its property as is guaranteed by the provisions of the Constitution's Amendment XIV.
22. As a further direct result and proximate cause of said acts, razor sharp actions and omissions of the trustee, the Authorized Representative of Appellant-Plaintiff and her family, i.e. living, breathing, flesh-and-blood men and women, are threatened by fraud; and could be forced from their home without the protections guaranteed by the U.S. Constitution.

23. If the violations of the Constitution are not remedied by this Court of equity, i.e. the entry of an order for stay, and such other relief, the Appellant-Plaintiff will lose property and rights and interest in property and or title to secured private property without due process.
24. And further, the Authorized Representative of Appellant-Plaintiff and her family will be forced to become homeless with no place to go. Their personal property will be set out in the streets; and although this matter may be rectified by the ensuing appeal, the act of enforcing the judgments below will be a bell that cannot be unrung as the Sheriff of Horry County is presently scheduled to process the writ of ejectment at 3:30 pm today.

IV. CONCLUSION

For these reasons the Appellant-Plaintiff request that the Court grant this motion, enter and emergency order for stay pending the appeal in this matter, and grant such further and other relief this Court deems just, proper and equitable.

Dated: this **Sixth** Day of the **Second** Month in the Year of Our Lord and Savior Two Thousand Twenty-four.

Respectfully submitted:

by: s/ Jameerah Tahidah; Ware,
Jameerah Tahidah; Ware, All Rights Reserved, Trustee.

**FOR WERE TRUST, ALL RIGHTS RESERVED,
APPELLANT-PLAINTIFF.**

VERIFICATION AND CERTIFICATION

Affiant, Jameerah Tahidah; Ware, does affirm and verify on Affiant's own unlimited commercial liability, under penalty of perjury of the laws of South Carolina Republic, without the United States, that Affiant has scribed and read the foregoing facts contained in this Affidavit, including any accompanying document, and that, in accordance with the best of Affiant's firsthand

knowledge and conviction, such are true, correct, complete, and certain and not misleading, the truth, the whole truth, and nothing but the truth.

Dated: the **Sixth** Day of the **Second** Month in the Year of Our Lord and Savior Two Thousand Twenty-four.

SIGNED:
PEACE.
I AM.

/s/ Jameerah Tahidah; Ware,

All Rights Reserved, the living, breathing, flesh-and-blood Genswoman known by the appellation “Jameerah Tahidah; Ware, All Rights Reserved,”
Trustee.

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FORM 7
PROOF OF SERVICE FOR
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Appellant.

PROOF OF SERVICE

I certify that I have served the Motion for Stay on A and K Properties of SC Inc., and the Court of Common Pleas for Horry County, South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on February 6, 2025, and the Magistrate Court of Horry County, South Carolina by personally delivering a copy of it to the Clerk's Office at 9630 Scipio Lane, Myrtle Beach, South Carolina 29588, on February 6, 2025.

February 6, 2025

S/ WARE TRUST, ALL RIGHTS RESREVED,
Bye: s/ Jameerah Tahidah; Ware,

All Rights Reserved
514 Battery Drive
Myrtle Beach, South Carolina 29588

(917) 246-7159
Trustee for Appellant