

Mar 27 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA)

COUNTY OF Horry)

Sam Investment LLC/k/Infa Archangel LLC)
Plaintiff,)

vs.)

Stephanie Hatton/Brandon Debell)
Defendant.)

IN THE COURT OF COMMON PLEAS
JUDICIAL CIRCUIT

CASE NO.: 2022-CP-26 - 08003

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Plaintiff's Attorney: <u>Jay G. Anderson</u> , Bar No. _____ Address: <u>4447 Highway Bys. 17, Suite 101 P.O. Box 969 Myrtle Beach, SC 29576</u> Phone: <u>843-545-6001</u> Fax _____ E-mail: <u>jga@jayanderson.com</u> Other: _____	Defendant's Attorney: _____, Bar No. _____ Address: <u>2379 Clendon Dr. Myrtle Beach, S.C. 29579</u> Phone: <u>843-780-1916</u> Fax _____ E-mail: <u>stephanie.brandon777@gmail.com</u> Other: _____
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MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information
 Nature of Motion: _____
 Estimated Time Needed: _____ Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type
 Written motion attached
 Form Motion/Order
 I hereby move for relief or action by the court as set forth in the attached proposed order.
 Signature of Attorney for Plaintiff / Defendant Date submitted: _____

SECTION III: Motion Fee
 PAID - AMOUNT: \$ _____
 EXEMPT: (check reason)
 Rule to Show Cause in Child or Spousal Support
 Domestic Abuse or Abuse and Neglect
 Indigent Status State Agency v. Indigent Party
 Sexually Violent Predator Act Post-Conviction Relief
 Motion for Stay in Bankruptcy
 Motion for Publication Motion for Execution (Rule 69, SCRCP)
 Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
 Name of Court Reporter: _____
 Other: _____

JUDGE'S SECTION
 Motion Fee to be paid upon filing of the attached order.
 Other: _____
 JUDGE CODE _____
 Date: _____, 20

CLERK'S VERIFICATION
 Collected by: [Signature] Date Filed: March 21, 2025
 MOTION FEE COLLECTED: \$ 25.00
 CONTESTED - AMOUNT DUE: \$ _____

FILED
 2025 MAR 21 2 41:58
 Horry County
 RENEE N. SMITH
 CLERK OF COURT
 HORROR COUNTY, SC

STATE OF SOUTH CAROLINA
COUNTY OF HORRY
IN THE CIRCUIT COURT

Sam Investment LLC. N/K/A Archangel)
Investments LLC)

Civil Action No.: 2022-CP-26-08003

Plaintiff,)

vs.)

Stephanie Hatton and)
Brandon Deubell)

Defendant.)

FILED
HORRY COUNTY
2025 MAR 21 P 4: 58
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

MOTION FOR RELIEF FROM JUDGMENT PURSUANT TO RULE 60(b), SCRPC

COMES NOW the Defendant, Stephanie Hatton, appearing pro se, and respectfully moves this Honorable Court, pursuant to Rule 60(b)(2) and Rule 60(b)(3) of the South Carolina Rules of Civil Procedure, for relief from the final Judgment entered on January 31, 2025 and filed on February 4, 2025 in the above-captioned case, wherein the Court awarded Plaintiff \$1,300 for rent, \$495.72 for an AC/heater, and \$1,500 for painting costs, \$7050.00 in Attorney fees and more. Defendant seeks to vacate the \$1,300 rent award based on newly discovered evidence and fraud or misrepresentation by Plaintiff as well as any other awards based on the following;

1. The Court entered Judgment on January 31, 2025 and filed on February 4, 2025 against Defendant, awarding Plaintiff \$1,300 for rent allegedly owed for July 2022, as well as other amounts.
2. At trial, Plaintiff introduced into evidence an unsigned, partially completed vacate or rule to show cause notice and an unsigned, partially completed writ of Ejectment, (Exhibit 1 and Exhibit 2 respectively) perhaps claiming these supported a lease termination date of July 1, 2022, and rent liability for July as well.
3. Plaintiff's counsel represented to the Court that only the lease and addendums were being introduced as evidence, not the aforementioned notice or writ.

4. Defendant, appearing pro se, did not introduce evidence at trial due to lack of legal knowledge and Plaintiff's misleading presentation, which obscured the relevance of Defendant's own documents.

5. Defendant has since identified and possesses the following documents, attached to Affidavit in support as Exhibits D1, D2, D3, D4, and D5.

a. A vacate or rule to show cause notice, signed by Defendant, served on June 1, 2022. (Exhibit D1) signed by Judge Clayton

b. A letter notifying Defendant of the ejectment trial, dated June 10, 2022, scheduling a hearing for June 28, 2022. (Exhibit D2) signed by Judge Clayton

c. A writ of ejectment, signed by Judge Manuela A. Clayton, issued on June 28, 2022. (Exhibit D3)

d. Horry County Public Index record of the Judgment/disposition and date of filing (Exhibit D4)

e. Canceled rent checks for May and June 2022 for (Exhibit D5)

6. These documents demonstrate that the lease terminated no later than June 28, 2022, prior to the July 1, 2022, rent due date, relieving Defendant of liability for July rent as well as showing all rent was paid up to date of eviction and the eviction was for late payment of rent on June 28, 2022 not nonpayment of rent in July 2022.

7. Plaintiff's re-rental of the property from August 1, 2022, to March 31, 2023, for \$12,000 further exceeds the \$11,700 originally sought, rendering the \$1,300 award an overcompensation.

Defendant seeks relief under Rule 60(b)(2) and Rule 60(b)(3), SCRPC, for the following reasons:

A. Rule 60(b)(2) - Newly Discovered Evidence

8. The signed vacate notice, trial letter, writ of ejectment, horry county public index and canceled Rent Checks (Exhibits D1, D2, D3, D4, and D5) constitute newly discovered evidence that Defendant could not have presented at trial with reasonable diligence.

9. As a pro se litigant, Defendant was unaware of the need to introduce these documents, especially given Plaintiff's counsel's representation that only the lease and addendums were at issue, which misled Defendant as to the scope of evidence required.

10. This evidence is material and not merely cumulative, as it establishes that the lease terminated on or before June 28, 2022, negating any obligation for July rent, a fact that would likely have changed the trial outcome.

B. Rule 60(b)(3) - Fraud, Misrepresentation, or Misconduct

11. Plaintiff's presentation of an unsigned partially filled vacate notice and unsigned partially filled writ, coupled with counsel's statement that only the lease and addendums were being introduced, constitutes fraud, misrepresentation, or misconduct.

12. These incomplete documents were presented as valid proof of a July 1, 2022, termination, while Plaintiff withheld or failed to disclose the true, signed versions, misleading the Court and prejudicing Defendant's defense.

13. Had Plaintiff accurately presented the signed writ and notice, or disclosed their intent to rely on termination documents, Defendant could have countered with Exhibits D1,D2,D3,D4 and D5 demonstrating no July rent was owed and paid to date and was evicted on late payment not non payment

14. In addition to Rent, the partially filled items may have also influenced decisions inside this trial..

WHEREFORE, Defendant respectfully requests that this Court:

1. Grant relief from the judgment pursuant to Rule 60(b)(2) and Rule 60(b)(3), SCRPC.
2. Vacate the portion of the judgment awarding Plaintiff \$1,300 for July 2022 rent as well as any other damages tied to the unsigned, partially filled rule to vacate or show cause and the unsigned, partially filled Writ of Ejectment, as they are as illusory without a signature or date or other from the Magistrate.
3. Conduct an expedited hearing on this motion, given Defendant's pending appeal with a brief due April 10, 2025.
4. Grant such other and further relief as the Court deems just and proper.

Status of Appeal

5. This Case is pending Appeal in the South Carolina Court of Appeals. Defendants will request a stay and remand to allow this Court to hear this motion (Appellate Case No. 2025-000445)

Respectfully submitted this 21st day of March, 2025.

Stephanie Hatton
Brandon Deubell

Stephanie Hatton (843) 780-1916 Defendant Pro Se
Brandon Deubell (843) 213-8262 Defendant Pro Se
2379 Clandon Dr, Myrtle Beach S.C. 29579
Stephaniebrandon777@gmail.com

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State of SC County of Horry
Subscribed and sworn to (or affirmed) before me on this
21 day of March, 2025 by
Stephanie Hatton/Brandon Deubell proved to me on the basis
of satisfactory evidence to be the person(s) who appeared before me.
Notary Signature Tara Hepler



CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2025, I served a true and correct copy of the foregoing Motion for Relief from Judgment Pursuant to Rule 60(b), SCRPC, along with attached Affidavits and exhibits, on Plaintiff's counsel by depositing the same in the United States Mail, postage prepaid, addressed to:

Jay G. Anderson
4447 Highway 17 Business, Suite 101
Post Office Box 969
Murrells Inlet, South Carolina

State of 29586 County of Horry
Subscribed and sworn to (or affirmed) before me on this
21 day of March, 20 25 by
Stephanie Hatton proved to me on the basis
of satisfactory evidence to be the person(s) who appeared before me.
Notary Signature [Signature]

ERIN LEWIS
Notary Public - State of South Carolina
My Commission Expires
September 24, 2034

Stephanie Hatton
Brandon Deubell

Stephanie Hatton (843) 780-1916 Defendant Pro Se
Brandon Deubell (843) 213-8262 Defendant Pro Se
2379 Clandon Dr, Myrtle Beach S.C. 29579
Stephaniebrandon777@gmail.com

Affidavit of James Hatton

Affidavit of Stephanie Hatton

- Exhibit D1: Signed vacate/rule to show cause (e.g., served June 1, 2022).
- Exhibit D2: Trial letter (e.g., hearing June 28, 2022).
- Exhibit D3: Signed writ of ejectment (e.g., issued June 28, 2022).
- Exhibit D4. Horry County Public Index Judgement and Disposition
- Exhibit D5 Cancelled Rent Checks May and June 2022
- Exhibit 1 Unsigned partially filled rule to Vacate or Show Cause
- Exhibit 2 Unsigned partially filled writ of Ejectment
- Receipts for exhibits

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