

P. O. Box 2543
Bluffton, S.C. 29910
843-368-5576

April 08, 2025

Clerk of Court
South Carolina Court of Appeals
P. O. Box 11629
Columbia, S.C. 29211

Re: Appellate Case No. 2021-000434
Circuit Court Case No. 2019-CP-07-02178

RECEIVED
APR 29 2025
SC Court of Appeals

Gentlemen:

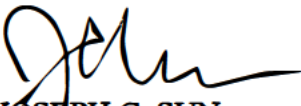
Attached please find this court's order dated October 24, 2024 dismissing my appeal because I was not allowed to represent my Family Trust because I was not an attorney licensed to practice law even though I tried to explain that I was representing myself pro se. I was 78 years old and retired on Social Security. I could not afford to hire a lawyer and my appeal was dismissed.

My house was scheduled on foreclosure so I cited court records to show that the respondent committed perjury in getting the Order of Publication and the Order of Default and Reference. (See copies of attached documents.) I further filed a motion pro se to vacate those orders based on the crime of perjury and fraud on the court. I do not know what else I could do because my daughter and I would soon be homeless.

I have not heard anything on my pro se motions from the court of common pleas. But now I need to get the appeal bond money (a total of \$31,673.20) I put in the appeal case when I filed the appeal (2021-000434) because I am not allowed to file the appeal pro se. Since My appeal case was dismissed, I have no need for the appeal bond, therefore, I ask to have the aforesaid bond money be returned to me so I may be able to hire a lawyer to defend the foreclosure.

Thank you for your consideration.

Respectfully submitted


JOSEPH C. SUN, pro se

THE STATE OF SOUTH CAROLINA)
)
JOSEPH C. SUN,)
)
Petitioner pro se)
)
v.)
)
BLUFFTON PARK COMMUNITY)
)
OWNERS ASSOCIATION, INC.)
)
Respondent)

IN THE COURT OF COMMON PLEAS
BEAUFORT COUNTY

Case No. 2019-CP-07-02178

**RENEWED MOTION TO VACATE ORDER FOR PUBLICATION
AND FOR TEMPORARY RESTRAINING ORDER**

COMES NOW, PETITIONER JOSEPH SUN, pro se, and moves this court to vacate the order for publication issued by the court on January 31, 2020 based on a perjured affidavit filed by Respondent Counsel Scott Wild.

(See Exhibits 1 and 2)

RECEIVED
APR 29 2025
SC Court of Appeals

The Affidavit in Support of Order for Publication filed by Respondent counsel Scott Wild on December 23, 2019 contains patently false statement that "7. The undersigned has, after due diligence, been unable to locate a valid alternate address for Joseph Sun within or without the State of South Carolina." Mr. Wild made that false statement after he had already known the several addresses of Joseph Sun in South Carolina and particularly, had been given Sun's valid address on 43 Broadview Drive in Ridgeland, SC 29936, by investigating agent OmniSearch and Mr. Wild filed that information on December 27, 2019. (Exhibit 2)

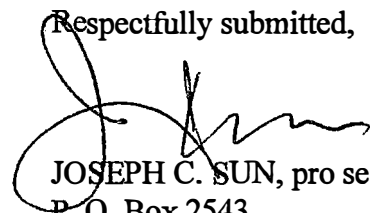
Therefore, it is clear that Mr. Wild made false testimony that he was unable to locate Joseph Sun after he was given the alternate address of Joseph Sun in 43 Broadview Drive, Ridgeland, South Carolina 29936, where he could easily perfect personal service. That information given by the private investigator OmniSearch for Joseph Sun is clearly filed by him on December 27, 2019. (See Exhibit 2.) Counsel Scott Wild is guilty of fraud on the court. His fraud was that he had current

addresses of Joseph Sun but he repeatedly falsely claim that Sun was avoiding service of process and could not be found in South Carolina.

Mr. Wild successfully obtained the Order for Publication by fraud on the court in secrecy without Petitioner Sun's knowledge. He then prepared by unopposed motion an Order of Default and Reference before the Master in Equity. (Exhibit 3) At the hearing on July 17, 2020, Sun complained he knew nothing about the case or the default. But his objections were ignored by Judge Dukes and Mr. Wild. (See Transcript Exhibit 4.) Judge Dukes after denying Sun's motion to recuse him further signed the Master's Decree of Foreclosure and sale on January 13, 2021. Subsequently, the Order of Default and Reference issued by the court on June 05, 2020 should also be vacated because it was based on the same perjury. Furthermore, the Order of Default and Reference was issued in error procedurally because there was no motion for default ever filed. Rule 55(b), South Carolina Rules of Civil Procedure requires the Plaintiff make an application to the court prior to granting a default judgment. As no such motion has ever been made, the default should also be vacated.

Petitioner Sun moves the court to temporary enjoin the judicial sale and/or other disposition of Petitioner Sun and his family trust's real estate property based on the crime of perjury and fraud on the court committed by Respondent Counsel.

Respectfully submitted,



JOSEPH C. SUN, pro se
P. O. Box 2543
Bluffton, SC 29910
843-368-5576

P. O. Box 2543
Bluffton, SC 29910
May 28, 2021

Honorable Jerri Ann Roseneau
Clerk of Court for Beaufort County
Beaufort, SC 29910

Re: Civil Case No. 2019-CP-07-02178

Dear Ms. Roseneau:

I am sending you copies of two (2) Orders you signed, to wit, Order of Default and Reference and Order of Publication in the referenced foreclosure action on a family home located in Bluffton, SC. As I will show you, there is evidence of perjury, all filed in the case and ignored by you and the judge, allowing the Plaintiff Homeowners Association to obtain the Master's Decree of Foreclosure to put my house for sale so they can get the \$21,115.47 from me by fraud. I will not testify, but I will use documents filed by the plaintiff to prove his crime. My allegations of perjury committed by Plaintiff counsel Scott Wild is not based on my accusation alone, but based on documents that Mr. Wild had filed himself in the case.

In order for him to obtain an Order of Publication by fraud, Mr. Wild had to claim under oath that Joseph Sun could not be found in the State of South Carolina. S.C. Code §15-9-710. But he did find Joseph Sun and knew where I was. Exhibit A he filed on December 27, 2019 with his Affidavit in Support of Publication as you can see contained several addresses of Joseph Sun in South Carolina listed by OmniSearch. Item 6 stated the address of Joseph Sunn was and still is located at 43 Broadview Drive, Ridgeland, SC 29936. My family trust owned the Ridgeland property since 1995 and I have been residing in the house ever since 2010. But Mr. Wild would not serve the process on me at my Ridgeland home. He chose to serve the process by publication because it was easier to get default. Judge Dukes allowed Mr. Wild to serve me at the wrong Bluffton Address which was mostly vacant when my daughter was attending University in Virginia.

Mr. Wild's perjury in his affidavit filed on December 23, 2019 (Exhibit C) to obtain service by publication is as follows: He testified falsely that, " Joseph Sun is actively avoiding service, and further attempts at personal service will not be fruitful and result in further delay and cost to Plaintiff.

7. The undersigned has, after due diligence, been unable to locate a valid alternate address for Joseph Sun within or without the State of South Carolina."

Mr. Wild was guilty of perjury because his false testimony of no valid alternate address was conflicted by his own Exhibit A. All he had to do is to pay the Jasper County Sheriff to serve the process on Joseph Sun at 43 Broadview Drive, Ridgeland, SC 29936 which address was clearly stated in Exhibit A of his own affidavit filed on December 27, 2019 as shown in the Beaufort County Public Index. **There should not have been any service by publication allowed** except for Wild's fraudulent scheme to use an obscure summons and complaint hidden from Sun in a publication to get a default during January through March of 2020 in a pandemic. He knew he could not get default with normal service by the Sheriff as it will show the complaint. But service

by publication during a pandemic will coverup because newspapers in Library was closed.

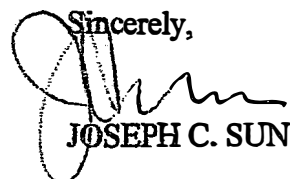
Many documents in Jasper County Courthouse can show that I live in the Ridgeland house for several years. Mr. Wild knew that too because he served me numerous legal papers at the Ridgeland location. (Some attached Exhibits.) But he chose to ignore that to pretentiously serve me at the wrong Bluffton address and then get an Order of Publication so I could not know anything about the lawsuit. That way, he could easily get a Default against me. As you and Judge Dukes know that January through March 2020 was a period of total lockdown due to Coronavirus pandemic. I filed an affidavit in the case under oath that I had not received a copy of the complaint, and with exhibit-notices that all courthouse, libraries and law offices were closed. Because it was impossible for me to know anything about the publication, the court found me in default and you signed the Order of Default and Reference on June 5, 2020. You should explain why you signed the Order of Publication but I was not personally served at my Ridgeland home.

I received a copy of the Notice of Hearing filed on June 17, 2020 on the foreclosure scheduled for July 16, 2020. That was the first time I found out about the default. I complained to Judge Dukes but he ignored that in favor of the Plaintiff lawyer. I had experience with judge Dukes for several years. He always ruled against me after he humiliated me in court, such as "Oh, Really!" and "I just learned something after 30 years that you can make discovery after a judgment." Most of all, Judge Dukes allowed Plaintiff counsel to rule on my two motions and deny them in the Master's Decree prepared by counsel.

As seen on the news, this country had many incidences of prejudice against Asians by committing violence on the streets. Here in courts, it is prejudice against Asian pro se using guaranteed adverse rulings including allowing perjury to be freely used against me. Now my family home has been foreclosed and ordered to be sold because of perjury the court ignored in obtaining Order by Publication which should not have been allowed.¹

Please turn this matter of my allegations of perjury and fraud to be investigated by the South Carolina Law Enforcement (SCAD) or the Federal Bureau of Investigation (FBI) because it affects Interstate Commerce as Suns Family Trust is a company in Canada.

Thank you for your consideration. Please write me at my return address or call me at my phone 843-368-5576 if you have any questions.

Sincerely,

JOSEPH C. SUN

Attachments: Some documents already filed
in Civil Case 2019-CP-0702178

¹ Evidence in the case shows the Sun Trust has paid all annual assessments through the past 15 years since we bought the house. But Judge Dukes allowed the Homeowner Association to get a default using perjury to get publication on some parking penalties and late fees to put my house for sale. But no hearing on damages was ever held, a denial of due process.

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

**Bluffton Park Community Association,
Inc.,**

Lienor.

VS.

Joseph Chakyng Sun as Trustee of The 2009 Sun's Family Trust in South Carolina, USA; Joseph Chakyng Sun, Individually; Liling Sun n/k/a Liling Walsh; Oleyssa Matyushevsky; Christine Varg; and Citizens Opposed to Domestic Abuse,

Defendant(s).

) IN THE COURT OF COMMON PLEAS
) FOR THE 14TH JUDICIAL CIRCUIT
) CIVIL ACTION #: 2019-CP-07-02178

Affidavit in Support of Order for Publication

PERSONALLY appeared before me, Scott M. Wild, who, being first duly sworn, says
and deposes:

1. He is the attorney for the Plaintiff, Bluffton Park Community Association, Inc. (“Plaintiff”), in the above-captioned case.

2. This is an action for foreclosure, breach of contract, and unjust enrichment against the Defendants, Joseph Chakyng Sun as Trustee of The 2009 Sun's Family Trust in South Carolina, USA ("Sun's Family Trust") and Joseph Chakyng Sun, Individually ("Joseph Sun"), for past due payments, late fees, interest, and other costs of collection associated with their account with Plaintiff.

3. The Summons and Complaint was filed with the Beaufort County Clerk of Court on October 1, 2019.

4. Service of the Summons and Complaint was attempted upon the Sun's Family

Trust and Joseph Sun by personal service by Deputy J. Hoyt of the Beaufort County, South Carolina Sheriff's Office, at what is believed to be the personal address of Joseph Sun, who is named herein individually and as the Trustee of the Sun's Family Trust. A copy of the Affidavits of Non-Service are of record with this Court as of November 15, 2019.

5. Prior to attempting service through the Beaufort County Sheriff's office, the undersigned performed an address search for Joseph Sun from ussearch.com, which revealed the address of 18 5th Avenue, Bluffton, SC 29910, to be the current address of Josephe Sun. A copy of the address search is attached hereto as Exhibit "A".

6. Upon information and belief, the undersigned believes Joseph Sun is actively avoiding service, and further attempts at personal service will not be fruitful and will result in further delay and costs to the Plaintiff.

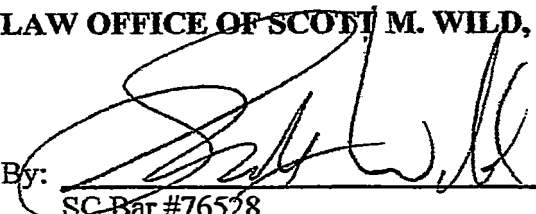
7. The undersigned has, after due diligence, been unable to locate a valid alternate address for Joseph Sun within or without the State of South Carolina.

7. The undersigned believes that Plaintiff is entitled to an Order allowing for service of process upon the Sun's Family Trust and Joseph Sun by publication of the Summons against the Sun's Family Trust and Joseph Sun and their property, and any other documents as the Court may require, in a newspaper of general circulation in Beaufort County, South Carolina.

THE AFFIANT FURTHER SAYETH NAUGHT.

[SIGNATURE AND NOTARIZATION PAGE FOLLOWS]

LAW OFFICE OF SCOTT M. WILD, L.L.C.

By: 

SC Bar #76528

Attorney for the Plaintiff

Post Office Box 6867

Hilton Head Island, SC 29938

(843) 785-9453

scott@wildlawfirm.com

Sworn to and subscribed before me

this 23rd day of December, 2019.



Notary Public for South Carolina

My Commission Expires: 08-24-2024

EXHIBIT "A"

to Affidavit in Support of Publication in
Bluffton Park Community Association, Inc.

v.

The 2009 Sun's Family Trust in South Carolina, et al.

(2019-CP-07-02178)

EXHIBIT 2

OmniSearch for Joseph Chakyng Sun

Your report for Joseph Chakyng Sun contains:

Full Name & Aliases	Associates (Summary)
Age	Relatives (Summary)
Contact Information	Social Networks
Address History	

Tracy, use your OmniSearch membership today!

Run unlimited, instant OmniSearch reports
Search by name, phone number or address

Click  in reports to explore details

Scroll down to see the report you purchased today. To start a new search with OmniSearch, click here!

Joseph Chakyng Sun, 72

Search ID# 11989261

Joseph C Sun
Joe Tann
Josephine M Sun

CONTACT INFORMATION

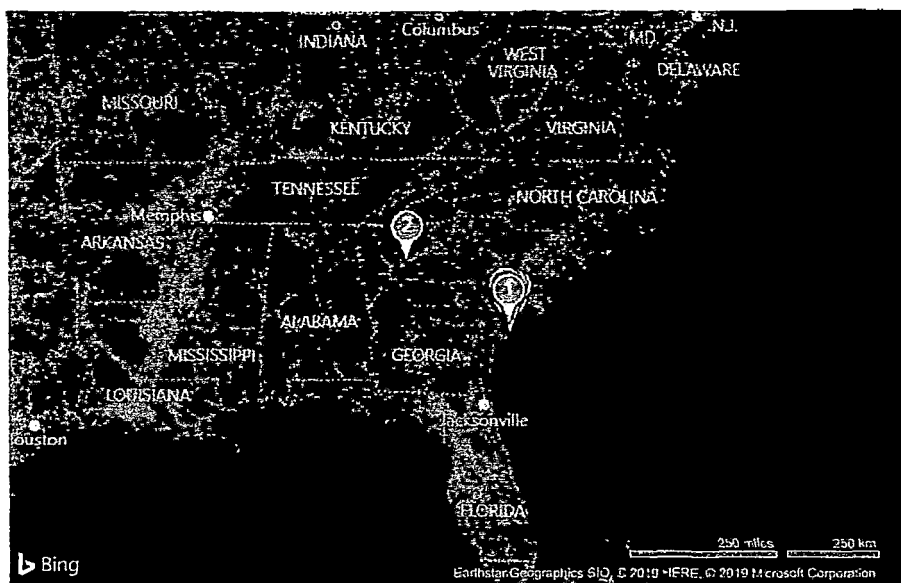
Results in this section list publically available phone numbers for, or related to, Joseph Chakyng Sun. Sometimes phone numbers are registered to another member of a household such as a spouse or a roommate. Results include "Related" phone contacts for the individual if available. In the event of no direct listing of phone number for the individual, you may be able to contact him/her through the alternative contacts.

Results For Joseph Chakyng Sun

Joseph Chakyng Sun
18 6Th Ave
Bluffton, SC 29910-7653
() -

ADDRESS HISTORY (11 addresses associated with Joseph Chakyng Sun)

This section lists historical addresses associated with an individual from public records. In most cases the current address is the first or second reported address; however occasionally it appears elsewhere in the list.



Address	Phone Number
1 18 6th AVE Bluffton, SC 29910-7653	
2 1008 Dallas WAY Lawrenceville, GA 30046-3310	
3 19 E Industrial Park RD Ridgeland, SC 29936-6427	
4 PO Box 3893 Bluffton, SC 29910-3893	
5 P O Box 429 Ridgeland, SC 29936-2607	
6 43 Broadview DR Ridgeland, SC 29936	
7 5 Pine Swallow Daufuskie Island, SC 29915-9226	
8 PO Box 4584 Beaufort, SC 29903	
9 1095 Stone ML Lawrenceville, GA 30046-5566	
10 PO Box 741 Lilburn, GA 30048-0741	
11 PO Box 1912 Lawrenceville, GA 30046-1912	

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

Bluffton Park Community Owners
Association, Inc.,)

Plaintiff,)

vs.)

Joseph Chakyng Sun as Trustee of The
2009 Sun's Family Trust in South
Carolina, USA; Joseph Chakyng Sun,
Individually; Liling Sun n/k/a Liling
Walsh; Olesya Matyushevsky;
Christine Varg; and Citizens Opposed
to Domestic Abuse,)

Defendants.)

IN THE COURT OF COMMON PLEAS
FOR THE 14TH JUDICIAL CIRCUIT
CIVIL CASE NO.: 2019-CP-07-02178

Order of Default and Reference

IT APPEARS this is an action for breach of contract, unjust enrichment, foreclosure, declaratory judgment and quiet title, including all costs, assessments, attorney fees, and expenses as this Court may award pursuant to the terms of the contract(s) between the parties.

IT ALSO APPEARS from the record and from the Affidavits of Default and Non-Military Service of Scott M. Wild, attorney for the Plaintiff in the above-captioned action, Bluffton Park Community Owners Association, Inc. (hereinafter referred to as "Bluffton Park"), that it filed a Summons & Complaint, *Lis Pendens*, and Certificate of Exemption from South Carolina Supreme Court Administrative Order 2011-05-02-01 on October 1, 2019 (hereinafter collectively referred to as the "Complaint") against Joseph Chakyng Sun as Trustee of The 2009 Sun's Family Trust in South Carolina, USA; Joseph Chakyng Sun, Individually; Liling Sun n/k/a Liling Walsh; Olesya Matyushevsky; Christine Varg; and Citizens Opposed to Domestic Abuse, (hereinafter, collectively referred to as "Defendants").

EXHIBIT 3

IT FURTHER APPEARS on May 11, 2020, Bluffton Park served Joseph Chakyng Sun individually (hereinafter, "Joseph Sun") and served The 2009 Sun's Family Trust in South Carolina, USA through its Trustee Joseph Chakyng Sun (hereinafter, the "Sun's Family Trust"), with a copy the Complaint via Publication, as evidenced by the Affidavit of Publication which is of record with the Office of the Clerk of Court for Beaufort County, South Carolina as of March 18, 2020.

IT FURTHER APPEARS that thirty (30) days elapsed from the date of service of the Complaint upon Joseph Sun and served the Sun's Family Trust, and that Joseph Sun and the Sun's Family Trust have failed to serve an Answer, Counterclaim or other responsive pleadings upon Bluffton Park or its attorney for or on behalf of the same; and that Joseph Sun and the Sun's Family Trust are now in default.

IT FURTHER APPEARS on October 28, 2019, pursuant to S.C. Code Ann. §15-35-840, Bluffton Park served Liling Sun n/k/a Liling Walsh (hereinafter, "Liling Sun") through J. Samuel Scoville, Esq., who obtained a judgment on her behalf and/or was her attorney of record in said suit leading to said judgment, with a copy of the Complaint via Certified Mail Restricted Delivery at 101 Craven Street, Beaufort, SC 29902, which proof of service is of record with the Office of the Clerk of Court for Beaufort County, South Carolina as of November 1, 2019 in accordance with Rule 4 of the *South Carolina Rules of Civil Procedure* ("SCRCP").

IT FURTHER APPEARS that thirty (30) days elapsed from the date of service of the Complaint upon Liling Sun, and that Liling Sun has failed to serve an Answer, Counterclaim or other responsive pleadings upon Bluffton Park or its attorney for or on behalf of the same; and that Liling Sun is now in default.

IT FURTHER APPEARS on October 28, 2019, pursuant to S.C. Code Ann. §15-35-840, Bluffton Park served Olesya Matyushevsky (hereinafter, "Matyushevsky"), Christine Varg (hereinafter, "Varg") and Citizens Opposed to Domestic Abuse (hereinafter, "CODA") through Charles J. Baker, III, Esq., who obtained a judgment on their behalf and/or was her attorney of record in said suit leading to said judgment, with a copy of the Complaint via Certified Mail Restricted Delivery at 5 Exchange Street, Charleston, SC 29401, which proof of service is of record with the Office of the Clerk of Court for Beaufort County, South Carolina as of December 11, 2019 in accordance with Rule 4 of the *South Carolina Rules of Civil Procedure* ("SCRCP").

IT FURTHER APPEARS that thirty (30) days elapsed from the date of service of the Complaint upon Matyushevsky, Varg and CODA, and that Matyushevsky, Varg and CODA have failed to serve an Answer, Counterclaim or other responsive pleadings upon Bluffton Park or its attorney for or on behalf of the same; and that Matyushevsky, Varg and CODA are now in default.

NOW, THEREFORE, upon the motion of Scott M. Wild, attorney for Bluffton Park, it is:

ORDERED, ADJUDGED, AND DECREED, that Joseph Sun, the Sun's Family Trust, Liling Sun, Matyushevsky, Varg and CODA are adjudged to be in default pursuant to *SCRCP* Rule 55 and South Carolina Supreme Court Order 2011-05-02-01; and, pursuant to *SCRCP* Rule 53 and South Carolina Supreme Court Order 2010-07-15-01, this action is hereby referred to the Honorable Marvin H. Dukes, III, Master-in-Equity for Beaufort County, South Carolina, to make findings of fact and conclusions of law, to direct an entry of final judgment, to hear any issues, and any appeal from the Order shall be to Court of Appeals for the State of South Carolina.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Bluffton Park is responsible for paying the Reference Fee set forth in South Carolina Code of Laws Section 14-11-310; however, if Bluffton Park's case has ended, any remaining party seeking Affirmative

Relief shall be responsible for paying the fee. If the case is a Partition Action or Lien Foreclosure the fee amount is \$100.00; for all other types of cases the fee is \$50.00. The Reference Fee shall be paid to the Office of the Master in Equity for Beaufort County within 30 days of the date of this Order or the Master will dismiss the case for non-payment of the Reference Fee without further notice.

IT IS SO ORDERED.

The Honorable Jerri Ann Roseneau, Clerk of
Court for Beaufort County, South Carolina

Beaufort, South Carolina

This ____ day of _____, 2020.

I SO MOVE:

LAW OFFICE OF SCOTT M. WILD, LLC

By: s/Scott M. Wild
SC Bar # 76528
Attorney for the Plaintiff
P.O. Box 6867
Hilton Head Island, SC 29938
(843) 785-9453
scott@wildlawfirm.com

1 State of South Carolina) Court of Common Pleas
 2 County of Beaufort) 14th Judicial Circuit
 3) No. 2019-CP-07-02178

4 Bluffton Park Community)
 5 Owners Association, Inc.,)

6 Plaintiff,)

7 vs.)

8 Joseph Chakyng Sun as)
 9 Trustee of The 2009 Sun's)
 10 Family Trust in South)
 11 Carolina, USA, et al,)

12 Defendants.)

HEARING

July 17, 2020
 (Via WebEx Teleconf.)

13 Hearing reported by Deborah S. Thomas,
 14 Certified Verbatim Reporter and Notary Public in and
 15 for the State of South Carolina; said hearing held
 16 before Honorable Marvin H. Dukes, III, Beaufort
 17 County Master in Equity and Special Circuit Court
 18 Judge in accordance with the South Carolina Rules of
 19 Civil Procedure, at the Beaufort County Courthouse,
 20 102 Ribaut Road, Room 212, Beaufort, South Carolina
 21 on July 17, 2020, at the hour of 10:21 a.m.

22 Deborah S. Thomas, CVRM
 23 80 Plymouth Lane
 24 Bluffton, South Carolina 29909
 25 (803) 206-7390

COPY - Exhibit 4 -

Appearances

Representing the Plaintiff:

Scott M. Wild, Esquire
Law Office of Scott M. Wild, LLC
Post Office Box 6867
Hilton Head Island, South Carolina 29938
scott@wildlawfirm.com

Representing the Defendants:

Joseph Chakyng Sun, Pro Se
Post Office Box 2543
Bluffton, South Carolina 29910
jossunn1095@yahoo.com

1 This hearing is conducted in
2 accordance with the South Carolina Rules of Civil
3 Procedure.

4 JUDGE DUKES: Good morning, we're
5 here in 2019-CP-07-02178, this is Bluffton Park
6 versus Sun. This matter was actually scheduled
7 yesterday the 16th at 10:00 a.m. And we made a
8 number of good faith efforts to try to get the WebEx
9 platform working. So by consent, this matter was
10 rescheduled for today, July 17th, 2020, at 10:00
11 o'clock a.m.

12 We've now been working diligently for
13 about 21 minutes attempting to get video of Mr. Sun.
14 It sounds like it's a configuration problem with
15 regard to his computer. Although, I'm not positive
16 about that. Nevertheless, we have Mr. Sun on good,
17 clear audio. I've got Mr. Wild on video. I've got
18 Plaintiff's witness, Ms. Smith. Ms. Smith on video
19 and audio. And, of course, I've got the court
20 reporter. So we're going to go ahead and begin.

21 And I've ~~had an opportunity to read the~~
22 ~~entire file while we've waited and yesterday.~~ And,
23 Mr. Wild, I'm happy to hear from you, sir.

24 MR. WILD: Thank you, Your Honor.
25 This is an action for breach of contract and

1 foreclosure. I would just update the court briefly
2 that this morning we filed a waiver of deficiency
3 judgment. So we will no longer be proceeding to
4 obtain a deficiency judgment against either Mr. Sun
5 or the Trust.

6 By way of a bit of background, this is a
7 property in Bluffton Park in Bluffton. It is a
8 single-family home. My understanding Mr. Sun has,
9 ~~at one point in time or did at one point in time,~~
10 ~~own this property.~~ The record -- the register of
11 deeds office and their records indicate this
12 property is part of the Trust, probably back in 2007
13 when Mr. Sun said it was purchased.

14 At a later date, maybe around 2015 or so,
15 it was transferred to Mr. Sun. And then in 2018 or
16 2019, it was transferred back to the Trust, again.
17 And that would be the 2009 Sun's Family Trust in
18 South Carolina, USA, as captioned. And that Trust
19 is the present owner of the property against which
20 this action has been commenced. It was filed
21 October 1st, 2019.

22 ~~Diligent attempts~~ at service were made via
23 various means and to several addresses including the
24 property address and, also, a P.O. Box that we had
25 on file. ~~All attempts at service failed.~~ We've

1 tried via certified mail, personal service, FedEx.
2 And as a result of that, publication along with a
3 corresponding affidavit was filed. We thereafter
4 after made further service attempts, filed an
5 amended application in support of publication. And
6 thereafter on January 31st, 2020, this court entered
7 an order for publication. The -- it was ran in the
8 Island Packet, as set forth in the affidavit on
9 file, for three consecutive weeks. There was no
10 responsive pleading at issue from any of the
11 Defendants. And the Association proceeding to place
12 the Defendants into default filing affidavits of
13 default and non-military service. The Trust clearly
14 not being capable of military service and Mr. Sun,
15 it is believed, did not serve in the United States
16 military, either.

17 Let's see. Other -- Your Honor, there
18 were judgment creditors. They were served through
19 their attorneys, Sam Scoville and Charles Baker.
20 And those are the other named Defendants. No answer
21 came from any of them, either. I assume that they
22 are abandoning their lead position at the property.
23 And so we have placed them in default, too, and seek
24 foreclosure of their lien, also -- their liens.

25 On June 5th, 2020, the Clerk of Court

1 signed an order of default placing Mr. Sun and the
2 Trust, as well as the other Defendants, in default.
3 No party had previously to the filing of this
4 document raised any issues related to the
5 Association's standing.

6 This -- Monday a document was filed
7 contesting some of the allegations in the complaint.
8 Your Honor, I have with me today a witness prepared
9 to attest to the debt. She has done so via
10 affidavit. I would submit that the complaint is
11 filed and served, has not been responded to by any
12 of the Defendants. Therefore, the allegations in it
13 have been admitted. And my client is entitled to
14 foreclosure upon (unintelligible) that it claims.

15 I would call Ms. Smith as my first witness
16 to provide testimony about the debt. If this court
17 requires it outside the previously submitted
18 affidavit and having Mr. Sun, for the first time
19 (unintelligible).

20 JUDGE DUKES: All right. Mr. Sun, I
21 think we're getting some background noise from you.
22 Have you got some background noise at your place?

23 MR. SUN: No. No. I have a quiet
24 bedroom right now, but I think -- I'm still trying
25 to adjust my laptop to see if I can get some video

1 because I -- probably I could understand him better
2 if I have video. But maybe I don't need it. Maybe
3 I just don't need -- no. No. I don't have any --
4 the room, it's quiet here. It's like --

5 JUDGE DUKES: Okay. Maybe it's not
6 you. I don't know where it's coming from. So I can
7 hear it was just a little bit of background noise.
8 But --

9 MR. SUN: You want me to turn it up
10 some more? I can adjust --

11 JUDGE DUKES: No. No, no. If you
12 turn it up, it'll feed back. So, no, it should be
13 good. So, Mr. Sun, I'll let you respond briefly to
14 Mr. Wild's comments, and then we'll take our first
15 witness.

16 MR. SUN: Wait. Wait.

17 JUDGE DUKES: Go -- Mr. Sun?

18 MR. SUN: Okay. Yes. What he said
19 -- what counsel said is totally unacceptable because
20 this case actually, to me, if you -- if my answer
21 and counterclaim is under consideration, this case
22 hasn't even been started, yet, because that -- the
23 service by publication is invalid because it was --
24 I checked the date now. It was -- actually, the
25 time that -- I think in March or -- February or

1 March when it was locked down, everything, the
2 library, the -- this is -- first of all, I just
3 checked on this a couple days ago. Library, even
4 that newspaper place, nobody was working there. It
5 cannot be found. They chose -- they chose a time
6 where a total lock down in South Carolina to effect
7 the service by publication. And also, too, I don't
8 know why they could not serve me personally.

9 I -- especially, if you just write me a
10 notice that I'm going to serve you at the -- I don't
11 live at the Bluffton house too much because I stay
12 in my Ridgeland house most of the time. But if you
13 just tell me that we want service -- because I
14 didn't hear anything from them.

15 They just wanted to have a publication at
16 the time of the pandemic when everything is closed.
17 And there was no -- there was no -- and the library
18 closed. Even the lawyers' office, you know -- you
19 know, my lawyer friend Kenneth who was the one who
20 would probably help me out with this case, but his
21 office closed, too. So there's -- nobody can do
22 anything. And I did not get a copy of anything
23 service-wise. And so I just waited for him to serve
24 me properly by due process.

25 And then I have to go to the Beaufort

1 County public index website to get a copy of the
2 complaint and the documents, anyway. That's what it
3 -- how he likes to do it. But until I'm served
4 pursuant to due process, the case has not started,
5 yet. And also too, they were able to claim
6 affidavit of service, but the affidavit of service
7 is not -- effective service is not -- is not done by
8 a sheriff deputy. It's not done by process server.
9 He could have easily hired process
10 service, and they're going to track me down at the
11 Ridgeland office or my Ridgeland home or anywhere
12 else and served me in person. That's what due
13 process requires.

14 And then after I get a copy of the
15 complaint on the website of the Beaufort County
16 public website. But that's not due process. You
17 know, I'm not -- you know, that -- my seeking the --
18 a copy from the Beaufort County website is not -- it
19 wasn't sufficient service. It's not what you call
20 adequate. So this is what I have in my hands and
21 counterclaim. Why I asked for dismissal because it
22 -- they hadn't even served. They hadn't even
23 started their complaint.

24 In fact, they were able to somehow
25 manipulate and go into all kinds of different paper

1 and foreclosure, they could do whatever they want.

2 They -- you know, it's a free country. But it's not
3 valid. That's Number 1.

4 Number 2, I do have canceled check
5 payments of every year I pay taxes, assessment fees.
6 Okay? I think he's got a lot of other stuff in
7 there. I don't know where it come from. And I'm
8 sure they say it's justified. But, you know, only
9 the judge and the jury can decide whether it's
10 justified. Not -- they think anything they say in
11 their complaint -- in the exhibit has become the
12 truth. But that is not how the law works in this
13 country.

14 And you got -- you got to check -- you got
15 to prove everything. And then, you know, they try
16 to obtain a foreclosure. I know what they're trying
17 to do, actually. This happens with some other
18 people before. They try to come up with a big
19 number. Threaten you. Harass you. Until you just
20 say, okay. Well, I'll give you some money, anyway,
21 you know, just to quiet you down.

22 But I don't (unintelligible). I'm on
23 retirement. On, you know, Social Security. And
24 then my -- the owner of the Trust is in Canada.
25 It's Canadian Trust anyway. There's no money here

1 to pay anything. It's like we (unintelligible) to
2 pay them anyway. I got the exhibit. I can show. I
3 don't have to -- you all cannot see me, right?

4 JUDGE DUKES: We cannot see you. We
5 can hear you.

6 MR. SUN: Okay. Well, that --
7 there's no need for me to show you the exhibits then
8 or the payment. Okay.

9 JUDGE DUKES: Well, as we discussed,
10 and I don't know if we were on the record or not at
11 this point. It might have been before we started
12 the record, Mr. Sun. But I would like to see
13 whatever you would like for me to see with regard to
14 damages in this case. And so --

15 MR. SUN: My damage or their damage?

16 JUDGE DUKES: Their damage. And so
17 my --

18 MR. SUN: I see they have no damage.
19 I mean, they have no damage.

20 JUDGE DUKES: I understand your
21 position. Mr. Sun, what we're talking about is you
22 said you had some canceled checks where you could
23 show that all of this was paid. And I'm going to
24 figure out a way to get those or at least --

25 MR. SUN: Well, I can send it to you

1 by email or everybody a copy email.

2 JUDGE DUKES: That would be --

3 MR. WILD: Your Honor --

4 JUDGE DUKES: Okay. So if you can do
5 that, that would be wonderful.

6 MR. SUN: Now, here's the thing now.
7 I only have two right here that I can get from
8 online -- my online account. But every year I got
9 one. The annual --

10 MR. WILD: Your Honor, if I may.
11 Mr. Sun, if I may.

12 JUDGE DUKES: Yeah, go ahead,
13 Mr. Wild.

14 MR. SUN: Perhaps it would help if
15 Mr. Sun could give us the dates and the amounts of
16 the payments that he made. Maybe we can match them
17 on our end to see whether he's been credited them or
18 not.

19 JUDGE DUKES: That -- that's probably
20 a good idea since we can't --

21 MR. SUN: Well, now I can't -- I
22 can't do all 15 years.

23 MR. WILD: Oh, sure.

24 MR. SUN: I told you I only have two.
25 One of them is -- I don't know what day it was

1 credited, the check. Wait a minute. Let me see.

2 Yeah, the back of the check said --

3 JUDGE DUKES: What year are the two
4 that you have, Mr. Sun?

5 MR. SUN: 2019 and 2020.

6 JUDGE DUKES: Okay. And --

7 MR. SUN: In the amount of \$636 each.

8 JUDGE DUKES: Okay. Well, let's do
9 this because we haven't heard from Ms. Smith, yet.
10 I don't know if they credited you for those or not.

11 MR. SUN: Well, but the thing is, you
12 know, I got -- I've got -- I've got over ten other
13 ones in the bank. And no one -- that may take a
14 while to get because they said I got to come in.
15 They have window service. I think, I guess, I go to
16 a window. And then I got a lot of forms and so
17 forth. And then they said it would take probably
18 several days for me to get the record of the
19 canceled check. You know, and that's years.

20 JUDGE DUKES: We'll try to figure
21 that out, Mr. Sun. Don't worry.

22 MR. WILD: Your Honor --

23 JUDGE DUKES: Yes, go ahead.

24 MR. WILD: I'm sorry. Do you want to
25 proceed to put on -- because obviously we got a

1 pleading that contests the facts of the case as well
2 as raises allegations and counterclaims. We don't
3 think any of it's timely. We don't think it's
4 procedurally appropriate.

5 And so we're prepared -- so, therefore, we
6 think he's in default.

7 JUDGE DUKES: All right.

8 MR. WILD: This is effectively a
9 liquidated damages case because we've got statements
10 that show it. There's no purpose for the -- for the
11 fact finder. For lack of a better way to put this,
12 there's no real function there because Mr. Sun has
13 effectively admitted it by not answering.

14 Because his (unintelligible) defective, my
15 position is it's been admitted and we do not have to
16 establish the (unintelligible). What we could do,
17 we could confirm --

18 MR. SUN: Your Honor, I need to
19 interrupt. That is really denial of due process,
20 Number 1. And also it's fraud and criminal activity
21 by not allowing -- he got in the complaint nothing
22 but fraud and lies. And they won't accept all that,
23 too, and go and get a judgment.

24 JUDGE DUKES: Fine. Mr. Sun, hold on
25 a second, and Mr. Wild. I've got a default damages

1 case. The Clerk has found this to be in default and
2 referred it to me for a final damages hearing. In a
3 damages hearing, the Defendant is allowed to
4 question the damages. So, I'm going to let you do
5 that, Mr. Sun. Your --

6 MR. SUN: Yeah. Your Honor --

7 JUDGE DUKES: Let me finish, Mr. Sun.

8 MR. SUN: All right.

9 JUDGE DUKES: Your answer and
10 counterclaim is not timely filed. You have never
11 requested to be let out of default. You never
12 requested --

13 MR. SUN: I --

14 JUDGE DUKES: -- file that pleading.
15 The Clerk has already found that an order of
16 publication is necessary and ordered it and allowed
17 it. It appears from the affidavit it was done
18 properly. It appears from the affidavit requesting
19 the publication order that the deputy tried a number
20 of times. And under the Nyquist case, that's all
21 you've got to do. And so, I mean, it all -- it all
22 appears proper to me.

23 So your answer and counterclaim is of no
24 moment here. It's not appropriate and I'm not going
25 to deal with it. This is a default foreclosure case

1 that is now a non-deficiency case. The question now
2 ~~that's in front of me, based on the pleadings, is~~
3 ~~simply to determine damages.~~

4 Now, I am going to let you question those
5 damages. And the reason we are talking about these
6 checks is if you actually have canceled checks that
7 show that you paid something and that's not credited
8 to you, then, again, it's -- you know, each of these
9 is a search for the truth. I want there to be the
10 truth as far as the numbers.

11 But your -- I'm sorry. Your attempted
12 ~~answer and counterclaim, I'm not going to consider~~
13 ~~it. It's not a part of the pleadings I'm going to~~
14 ~~consider because you filed that after this case was~~
15 ~~already in default.~~

16 So with regard to your canceled checks
17 that you have, we'll work something out to try to
18 get those --

19 MR. SUN: I am --

20 JUDGE DUKES: And I'm going to allow
21 you to cross-examine Ms. Smith as to what was
22 credited that you paid and the other damages in the
23 normal manner as to damages. But as to any
24 affirmative defenses, as to any cross-claims,
25 counterclaims, I'm afraid those are gone.

1 MR. SUN: Well, can I say something,
2 sir?

3 JUDGE DUKES: Yes, sir.

4 MR. SUN: First of all, it's gone
5 because some -- the court already entered default
6 without my knowing it, without anybody on the
7 Defendants' side knowing it. Okay? We were not --
8 ~~we have not received any notice of hearing on the~~
9 ~~default. We don't even know there was a default.~~
10 As I said, ~~I just -- I just found the complaint and~~
11 ~~so forth on the website. We have never been served,~~
12 ~~okay, properly. That's Number 1.~~

13 ~~Number 2 is if it's in default, I have the~~
14 ~~right to file a motion to open the default. And the~~
15 ~~-- and I think it should be granted or at least I~~
16 ~~have the right to appeal that to the Court of~~
17 ~~Appeals. Then the whole case is going to open,~~
18 ~~again. Yeah, because you cannot put somebody on~~
19 ~~default in secrecy. You know?~~

20 I -- we -- there's no -- there's no
21 evidence to show that we have any -- we've been
22 served with anything, actually. There's no
23 affidavit of service that was -- that was valid.

24 There was some service that they -- that the deputy
25 -- I saw that, too, in the Bluffton house. But see,

1 I told you I don't live in the Bluffton house.

2 And also too, nobody does because that's a
3 Canadian Trust, 2009.

4 JUDGE DUKES: Mr. Sun, you've already
5 gone through all this, actually, on the record.

6 MR. SUN: No, I have not. I haven't
7 gone through it by opening -- by a motion to open
8 default.

9 JUDGE DUKES: No such motion is
10 before me. No such motion has been filed.

11 MR. SUN: We don't even know that it
12 was -- see, this is the first time today that I know
13 that I -- we've been in default.

14 JUDGE DUKES: Mr. Sun, I understand
15 your position. And to be clear that I understand
16 your position, you take issue with service and with
17 the default. I get that. You have made that very
18 clear. You've said it a couple times. Sir, I
19 understand your position.

20 What I've got to file, though, is -- or
21 what I've got to deal with is what's in the file and
22 what's on the pleadings. The Clerk has found you in
23 default. The Clerk has referred this for a damages
24 hearing. There is no motion to set aside the
25 default. I have reviewed the affidavits of

1 attempted service and the affidavit of service and
2 the order of (unintelligible). It all seems very
3 normal to me. Again, that's --

4 MR. SUN: Uh-huh.

5 JUDGE DUKES: -- motion because no
6 such motion has been filed.

7 MR. SUN: Right. I understand this,
8 Your Honor.

9 JUDGE DUKES: Hold on, Mr. Sun.
10 Because no such motion has been filed, this is a
11 default case, your answer and counterclaim is not
12 effective in this case.

13 MR. SUN: It's not effective.

14 JUDGE DUKES: I appreciate your
15 argument, but I understand it.

16 MR. SUN: Here's the thing. I'm not
17 going to argue, but the thing is today, this morning
18 is the first time right here that there was a
19 default entered in the case. Okay? So therefore,
20 I'm going to take the first chance I get to file a
21 motion to open the default. Okay? Today. And I
22 will mail it in. That's the only way I can do it
23 anyways is by mail to file it today. And so whether
24 the court will -- you know --

25 JUDGE DUKES: Mr. Sun, we're going to

1 go ahead and proceed with the Plaintiff's witness.

2 Okay?

3 MR. SUN: Okay. All right.

4 JUDGE DUKES: So --

5 MR. SUN: But, Your Honor, because
6 you did say earlier that you would -- after the
7 hearing, you would allow some additional proceeding
8 to go on.

9 JUDGE DUKES: I didn't say
10 proceedings. I said exhibits. Specifically, the
11 checks that you wanted -- that you have with you --

12 MR. SUN: I'm going file a motion for
13 default because this is the first time I hear
14 there's a default.

15 JUDGE DUKES: Okay. Mr. Sun, I'm
16 going to go ahead and swear Ms. Smith. So --

17 MR. SUN: All right.

18 JUDGE DUKES: -- Ms. Smith, do swear
19 to tell the truth, the whole truth, nothing but the
20 truth so help you God?

21 THE WITNESS: I do.

22 JUDGE DUKES: Can you state your whole
23 name for the record, please?

24 THE WITNESS: Julie Ann Smith.

25 JUDGE DUKES: All right. And what is

OmniSearch for Joseph Chakyng Sun

Your report for Joseph Chakyng Sun contains:

- Full Name & Aliases
- Age
- Contact Information
- Address History
- Associates (Summary)
- Relatives (Summary)
- Social Networks

Tracy, use your OmniSearch membership today!
Run unlimited, instant OmniSearch reports
Search by name, phone number or address
Click  in reports to explore details
Scroll down to see the report you purchased today. To start a new search with OmniSearch, click here!

Joseph Chakyng Sun, 72

Search ID# 11989261

Joseph C Sun
Joe Tann
Josephine M Sun

CONTACT INFORMATION

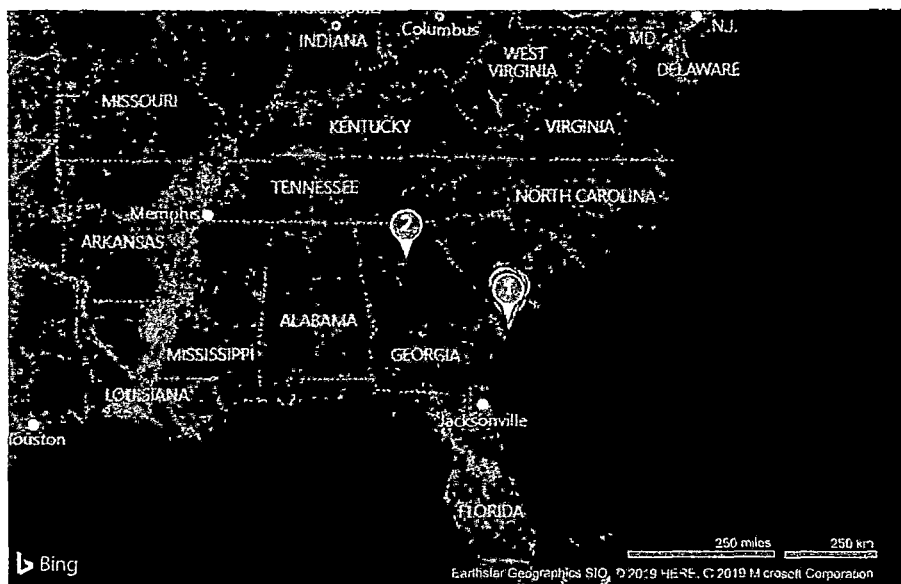
Results in this section list publically available phone numbers for, or related to, Joseph Chakyng Sun. Sometimes phone numbers are registered to another member of a household such as a spouse or a roommate. Results include "Related" phone contacts for the individual if available. In the event of no direct listing of phone number for the individual, you may be able to contact him/her through the alternative contacts.

Results For Joseph Chakyng Sun

Joseph Chakyng Sun
18 6Th Ave
Bluffton, SC 29910-7653
() -

ADDRESS HISTORY (11 addresses associated with Joseph Chakyng Sun)

This section lists historical addresses associated with an individual from public records. In most cases the current address is first or second reported address, however occasionally it appears elsewhere in the list.



Address	Phone Number
1 18 6th AVE Bluffton, SC 29910-7653	
2 1008 Dallas WAY Lawrenceville, GA 30046-3310	
3 19 E Industrial Park RD Ridgeland, SC 29936-6427	
4 PO Box 3893 Bluffton, SC 29910-3893	
5 P O Box 429 Ridgeland, SC 29936-2607	
6 43 Broadview DR Ridgeland, SC 29936	
7 5 Pine Swallow Daufuskie Island, SC 29915-9226	
8 PO Box 4584 Beaufort, SC 29903	
9 1095 Stone ML Lawrenceville, GA 30046-5566	
10 PO Box 741 Lilburn, GA 30048-0741	
11 PO Box 1912 Lawrenceville, GA 30046-1912	

STATE OF SOUTH CAROLINA

COUNTY OF

Beaufort

JOSEPH C. SUN

Plaintiff,

vs.

BLUFFTON PARK COMMUNITY

Defendant.

IN THE COURT OF COMMON PLEAS
JUDICIAL CIRCUIT

CASE NO.: 2019-CP-07-02178

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney: <u>JOSEPH C. SUN</u> , Bar No. _____ Address: _____ Phone: _____ Fax: _____ E-mail: _____ Other: _____		Defendant's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax: _____ E-mail: _____ Other: _____	
☐ 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: <u>MOTION TO VACATE ORDER FOR PUBLICATION</u> 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 <u>April 8</u>, 2025			
SECTION III: Motion Fee			
☒ PAID - AMOUNT: \$ <u>2500</u> ☐ 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: _____		Date Filed: _____, 20__	
☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED - AMOUNT DUE: \$ _____			

P.O. Box 2543
Bluffton S.C. 29910



RECEIVED

APR 29 2025
SC Court of Appeals

Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

