

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals  
[In the Supreme Court]

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May 21 2025  
SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT OF CHESTERFIELD COUNTY

Brian M. Gibbons, Circuit Court Judge

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Case No.2025-000519

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Crown Asset Management,

Respondent,

v.

Tierra Richberg,

Appellant.

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BRIEF OF INITIAL APPEAL

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Tierra Richberg  
*Tierra Richberg*  
803-606-6901

1015 Piney Point Lane

Paglenad, SC 29728 Appellant

# **INITIAL BRIEF OF APPELLANT**

## **AND DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

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### **I. STATEMENT OF ISSUES ON APPEAL**

1. Whether the trial court erred in granting judgment to Respondent Scott & Associates, P.C., without requiring competent evidence establishing that Appellant entered into the alleged loan agreement with Crown Asset Management or any entity affiliated with Scott & Associates.
  2. Whether the trial court erred in finding liability without any documentation showing that Appellant owed the alleged debt or agreed to its terms with Crown Asset Management.
  3. Whether the court proceeding on insufficient identification and unverifiable debt documentation violated due process rights.
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### **II. STATEMENT OF THE CASE**

Appellant was named as a defendant in a debt collection action filed by Scott & Associates, P.C., alleging that Appellant owed a debt originating from a loan with Upstart. Appellant filed a timely response denying any knowledge or recollection of such a debt and requested verification of the alleged debt. No signed loan agreement, loan origination documents, account number, or documentation linking the Appellant to the alleged loan was produced by the Respondent. Respondent proceeded to assert claims based solely on name, email address, and phone number—none legally sufficient to establish liability or contractual obligation.

The trial court erred by entering judgment in favor of the Respondent in the absence of foundational documentary evidence and over the Appellant's objection.

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### **III. ARGUMENT**

#### **A. Lack of Evidence Linking Appellant to Debt**

The Respondent failed to present any valid, signed contract or loan origination documentation establishing that Appellant applied for, agreed to, or received funds from any loan originated by Upstart; that could be verified further by non-changing factors as personal bank accounts, or social security numbers. The mere presence of a name, email address, or phone number does not establish liability, particularly where such identifiers are not uniquely linked to the Appellant

and where the Social Security Number or other legally binding identifiers were not matched or presented.

Without a signed agreement or account documentation, there is no admissible evidence to support a finding of indebtedness under South Carolina contract law.

#### **B. Violation of Due Process**

Appellant was denied the right to contest the alleged debt on equal footing due to the absence of meaningful evidence. Proceeding to a default judgment without foundational proof violates Appellant's due process rights under the Fourteenth Amendment and Article I, Section 3 of the South Carolina Constitution.

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#### **IV. CONCLUSION**

For the foregoing reasons, Appellant respectfully requests that the Court of Appeals reverse the judgment of the trial court and enter judgment in favor of Appellant or remand the case with instructions to dismiss the action due to lack of evidence establishing liability.

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#### **V. DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

Appellant designates the following materials to be included in the record on appeal under South Carolina Appellate Court Rule (SCACR) Rule 210:

1. The Complaint and any attachments filed by the Respondent;
  2. Appellant's Answer and all motions or correspondence requesting debt verification;
  3. All filings or responses submitted by Scott & Associates in support of their claims;
  4. Any court orders or rulings made by the trial court;
  5. The complete transcript of any hearing (if applicable);
  6. Any affidavits or exhibits entered into the record.
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**Respectfully submitted,**



Tierra Richberg  
1015 Piney Point Lane  
Pageland, SC 29728

**Pro Se Appellant**

Date: May 13, 2025