

1 STATE OF SOUTH CAROLINA)
 2) IN THE COURT OF
 3 COUNTY OF CALHOUN) COMMON PLEAS
 4
 5 SHANEEKA STROMAN,)
 6 Plaintiff,)
 7 Vs) CASE NO. 2023-CP-09-00171
 8 CAROL B. FISCHER, ET AL,))
 9 Defendants)

10 NOVEMBER 30, 2023
 11 ST. MATTHEWS, SOUTH CAROLINA
 12 HONORABLE HEATH P. TAYLOR, JUDGE
 13

14 A P P E A R A N C E S:

15 The Plaintiff appeared pro se

16

17 BY: E. ALLEN NEUMEISTER, JR, ESQUIRE

18 MARTIN BANKS, ESQUIRE

19 Attorneys for Defendants Carol Fisher &

20 Emily Fischer-Bunker

21 BY: JOHN G. FELDER, SR, ESQUIRE

22 St. Matthews Police Dept & Town of St.

23 Matthews

24 KATHERINE A. SPIRES

25 REGISTERED PROFESSIONAL REPORTER

1 THE CLERK: Here is case
2 2023-CP-09-00171, Shaneeka Stroman verses Carol B.
3 Fischer, Defendant, et al. Banks & Neumeister,
4 Attorney At Law, Defendant's motion to dismiss.

5 THE COURT: All right. So I see we got
6 three on that. I guess the first one filed was
7 Mr. Neumeister. And you're Ms. Stroman?

8 MS. STROMAN: Yes, sir, I am. Good
9 morning.

10 THE COURT: Good morning. All right.
11 Mr. Neumeister and Mr. Banks, I think the first
12 motion is yours. Happy to hear from you.

13 MR. BANKS: And, Your Honor, Mark Banks
14 on behalf of Allen Neumeister and our firm as, if
15 it applies, I will just say that. Yes, we filed
16 the motion. The first motion in this case was a
17 motion for a special appearance and to extend the
18 time to answer. And, essentially, my motion, if I
19 can hand one up.

20 THE COURT: Yeah, I have the motion for
21 dismissal on the pleadings.

22 MR. BANKS: Correct. Basically, the
23 Plaintiff sued some people and in her case caption,
24 she called it -- she started -- she mentioned the
25 law firm with a parentheses. Basically, it's in --

1 I believe it should have been in like parentheses
2 right after the name of -- without a comma, I might
3 add, so she's got -- if you look at the case
4 caption, she's got -- she's sued Carol B. Fischer,
5 Emily Marie Fischer-Bunker, attorney for Carol B.
6 Fischer, then parentheses, Banks Neumeister,
7 Attorneys At Law and then, et al, basically.

8 And I believe -- a couple of things, I
9 believe the use of -- she's mentioned an unnamed
10 attorney. Then she mentions our law firm which I
11 believe was in parentheses as a parenthetical
12 expression. So I think she was just trying to
13 cover her bases in trying to sue Mr. -- the
14 attorney for Ms. Fischer.

15 MS. STROMAN: No, sir, I object to
16 that.

17 THE COURT: You'll have your
18 opportunity to talk, ma'am.

19 MS. STROMAN: Okay. Thank you.

20 THE COURT: I'll recognize you when
21 he's done with his arguments.

22 MR. BANKS: So, first of all, there's
23 an issue with what she's -- who she's trying to sue
24 in the case caption. Then you get to the cause of
25 action and that's really the most intriguing thing

1 about this. And, by the way, Your Honor, I'm going
2 to be a little less clear than I might normally be
3 because every time we filed a response, she's
4 amended and included our thoughts and our legal
5 knowledge into her response or to her next motion
6 or to her amended complaint. She's amended her
7 complaint three times -- I'm sorry, two additional
8 times. Yeah, and so --

9 THE COURT: Yeah, I think the latest
10 was October 18th.

11 MR. BANKS: That's right. And so her
12 first cause of actions were forcible entry and
13 detainer. So if she's trying to sue Allen
14 Neumeister and/or our attorney, she's trying to sue
15 him for forcible entry and detainer which as a
16 concept can't apply to Mr. Neumeister. Add to
17 that, that she didn't allege anything that he did.
18 I mean, he's never had an interaction with the lady
19 and she's admitted that. It's quite peculiar.

20 And in addition to that, she tries to
21 then link -- to cover her bases in her amendment,
22 she tries to link Mr. Neumeister, and, again, I'm
23 saying possibly our law firm because I don't know
24 if she sued our law firm yet, but she's trying to
25 link him through the police as his agent or through

1 our client. And, again, I'm speculating, I think,
2 because trying to read this is speculation.

3 In fact, to be honest with Your Honor,
4 the filings, this case so far -- and, Your Honor,
5 first motion, this case so far can be best
6 described as a cluster filing. It is just
7 absolutely nonsense. So she's originally sued us
8 -- or sued Mr. -- we think, unnamed attorney,
9 Mr. Neumeister and parenthetical expression,
10 possibly our law firm which leaves off the LLC part
11 -- the LLP part of the law firm.

12 Then she retracts or regroupes and adds
13 the agency issues with the police who clearly
14 cannot be an agent of Mr. Neumeister or our law
15 firm. That would be ridiculous. And if anybody's
16 an agent of Ms. Fischer, we are. But, Ms. Fischer
17 did some things and she's saying that Ms. Fischer
18 is our agent. Or I think, it's very confusing to
19 be honest with you.

20 So we have problems with the styling.
21 We have problems with the unnamed attorney, but
22 then she amends. Okay. Then she comes to her
23 first amendment and she took all the information
24 that was provided in our motion and corrected or
25 tried to correct her case caption, but she never

1 could correct the facts because the facts are not
2 there. She has some general allegation, she never
3 names Mr. Neumeister as a person who did anything.
4 And, certainly, our law firm did nothing but
5 represent a client in a case -- by the way, the
6 previous case was 23-CP-09-98 and she filed that
7 case and dismissed it and that's where we were
8 hired and didn't have to do anything as she
9 dismissed the case.

10 And I've got that filing here where she
11 basically sued Ms. Fischer and not the Bunker for
12 -- it's hard to decide what she sued her for to be
13 honest with you. But she's made some allegations
14 in that other suit that are contrary to the
15 allegations in this suit and I think they need to
16 take judicial notice of the discrepancies and the
17 truth that applied in that case.

18 I'll give you the briefing of the
19 complaint of the '98 case. She says, "I am going
20 to recover the property and possess the property as
21 a new owner." And that's filed June 14th. So she
22 submitted in her previous filing -- she's trying to
23 adversely -- well, I don't want to say too much,
24 she's trying to steal some property from Ms.
25 Fischer and Ms. Bunker, that's what she's trying to

1 do. And she just basically tried to move in and
2 the cops threw her out and as a trespasser.

3 So she sued the cops. She sued the
4 town. She even served Alan Wilson in this case and
5 he's not even a named party. And she should know
6 better because she's filed two cases in Lexington
7 County where she sued Alan Wilson, the governor,
8 the police, in similar facts. And, of course, she
9 got shot down and they got all those folks
10 dismissed out of that case because they have
11 nothing to do with an eviction or a trespass or
12 anything that a police officer did. So anyway, she
13 should have learned her lesson then and she hasn't
14 clearly. She's going around trying to steal
15 property in the most problematic way for her and
16 for the others.

17 Let me continue, Your Honor, I'm sorry
18 this is longer than I anticipated, but I'm a little
19 angered by this because the problem is in a case
20 like this where you've got this cluster filing, if
21 I'm representing Mr. Neumeister and maybe my law
22 firm, again, that's yet to be determined, I hope
23 you can determine that for me. If I'm
24 representing, I have to read everything that she
25 files. And the first filing had Exhibits A through

1 N that were absolutely nonsense. Nonsense. Pieces
2 of law, cases from other jurisdictions, some
3 LexisNexis stuff, I mean, just thrown in with no
4 description. So I've got to read all that stuff
5 and it takes a lot of time to even try to decide at
6 this point whether or not my law firm has been sued
7 in some way for detainer, you know, craziness.

8 So anyway, getting back to it. She
9 amends -- she amends her complaint after she
10 learned some things from our filings. And the last
11 -- the last amended complaint lists -- she just
12 basically lists a bunch of causes of action and
13 none didn't apply to our law firm. But here's the
14 list, unlawfully eviction, constructive eviction,
15 negligent infliction of emotional distress,
16 negligence, intentional infliction of emotional
17 distress of covenant of good faith, breach of
18 covenant of quiet enjoyment of premises,
19 negligence, trespass, wrongful to seize and
20 nuisance. And, again, basically it's the same
21 general facts that she didn't -- she didn't in fact
22 plead at all. That's the problem here. She didn't
23 in fact plead at all. She's just basing it on
24 well, everybody's an agent of that police officer
25 who threw me out of the house. The town, the cops,

1 the mayor, Alan Wilson, and our law firm who's
2 never had an interaction with her. Never.

3 And what we're asking you today, a
4 number of things. In fact, before she says another
5 word in this courtroom, I want you to swear her
6 because she's self-represented and she has made a
7 very convoluted -- if you look at all the cases
8 she's filed in less than a year or so, she says one
9 -- she said in this case she lives here and she
10 lives in Lexington County. She's just all over the
11 place and I want her sworn because I want you to
12 ask her two things. I want you to ask her if Alan
13 Wilson -- I mean, well, Alan Wilson or Allen
14 Neumeister, either one has ever had an interaction
15 with her in this case.

16 THE COURT: Well, Mr. Banks, we're just
17 here for motions on the pleadings.

18 MR. BANKS: I realize that, but if it's
19 going to assist the court in us being dismissed
20 without ever being sued -- I'm worried about
21 liability insurance. If somehow this goes forward
22 from today, that's on her and not on us. We
23 haven't done anything.

24 So what we're asking the court today is
25 that you, A, obviously grant this special

1 appearance and find there's no subject matter or
2 personal jurisdiction over either our law firm or
3 Mr. Neumeister. I want you to dismiss her suit
4 against us with prejudice. I want you to, if you
5 can, quash and dismiss -- quash the summons. And
6 if you deny our relief, then I would ask that you
7 that you extend the time for us to answer.

8 And I want to read you one thing. This
9 is Judge Keasley. And you're very familiar with
10 Judge Keasley. I love Judge Keasley. This is one
11 of the cases in Lexington County, Case No.
12 2018-CP-32-4154. And this is -- you think this
13 case has got a lot of filings in a short period of
14 time, that case had more filings than I've seen
15 almost in any place. And this is an order. It's
16 called an order on motions. Judge Keasley found in
17 the very first page, he said this, they're very
18 similar circumstances in this case: The motions
19 for change of venue and protective order are
20 denied. The court encourages the Plaintiff to seek
21 assistance of an advocacy group, including ones
22 that assist people with mental illness issues, he's
23 talking about the Plaintiff here, and the South
24 Carolina bar. If the Plaintiff has any mental
25 health condition that requires appointment of a

1 guardian ad litem, she and those close to her are
2 encouraged to make that request. That's Judge
3 Keasley, if you'd like to see it. And that was
4 filed March 21, 2019. So she's been basically
5 doing this -- case caption is 2018, she's been
6 doing this in repeatedly for five years -- five and
7 a half years.

8 Your Honor, I can pick apart the fact
9 that she's made, you know, just numerous filings
10 and if almost every single one of them is either
11 confusing or unnecessary. Like -- and she's filed
12 in probate court documents. Probate court
13 documents for requests for publication and
14 affidavits and she's already been told in this
15 other cases, don't do it, it's not applicable.

16 Anyway, this has been very frustrating
17 and I'm going to finish with this. Your Honor --

18 THE COURT: Now, y'all also though have
19 a 12(b) motion on the Defendants?

20 MR. BANKS: Yes, and Allen's arguing
21 that on Fischer and Bunker, yeah. So I'm going to
22 wrap up with this. I'm going to hand up my
23 attorney's fees affidavit. Your Honor, I've had to
24 read every bit of this stuff in trying to figure
25 out even if we've even been sued. And every time

1 she files something --

2 THE COURT: Did you give Ms. Stroman a
3 copy?

4 MR. BANKS: Yeah, I'm about to.

5 MS. STROMAN: Thank you.

6 MR. BANKS: So we're asking for
7 attorney's fees in addition to dismissing us from
8 this lawsuit as both the subject matter and
9 personal jurisdiction.

10 THE COURT: All right. Ms. Stroman,
11 happy to hear from you on Mr. Banks' motion with
12 regard to dismissal of their law firm.

13 MS. STROMAN: Yes, sir. No problem,
14 Your Honor. First of all, I would like to
15 apologize to Mr. Banks for any inconvenience, for
16 any misunderstandings that you have with the case.
17 It most likely wasn't done intentionally. I have
18 been -- I have other cases besides your case and I
19 just want to let you know, and I always -- I was
20 raised on trial and error and I always try to
21 correct myself as I heard you say. However, I was
22 not trying to sue the law firm with Mr. Banks. The
23 parentheses were meant to separate the Defendants
24 from the attorney's office. Due to lack of
25 knowledge, I could be wrong, I was just trying to

1 separate the Defendants and that's of course why I
2 put it in parentheses and I also listed the
3 attorney for the Defendants, you know, to try to
4 make it more clear.

5 This -- today I'm asking for a summary
6 judgement --

7 THE COURT: Well, we're going to get to
8 that in a minute.

9 MS. STROMAN: You want me to clarify
10 everything --

11 THE COURT: Yeah, we have a bunch of
12 motions before me today and I want to take them all
13 one at the time.

14 MS. STROMAN: Yes, sir.

15 THE COURT: So am I hearing you correct
16 that you're -- that you agree to dismiss the
17 attorneys from the caption of the case? Because I
18 don't read anything in the complaint where you --
19 and I see you've added the Felder's as well, I
20 don't see anything in the complaint where allege
21 that the lawyers themselves have done anything
22 wrong.

23 MS. STROMAN: They haven't.

24 MR. BANKS: Your Honor, please swear
25 her.

1 THE COURT: No.

2 MS. STROMAN: They haven't done
3 anything. And like I said, I was trying to
4 separate them from the Defendants and that's why
5 the parentheses were put there. And I apologize to
6 the courts and also to Mr. Banks and any other
7 attorneys that misinterpreted what I was trying to
8 say. But just to make it clear, I was not suing
9 the attorneys personally.

10 THE COURT: Okay. So you agree that I
11 can go ahead an issue an order dismissing -- I'm
12 looking at your amended complaint and it has Banks
13 & Neumeister, Attorneys At Law, LLP and I'm sure
14 the Felder firm feels the same way. We'll do that
15 one sua sponte and do you agree that we can go
16 ahead and dismiss them from the lawsuit?

17 MS. STROMAN: Yes, sir, I agree.

18 THE COURT: All right. So we'll issue
19 -- we'll do a Form 4 on that. So that takes care
20 of No. 1. All right. The next one on the roster
21 is the 12(b)(6) or 12(b) motion rather and that's
22 one you're going to argue, Mr. Neumeister?

23 MR. NEUMEISTER: Yes, Your Honor. I'll
24 be representing Carol Fischer and Emily Marie
25 Fischer-Bunker today.

1 THE COURT: Okay.

2 MR. NEUMEISTER: If I may have Ms.
3 Fischer and Ms. Bunker come and sit behind me,
4 please. Thank you, Your Honor.

5 Once again, this Plaintiff fails to
6 state a cause off action upon which relief can be
7 granted pursuant to Rule 8. We're making a Rule 12
8 motion to dismiss. And, quite frankly, no facts
9 have been stated supporting the following causes of
10 action or even reference to various causes of
11 action. To repeat Mr. Banks, those are unlawful
12 eviction, constructive eviction, negligent
13 infliction of emotional distress, negligence,
14 intentional infliction of emotional distress,
15 breach of the covenant of quiet enjoyment, trespass
16 and nuisance.

17 I would ask that we look at the six
18 allegations that are in the amended complaint that
19 was presented by the Plaintiff. The first is Ms.
20 Stroman in her complaint alleges that she's a
21 resident of Calhoun County. This is patently
22 false. Ms. Stroman repeatedly lists her address as
23 335 Horses Neck Road in Swansea, South Carolina,
24 Zip Code, 29160. This is a Lexington address. And
25 I'd ask the court to take note of the civil action

1 cover sheet.

2 THE COURT: Well, now, are you sure
3 about that? Because there's -- out in that area
4 the county lines move all around. I see she signed
5 the pleading as that being her address. But there
6 are areas of Calhoun County and Lexington County
7 that it's actually the horse's neck.

8 MR. NEUMEISTER: That's correct. The
9 Zip Code itself specifically lists it as Lexington
10 County.

11 THE COURT: Well, mine is listed as
12 29053 which is Gaston, but I live in Calhoun
13 County.

14 MR. NEUMEISTER: Okay. We can move on
15 from that then, Your Honor.

16 THE COURT: Okay.

17 MR. NEUMEISTER: The next point for
18 paragraph 2 is Ms. Stroman alleges that Carol
19 Fischer is the owner of property located at 307
20 Church Street. We will admit to that.

21 Paragraph 3 alleges that Ms. Stroman
22 alleges this court has jurisdiction. We will agree
23 that she has jurisdiction over these Defendants.

24 However, paragraph 4, Plaintiff, Ms.
25 Stroman, alleges that she has color and title to

1 307 Church Street. Ms. Stroman has failed to
2 provide any evidence or state any facts whatsoever
3 as to claim as to how she has any claim over the
4 title of this piece of real estate. A mere claim
5 without any supporting facts or documentation is
6 not enough.

7 Her fifth paragraph, Ms. Stroman
8 alleges that the Defendants are each other's
9 agents. To repeat what Mr. Banks says reiterated,
10 the police at no point can be anybody's agent.
11 They are not an entity that could be hired for
12 something of this nature.

13 In terms of my clients, Ms. Emily
14 Fischer-Bunker, does have agency over her mother,
15 Ms. Carol Fischer. Ms. Carol Fischer is disabled.
16 She suffers from sever dementia. Furthermore, in
17 her allegation in paragraph No. 6, this is rather
18 convoluted, but I've tried to paraphrase it, Ms.
19 Stroman claims to have lawfully possessed the
20 premises aforementioned mentioned, she claims that
21 the Defendants wrongfully entered the home and Ms.
22 Stroman further alleges wrongful eviction.

23 Well, Ms. Stroman's allegations in this
24 paragraph infer that she's a tenant and is using
25 the Residential Landlord Tenant Act to make a

1 claim. Ms. Stroman never lawfully possessed the
2 premises. And she is certainly not a tenant or
3 holdover tenant. Ms. Fischer has had ownership for
4 several years now, well before this case came
5 forth. Ms. Stroman repeatedly claims that she was
6 evicted. Well, an eviction is a legal action by a
7 landlord and removes -- in which the landlord
8 removes a tenant from the original property. Since
9 Ms. Stroman specifically alleges wrongful eviction,
10 she must provide facts supporting her tenancy.

11 Lastly, to repeat what Mr. Banks has
12 said, I have note that she makes vague and
13 inconsistent references to adverse possession. The
14 Plaintiff has failed to state any facts supporting
15 adverse possession. The Plaintiff has not occupied
16 the property for 10 years and any supposed
17 occupancy has not been exclusive.

18 With that in mind, I would ask the
19 court dismiss this matter with prejudice, award
20 attorney's fees and costs and any further such
21 relief as the court would grant. I do have an
22 affidavit of attorney costs. I've listed the hours
23 involved and this would be for a total of \$2,225.
24 A breakdown of those hours and costs are included
25 in this affidavit. May I pass that to the deputy

1 clerk?

2 THE COURT: Yes, sir. Did you give Ms.
3 Stroman a copy?

4 MR. NEUMEISTER: I have a copy for her
5 as well.

6 THE COURT: All right.

7 MS. STROMAN: Thank you.

8 THE COURT: All right. Ms. Stroman,
9 they have filed a motion to dismiss Ms. Fischer and
10 Ms. Fischer-Bunker. Now, I'm happy to hear your
11 response to that.

12 MS. STROMAN: Well, I object to that,
13 Your Honor. First and foremost, I would like to
14 clarify a few things. 307 Church Street is vacant.
15 It was vacant when I found out the information on
16 it. It was also abandoned. Which I have
17 documentation to clarify that it was vacant and
18 abandoned. Just to prove the good faith part of
19 entering the property, St. Matthews police was
20 called out and I will swear on this, I will put my
21 right hand up, if need be.

22 THE COURT: If you'd like to that would
23 be fine.

24 MS. STROMAN: Yes, sir.

25 (WHEREUPON, SHANEEKA STROMAN was sworn

1 in.)

2 MS. STROMAN: All right. So St.
3 Matthews Police Department was called out once I
4 took interest in the property. I did not go on the
5 property. The property was open. The windows were
6 open. The doors were open. Upon calling St.
7 Matthews Police Department out, I actually wanted
8 more information on the property.

9 Upon speaking with the police officer,
10 Mr. Michael Smalls, he -- I actually had someone
11 else with me as well because we were both -- well,
12 I was, but he was with me, but he clarified that
13 the house has been vacant and abandoned for 10
14 years. And he also clarified that there was an
15 older lady that used to stay there. He did not
16 clarify her name, but I'm assuming it was Carol
17 Fischer. He said that she had been cited several
18 times because of kittens, eight kittens in her home
19 in that she -- her daughter came to get her and it
20 took her a while to leave and that that was 10
21 years or longer.

22 And so I said, well, is it okay for me
23 to go in? And so, you know, I just want to clarify
24 that I'm not a criminal. I admit no, you know, I
25 didn't try to go in, you know, without consent and

1 find out more information about the property.
2 However, the police okayed for me to go in. And he
3 also mentioned that if he were me, he will take big
4 man, those are his words, quote/unquote, which is
5 the fellow in the audience, that I should take
6 someone with me, you know, just to be safe and
7 found. But he did clarify that he said it's open,
8 the lady hasn't been there 10 some odd years and
9 there's no trespassing signs. So with that being
10 said, that's how I ended up entering the premises.

11 And, you know, Carol Fischer wasn't
12 there. And, you know, and so I even went on to go
13 to the tax assessor's office. I spoke with them in
14 reference to the property. They said that Carol
15 Fischer had no updated address on file. Okay. I
16 also showed in good faith, mailed because they said
17 that that was her physical residence. I also
18 mailed a letter, certified mailing, which I have
19 documentation of just to see if there was going to
20 be any response. It was returned back to sender
21 which is me, and it was marked vacant. And not
22 only by the post office, but I also had Calhoun
23 County Sheriff's Department go out and serve Carol
24 Fischer because they have that as her physical
25 residence. And so upon them doing that, I also

1 have documentation that they actually said the home
2 was abandoned.

3 After certain evidence, I even went to
4 probate court, which I spoke with Ms. Brown. She's
5 downstairs in this courthouse.

6 THE COURT: I'm familiar with Ms.
7 Brown.

8 MS. STROMAN: And I requested, you
9 know, to find out more information, you know, that
10 I received this vacant and abandoned documentation
11 to see if there was a personal representative on
12 file. Upon her looking it up, she actually gave me
13 documentation stating that there was no personal
14 representative. And after that, you know, I
15 actually went as far as doing publication, you
16 know, just to see if anyone would respond.

17 Upon doing publication, it's supposed
18 to be three weeks for the State of South Carolina,
19 however, I was a little bit more lenient and gave
20 her four weeks to respond which I understand that I
21 had 30 day to wait for her response after the weeks
22 that it's put in the paper because that's the South
23 Carolina state law. However, there was no
24 response. I actually went on ahead because the
25 previous case as they were mentioning was adverse

1 possession claim. And so I said, well, you have to
2 be there 10 years. I don't want to look like a
3 liar. You know, I really do follow the rules. And
4 so I want to pull this case out of this court and
5 I'm going to go ahead and finish possessing the
6 property because you have to be there 10 years
7 which in my affidavit saying that I would
8 continuously be there.

9 THE COURT: But you agree you haven't
10 been there 10 years?

11 MS. STROMAN: I haven't been there 10
12 years, no, sir. In my affidavit, I have that I
13 will continuously occupy it and I will occupy it
14 and I will take adverse possession, you know,
15 comparing it to the 10 years. So this affidavit
16 states just that. I hate to mention this, but I
17 have to for the record, there's someone working in
18 the courts, her name is Ms. Mitchell, she works at
19 the Register of Deeds. You know, I go in Register
20 of Deeds and she says, did you speak to Mr. Banks
21 about that property? I think you need to talk to
22 Mr. Banks. So with that being said, come to find
23 out, Mr. Banks is not the owner of the home. I'm
24 clarifying that Carol Fischer -- Carol B. Fischer
25 is the owner of the home, so I had no idea, why

1 would I be talking to Mr. Banks in reference of the
2 home, you know, before I continue filing my court
3 filings?

4 So, you know, that was a question. And
5 so when the officer came out --

6 THE COURT: Let me stop you there. So
7 you acknowledge that Ms. Fischer owns this home?

8 MS. STROMAN: Yes, sir, I do. I do
9 acknowledge that Ms. Fischer is the owner and I
10 actually have that in my previous complaint before
11 I amended it because they were saying that
12 something frivolous and I don't want to be
13 frivolous. So, yes, I am aware that Ms. Carol B.
14 Fischer is the owner of the home.

15 Now, after Ms. Mitchell mentioned
16 Mr. Banks, what I did was I said, well, wow, this
17 is crazy, you know, he's not the owner of the home.
18 And so I end up going, I have video, I went raking
19 the yard. No one bothered me for two months, like
20 for the record. I actually took possession of the
21 home on June 14th. So I have this documentation
22 here, you know, just to have on file in case
23 anybody comes and question me about it. So this
24 here this day, June 14th was 2023, so that's not 10
25 years. That's also clarified that I'm not claiming

1 the full adverse possession.

2 I went to the home, racked the yard.
3 There were vines around the home. Pulled vines
4 down. I actually -- the doors were open, I went
5 and bought keys to secure the property. I actually
6 purchased five or six no trespassing signs because
7 there were none. I placed them in the front of the
8 property, on both sides of the property, and in the
9 back of the property because that's sufficient to
10 South Carolina state law. You have to put all
11 those no trespassing signs around the home so that
12 no one can occupy it and no one trespasses.

13 After all of this, that's when St.
14 Matthews police officer came at the residence and
15 he actually came because I called. I called the
16 police department because my personal property was
17 gone. I have left some statutes there, my no
18 trespassing signs were gone, everything that I had
19 put into the home was gone except for the lawnmower
20 which is still there as of this day. He wrote me a
21 report, okay, for larceny. He did write me a
22 report. I have that report here for documentation.

23 Upon that report, he had given me a
24 report. And this report was from Emily
25 Fischer-Bunker. Okay. I am aware I was

1 trespassing. Okay, Your Honor. I know that Carol
2 B. Fischer is the owner. And I also am aware that
3 I was trespassing. And she -- I don't know Carol
4 B. Fischer and Carol B. Fischer doesn't know me.
5 However, there's a process in the State of South
6 Carolina where if someone is on the property and
7 that the owner or personal representative,
8 quote/unquote, they have to evict you from the
9 property. That's just from my understanding. I
10 don't know how, you know, 100 percent thorough I
11 am, but to make a long story short, I listened to
12 the police. I left the property. I haven't been
13 back on the property. And, you know, because I
14 know that this was a civil matter and that I would
15 be coming to court to discuss this situation
16 further.

17 Now, there is a complaint on me for
18 trespassing and I was told not to go back on the
19 property and I didn't. And so with that being
20 said, this is where we end up today. Like I said,
21 I made improvements which is in my affidavit and in
22 my affidavit states that I have possession of the
23 property. Like I said, the post office had no new
24 address for Carol B. Fischer. It was actually
25 listed by everyone that she actually lives there,

1 which she doesn't.

2 So with that being said, you know, with
3 respect to the court, anything that I had done
4 wrong, I can vouch for it and I most definitely
5 apologize. However, I don't think that I was doing
6 anything wrong as a squatter, you know. South
7 Carolina does have squatter laws.

8 Upon them putting me out, I was using
9 335 Horses Neck Road because that's where I went
10 back to until we figure out what was going to be
11 today. You know, I would be receiving mail there
12 until after today. Until I find out and come up
13 with a conclusion because I did not want to go back
14 on the property and be arrested.

15 And, currently right now, I'm in law
16 school. I do, I attend law school, Regent
17 University, so I'm learning. You know, it takes
18 time to learn. It's a lot of laws. Different
19 states, I mean, it's a whole lot to learn, so I'm
20 my best to try to explain myself as best as I can.
21 However, if I'm not doing that correctly, I most
22 certainly apologize and, you know, stand behind
23 everything that I say.

24 THE COURT: Okay. Well, tell me this,
25 you say, you acknowledge that you took possession

1 of the home on June 14th of 2023?

2 MS. STROMAN: Yes, sir.

3 THE COURT: Under what authority did
4 you take possession?

5 MS. STROMAN: Well --

6 THE COURT: I mean, under what you're
7 saying to me because I'm not at my house right now,
8 you can go take possession of my house and I
9 probably wouldn't be too happy about that.

10 MS. STROMAN: Well, Your Honor, like I
11 said, I tried to find the owner. That was my first
12 -- my first thing and foremost. And then --

13 THE COURT: Well, and I think you were
14 taking the right steps to begin with, I certainly
15 commend you for that. You found a house you may
16 want to purchase or whatever and you went through
17 all the right steps in the beginning trying to find
18 the owner and went to the assessor and went through
19 the Register of Deeds and those are all the proper
20 steps, but I don't think you get to just move in,
21 do you?

22 MS. STROMAN: Well, if you can find a
23 law for me, I'm trying to find it, it says in South
24 Carolina that squatters can move in vacant and
25 abandoned property. And it has to be vacant and

1 abandoned. It says that. It has to be vacant and
2 abandoned. And also I have --

3 THE COURT: I'm happy to hear or look
4 at anything you have with regard to that. But it
5 doesn't sound like this property -- it may have
6 been vacant, but it doesn't sound like it was
7 abandoned.

8 MS. STROMAN: Now I have documentation
9 of that as well. And I can give that to you. And
10 this is actually from Calhoun County Sheriff's
11 Department. As a matter of fact, he let me know
12 once I spoke to him, Officer Graham, he said -- I
13 said, well, I called to see if he went to the home
14 and he said, well, you know, that house is
15 abandoned. I'm sure you knew that. Which I did
16 know it was abandoned, but I wanted verification
17 from the sheriff's department.

18 THE COURT: Okay. Anything else?

19 MS. STROMAN: What I would like to ask
20 is, you know, that I have possession of the
21 property --

22 THE COURT: Hold on a second. I'm just
23 dealing -- we'll get to your motion in a minute.
24 I'm dealing specifically with Mr. Neumeister's
25 motion to dismiss against Ms. Fischer and Ms.

1 Fischer-Bunker that you have not pled sufficient
2 facts in your complaint to support a cause of
3 action under Rule 12. That's all I'm dealing with
4 right now. I'll listen to anything you want to
5 tell me in a minute about your motion.

6 MS. STROMAN: Well, to my knowledge,
7 Your Honor, you know, I feel that I've stated
8 enough information. I don't know if I have or
9 haven't, but I feel that I stated enough
10 information to have his request objected to.

11 THE COURT: Okay. All right. Well,
12 I'll take that one under advisement as well. All
13 right. And I think next -- all right.
14 Mr. Neumeister, I'm sorry, do you have anything
15 else to add?

16 MR. NEUMEISTER: If I may, I would like
17 to note that this residence was not abandoned, that
18 my client had regularly gone to the property. She
19 does live, I believe, in the low country where she
20 takes care of her mother, but she did come up here
21 and check on the property. Furthermore, taxes have
22 been paid. Things of that nature have been
23 accomplished to take care of the property in the
24 legal sense of taxation.

25 And just to go back to an earlier

1 statement I made about paragraph 1. The court
2 noted that sometimes Zip Codes may straddle lines.
3 Mr. Banks was so gracious to provide his computer,
4 we used GIS mapping to see if this was an address
5 in Calhoun County, it is not.

6 THE COURT: Okay.

7 MS. STROMAN: And, Your Honor, if you
8 don't mind, I have this documentation here if I can
9 present it to you for the property being stated as
10 abandoned. And this here comes from Calhoun County
11 Sheriff's Office, Thomas Summers, and I also have
12 this original certified mailing being returned to
13 sender because the property, it was vacant.

14 THE COURT: Was that attached to any of
15 your filings?

16 MS. STROMAN: Yes, sir, I did. I put
17 that in my filings.

18 THE COURT: Was that in your original
19 complaint?

20 MS. STROMAN: I believe so, Your Honor.

21 THE COURT: What you got there? What's
22 it called?

23 MS. STROMAN: This is a piece of mail
24 that was returned to me. This is documentation
25 that the county -- Calhoun County recognized the

1 property as being abandoned. And this here is --

2 THE COURT: Was that Exhibit I to your
3 -- yeah, okay, I see what you're talking about.

4 MS. STROMAN: And this here comes from
5 probate, it's Exhibit D stating that Carol B.
6 Fischer has no personal representative.

7 THE COURT: Okay.

8 MS. STROMAN: And I don't know if
9 you've seen this, Your Honor, but I did bring a
10 case to try to compare it to having possession of
11 the home. It's *State verses Bates*. It's a Supreme
12 Court case. And if you need the citation to it, I
13 can let you see it because there's some good stuff
14 there about having possession of something
15 regardless of who is the true owner or who has the
16 original title and if there is original title
17 that's available.

18 THE COURT: Yeah, what's the cite on
19 that?

20 MS. STROMAN: It's *State verses Bates*,
21 Supreme Court South Carolina, February 22, 1911
22 decided, 7778.

23 THE COURT: All right. We'll take a
24 look at that. All right. Anything else on the
25 motion to dismiss Ms. Fischer and Ms.

1 Bunker-Fischer (verbatim)?

2 MS. STROMAN: Just I want to -- just
3 for the record, there's a larceny charge here.
4 When the no trespassing signs were removed, all of
5 my personal property was removed. It does have the
6 value at -- listed as \$1,450. And I was told by
7 the police officer that the owners went and removed
8 everything. I had a key to the door for the two
9 months that I was there. They went and broke in
10 and they put some furniture in front of it so they
11 did break the locks that I purchased and took the
12 personal belongings. So I do have this police
13 report.

14 THE COURT: Okay. I think it was
15 attached to one of them as well, wasn't it?

16 MS. STROMAN: Come again, I didn't hear
17 you?

18 THE COURT: I believe it was attached
19 as well, wasn't it?

20 MS. STROMAN: Yes, sir, it was.

21 THE COURT: It was Exhibit L?

22 MS. STROMAN: That's right.

23 THE COURT: Okay. I saw it. Anything
24 else?

25 MS. STROMAN: No, sir.

1 THE COURT: Mr. Neumeister?

2 MR. NEUMEISTER: I would like to just
3 reiterate that none of the pleadings that were
4 provided by this Plaintiff including much of the
5 information that she's provided today; furthermore,
6 even the information she's provided today does not
7 support these causes of actions. Therefore, I
8 reiterate my request that this be dismissed.

9 THE COURT: Okay.

10 MS. STROMAN: And, Your Honor, if I
11 could just approach the courts one more time.
12 Hopefully, you see this, if not, I can show you a
13 copy, but I have an affidavit of due diligence as
14 well. Reaching every avenue to try to reach the
15 official owner. And like I said, there was no
16 personal representative listed, so I didn't know
17 about Emily Bunker. But I do have an affidavit of
18 due diligence so that I can remain in possession of
19 the home that was abandoned and vacant.

20 THE COURT: Okay. Anything else on
21 that?

22 MS. STROMAN: No, sir.

23 THE COURT: All right. All right. So
24 now we have -- next we have Ms. Stroman's motion
25 for summary judgement. Okay. Ms. Stroman, I'm

1 happy to hear from you.

2 MS. STROMAN: All right. Well, with
3 the evidence that I have to present, I'm asking for
4 a summary judgement on the documentation that I
5 have to provide to the courts to get back
6 possession of the property and to have them -- I
7 will, you know, I don't mind leaving the property,
8 but I'm requesting that they do it lawfully.
9 Because the way that they did it to my knowledge
10 was unlawfully.

11 I was there for two months fixing up
12 everything, you know, making things better. I have
13 a before and after picture and I also have videos
14 of work that I had did to the property. So with
15 that being said, on the affidavits and
16 documentation that I have provided that the court
17 has, if you see in -- offer this affidavit of the
18 color title that he was referencing to was
19 documentation saying that I was going to have
20 possession of the property. It was vacant and
21 abandoned and that I will be cleaning it up and
22 fixing it up under the Betterment Act, you know,
23 making it better and making it a home, actually,
24 because it wasn't being taken care of and it was
25 wide open. So off of the facts of the case and

1 acknowledging that it was vacant and abandoned and
2 I took possession of it, just asking that based off
3 of the facts that I get possession of the property
4 back and that's why I submitted the summary
5 judgement.

6 Just for the record, I had did a motion
7 for interlocutory before this court date, I had did
8 a motion for that because of the things that were
9 -- was going on within the courts. I had people
10 telling me that there's no need for me to put in
11 any documentation and they were going to put
12 documentation behind it saying that, you know, it
13 wasn't going to be recognized and being told that I
14 have to speak to Banks before, you know, just
15 people interfering in the trial process to simply I
16 think try to hinder me from moving forward and
17 possessing the property. I had asked for
18 interlocutory requests on that motion and I don't
19 know how you would take that, Your Honor, but I
20 just wanted to bring that up. So that it can be
21 reviewed in the statements that were being made
22 prior to today to be taken into consideration.

23 THE COURT: Okay. Is that all you have
24 on your motion?

25 MS. STROMAN: Yes, sir.

1 THE COURT: Okay. And I'm still back
2 to the issue of under what authority because the
3 issue is basically the same in the other motion
4 under what authority you took possession of the
5 home?

6 MS. STROMAN: I think it's 15-67-10, if
7 I'm not mistaken. 15-67-10 and 15-67-20 and
8 15-67-30, if I'm not mistaken. These are some
9 things that I listed into the affidavit. If you
10 can look at those laws. And also you can put in
11 there 27-18-30 and 27-18-60. It's 27-18-170.

12 THE COURT: Okay. Anything else?

13 MS. STROMAN: No, sir.

14 THE COURT: All right. Anyone else
15 want to be heard on the motion for summary
16 judgement?

17 MR. FELDER: Your Honor, on behalf of
18 the town, we have a pending motion to dismiss. We
19 haven't even fully pled this matter yet, so we feel
20 like from the town's standpoint at least the
21 summary judgement motion may be getting the cart
22 before the horse. So we'd ask that -- I mean, to
23 be dismissed without prejudice as far as the town
24 is concerned.

25 THE COURT: Okay.

1 MS. STROMAN: Well, Your Honor, I
2 object to that as well. Because the town has to be
3 served when a police officer is involved.

4 THE COURT: Why?

5 MS. STROMAN: From my understanding,
6 the town had to be served. If it was involving the
7 police officer or anybody --

8 THE COURT: Well, yeah, if you were
9 suing the town, yeah, they do. But what he's just
10 saying is summary judgement is not appropriate
11 against the town at this juncture in your favor.
12 Okay?

13 MS. STROMAN: Okay.

14 THE COURT: All right. Mr. Neumeister,
15 on behalf of your client?

16 MR. NEUMEISTER: We would also dispute
17 the allegations for summary judgement. I believe
18 that we have stated the facts that clearly
19 contradict the ownership of this property by the
20 Plaintiff. And if this were to go forward and this
21 would not to be dismissed with prejudice, we would
22 like to be able to have the opportunity to plead
23 those facts and show that my client and her mother
24 have owned this property and taken care of it and
25 it has not been abandoned.

1 And I do apologize, Your Honor, I would
2 like to reiterate the request for attorney fees
3 both specific to our pleadings and our response to
4 the motion for summary judgement.

5 THE COURT: All right. Anything else,
6 Ms. Stroman?

7 MS. STROMAN: Yes, sir. I would like
8 to also reiterate attorney fees and anything that
9 the courts deem just and proper because I did spend
10 some money, you know, on this case.

11 THE COURT: You don't have an attorney?

12 MS. STROMAN: No, sir. Well --

13 THE COURT: I think it would be
14 improper for me --

15 MS. STROMAN: Self-litigant pro se
16 fees?

17 THE COURT: No, ma'am.

18 MS. STROMAN: Okay.

19 THE COURT: Good try though. All
20 right. Anything else on the motion for summary
21 judgement?

22 MS. STROMAN: No, sir.

23 THE COURT: All right. All right.
24 Looks like lastly we have the town's and the
25 mayor's motion to be dismissed. Mr. Felder?

1 MR. FELDER: Yes, sir. Please the
2 Court, Your Honor?

3 THE COURT: Yes, sir.

4 MR. FELDER: I've been practicing 54
5 years and it's an honor to be in front of you for
6 the first time.

7 THE COURT: Appreciate that.

8 MR. FELDER: Your Honor, I'm going to
9 be very brief, I promise you because it's been
10 likely said. First of all, the police chief went
11 around there on the no trespass. He's just simply
12 doing what he's required to do. And, No. 2, the
13 rightful owner of this property as far as the
14 records in Calhoun County show the tax record and
15 everything is Ms. Fischer and apparently she
16 talking to Mr. Neumeister she has a person that
17 stands instead for her by legitimate power of
18 attorney. So that's one thing.

19 No. 2, the mayor, Helen Carson
20 Peterson, couldn't identify Ms. Stroman in a
21 lineup. She doesn't know her. That's not to put
22 down either one of them. It's just a fact. And so
23 the town now has been sued. There's no -- if you
24 read this, there's no complaint under 12(b)(6) and
25 that's why we did that. And what we would ask is

1 it be dismissed, if not, we would ask that the town
2 be dismissed and the chief be dismissed and the
3 mayor be dismissed because there -- this is a
4 dispute if there is one and I'm not conceding there
5 is one. That would be up to you, Your Honor,
6 whatever you rule is certainly what we're going to
7 abide by.

8 But if there is a dispute, it's between
9 Ms. Stroman and Ms. Fischer. And we -- the town
10 has nothing to do with this. We just enforcing the
11 law and doing what any normal municipality would
12 do. And I've told her that. Ms. Stroman has been
13 to my office at least two or three times. I hope
14 I've treated you fine. You were respectful to me
15 and I appreciate that.

16 MS. STROMAN: Yes, sir. I thank you.

17 MR. FELDER: And I'm not getting into,
18 you know, any of that. It doesn't state the cause
19 of action of 12(b)(6).

20 THE COURT: Okay. Ms. Stroman?

21 MS. STROMAN: Yes, sir.

22 THE COURT: Your response? Because --
23 and I'll tell you where I'm a little hung up. You
24 acknowledge to me under oath that you were
25 trespassing?

1 MS. STROMAN: Yes, sir, I understand
2 that.

3 THE COURT: And the town has the
4 obligation to enforce the laws.

5 MS. STROMAN: Yes, sir.

6 THE COURT: And as Mr. Felder is
7 saying, I think, they don't really have a dog in
8 the fight between you and Ms. Fischer. They were
9 just doing what they were asked to do.

10 MS. STROMAN: Yes, sir. Well, Your
11 Honor, that I took possession of the property, the
12 police officer, I asked him, I said, you know, do
13 you want to see the law? That the owners of the
14 property, you know, they have to evict me. Because
15 I had things there and I had done work there. And
16 so legally, I think that -- I mean -- no, I know
17 that I was suppose to be maybe evicted. I mean, I
18 had utilities on in my name and those were --
19 someone had turned the utilities back off and put
20 it back in someone else's name. So the utility
21 company allowed me to get lights. However, the
22 town of St. Matthews wouldn't allow me to get
23 water. And so that was the dilemma. Me not being
24 able to obtain water, but obtain lights. Because
25 the utility company did admit that there was

1 someone over the lights, but no one lived there.

2 THE COURT: Okay. But I'm just asking
3 you, what, if anything, the town or in your
4 complaint you allege the town or the chief or the
5 mayor has done wrong?

6 MS. STROMAN: Well, the police officer,
7 first of all, he told me to leave and don't come
8 back. I feel like I had, you know, the right to be
9 there because I had my documentation, you know, and
10 I was improving the place. You know, I did know
11 that if the owner came and told me, you know, gave
12 me eviction notice that, you know, I would have to
13 leave. But I'm not aware of them making me leave
14 and saying if I come back that, you know, I would
15 be on trespassing. And I never got to see the
16 owner. No one ever approached me. The owner never
17 approached me. Carol B. Fischer from my
18 understanding is incompetent. So, you know, I just
19 didn't think that I needed -- I was trespassing,
20 but I thought that it probably be another way they
21 would go about it as far as like eviction process
22 and so forth.

23 And so with him being the person that
24 came and gave me the trespassing and told me that
25 if I come back that I would go to jail. He was

1 armed. I didn't know, you know, I was in fear,
2 that's why I never went back. And so that's, you
3 know, I just feel like he was a part of it. Not a
4 part of Emily Bunker-Fischer, but a part of making
5 me leave without giving me the proper, I guess,
6 procedurally.

7 THE COURT: Okay. Anything else,
8 Mr. Felder?

9 MR. FELDER: Nothing from us.

10 THE COURT: Okay. Anything else you
11 want to tell me, Ms. Stroman?

12 MS. STROMAN: Yes, just one more time.
13 I was refused water on the property, but I received
14 lights. I did have utility in my name. And as of
15 this day I do. Like I said, I don't know who took
16 the lights back out of my name, but that's what
17 happened. And from my understanding, I had to sue
18 the town because the police officer works for the
19 town. And if they did, I guess, intervene, that
20 they were a part of it too. Because that's the
21 same officer that told me I can go in the premises.
22 It's no trespassing signs. It is abandoned, and so
23 forth, so that's the same officer that put me on
24 trespassing. So it was very confusing.

25 THE COURT: Okay. Anything else?

1 MR. NEUMEISTER: We would also ask that
2 if the court finds for the town and you do find
3 that the police acted within the scope of their
4 duties, that these other actions be dismissed as
5 they hinge upon the police's involvement in the
6 supposed eviction or wrongful eviction.

7 THE COURT: All right.

8 MS. STROMAN: And, Your Honor, the only
9 reason I used forced entry was because I did have
10 keys to the property. The locks were broke. They
11 went in and they moved big refrigerators in front
12 of the place. So after they went in and did all of
13 this, the property still wasn't secured and I had
14 secured the property. And I actually had no
15 trespassing signs up. So if you could take that
16 into consideration whoever did all of this and took
17 my items down and as of today the property is still
18 probably open. So, if you can take that into
19 consideration, I would appreciate it.

20 THE COURT: I'll take them advisement
21 and let y'all know something.

22 MS. STROMAN: Thank you, Your Honor.

23 THE COURT: All right.

24 - - -END OF REQUESTED TRANSCRIPT OF RECORD- - -

25

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF CALHOUN)

I, KATHERINE A. SPIRES, Registered Professional Reporter for the First Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Orangeburg County, South Carolina, on the 30th of November, 2023.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

August 23, 2024

Katherine A. Spires

Katherine A. Spires

Registered Professional Reporter