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SC Court of Appeals

**STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

Appellate Case No.

Lower Court Case No. 2024-CP-46-3010

Court of Appeals Case No. 2025-001089

Ricky Gerald Masters II and Angela Denise Masters, aka Angela D. Elliott,
Petitioners-Appellants,

v.

Guardian Fidelity Mortgage, Inc.,
Respondent.

**PETITION FOR A WRIT OF CERTIORARI TO THE HONORABLE JUSTICES OF THE SOUTH
CAROLINA SUPREME COURT:**

Petitioners, Ricky Gerald Masters II and Angela Denise Masters, appearing pro se, respectfully petition for a writ of certiorari to review the South Carolina Court of Appeals' Order, dated June 27, 2025, dismissing their appeal as moot in *Guardian Fidelity Mortgage, Inc. v. Masters* (Appellate Case No. 2025-001089). The dismissal erred by failing to address the master-in-equity's oversight of South Carolina's foreclosure intervention requirements and misapplying the mootness doctrine, raising issues of significant public importance.

I. Questions Presented for Review

- Did the Court of Appeals err in dismissing Petitioners' appeal as moot when the foreclosure sale's validity can be challenged due to Respondent's failure to provide foreclosure intervention notice, as required by South Carolina Administrative Order 2011-05-02-01, creating a live controversy?
- Does this case qualify for mootness exceptions, as it involves issues capable of repetition yet evading review and significant public interest in protecting low-income, disabled, and disaster-affected homeowners in foreclosure proceedings?
- Did the Court of Appeals err by failing to consider the master-in-equity's denial of Petitioners' Motion for Stay and Conference, which ignored their equitable arguments (veteran status, disability, Hurricane Helene's impact) and reliance on counsel's advice to pursue state court remedies post-bankruptcy?

II. Opinions Below

- **Court of Appeals' Order:** Issued June 27, 2025, dismissing the appeal as moot (Appendix, pp. A1-A3).
- **Master-in-Equity's Order:** Issued June 2, 2025, denying Petitioners' Motion for Stay and Conference (Appendix, pp. A4).

III. Jurisdiction

This Court has jurisdiction under S.C. Code Ann. § 14-3-310 and SCACR Rule 242. The Court of Appeals' Order was issued on June 27, 2025. No petition for rehearing was filed due to Petitioners' pro se status and financial constraints. This petition is timely filed within 30 days, as required by SCACR Rule 242(c).

IV. Statement of the Case

Petitioners, low-income homeowners with disabilities, faced foreclosure of their property at 460 Howell Road, York, SC, including 2.04 acres of gifted land from Angela Denise Masters' father and \$58,000 in equity. In January 2025, advised by Moss Attorneys, Petitioners filed a Chapter 7 bankruptcy (Case No. 25-00404-HB) to stay a foreclosure sale scheduled for February 3, 2025. The bankruptcy court lifted the automatic stay before June 2, 2025, and granted a discharge on May 8, 2025. On June 2, 2025, the master-in-equity denied Petitioners' Motion for Stay and Conference, ignoring Respondent's failure to provide foreclosure intervention notice (Administrative Order 2011-05-02-01) and Petitioners' hardships (Ricky Masters' veteran status, disabilities, Hurricane Helene's damage, FEMA delays). The foreclosure sale occurred on June 2, 2025. Petitioners appealed, arguing procedural violations and equitable grounds. The Court of Appeals dismissed the appeal as moot, citing *S.C. Ret. Syst. Inv. Comm'n v. Loftis*, 402 S.C. 382, 741 S.E.2d 757 (2013), without addressing the foreclosure intervention issue or Petitioners' reliance on counsel's advice.

V. Reasons for Granting the Writ

- **Error in Mootness Ruling:**
 - The Court of Appeals erred by dismissing the appeal as moot. The foreclosure sale's validity can be challenged under SCRCR Rule 60(b) for procedural violations, such as Respondent's failure to provide foreclosure intervention notice, as required by Administrative Order 2011-05-02-01. This creates a live controversy, as the sale could be set aside. See *Ex parte*

Moore, 346 S.C. 274, 550 S.E.2d 877 (Ct. App. 2001) (allowing post-sale challenges for procedural errors).

- The Court's reliance on *Loftis* was misplaced, as that case did not involve state-mandated foreclosure protections or equitable considerations for pro se litigants.

- **Mootness Exceptions:**

- **Capable of Repetition Yet Evading Review:** The lack of foreclosure intervention notices and challenges to sales post-bankruptcy are recurring issues that evade review due to the speed of foreclosure proceedings. See *Byrd v. Irmo High Sch.*, 321 S.C. 426, 468 S.E.2d 861 (1996).
- **Public Interest:** This case implicates significant public interest in ensuring foreclosure protections for low-income, disabled, and disaster-affected homeowners (e.g., Hurricane Helene, FEMA Declaration), particularly for veterans like Ricky Masters II.
- **Collateral Consequences:** The loss of gifted land and \$58,000 in equity has ongoing effects, warranting review to determine if equitable relief is available.

- **Procedural Oversights:**

- The Court of Appeals failed to address the master-in-equity's denial without reasons, which ignored Petitioners' evidence (Exhibits A-J, hardship letter) and their reliance on Moss Attorneys' advice to pursue state court remedies after the stay was lifted. This oversight disadvantaged pro se litigants with limited resources.

VI. Relief Sought Petitioners request that this Court:

- Grant the writ of certiorari to review the Court of Appeals' decision.
- Reverse the dismissal and remand for consideration of the foreclosure sale's validity and procedural errors.
- Grant a temporary stay of further actions related to the foreclosure sale pending review, per SCACR Rule 241(c), with waiver of the supersedeas bond due to financial hardship (see Motion to Proceed In Forma Pauperis, Appendix, pp. A49, A50).

VII. Certification Petitioners certify that the questions presented were raised in the Court of Appeals, per SCACR Rule 242(d)(1). All statements are true to the best of their knowledge.

Respectfully submitted,

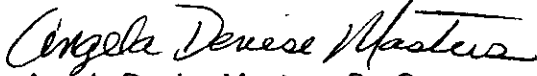


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