

**MOTION TO DISMISS AND VACATE
JUDGMENT FOR LACK OF SUBJECT
MATTER JURISDICTION,**

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Circuit Court

FAIRFIELD COUNTY
Court of Common Pleas

Robert Hood, Circuit Court Judge

Case No: 2025-001231
Case No. 2025CP2000070
Case No:2025CV2010100128

Alisha Davis

Respondent,

v.

Latausha Vanderhall

Appellant,

COMES NOW the Appellant, Latausha Vanderhall, proceeding pro se, and respectfully moves this Honorable Court to (1) Dismiss the underlying eviction action and vacate the judgments of the Magistrate's Court and Circuit Court as void for lack of subject matter jurisdiction and lack of landlord-tenant relationship, and (2) Declare that Respondent lacks standing to pursue eviction. The present case turns on ownership of both land and dwelling, which are title disputes outside the magistrate's limited jurisdiction.

Pursuant to S.C. Code Ann. § 22-3-20, magistrate courts have no jurisdiction to hear or determine questions of title to real property. The central issue in this case involves a dispute over title to real property, including a boundary dispute. The Respondent has a fraudulent deed for the land from Shirley Vanderhall with a questionable signature, without the required signatures of all heirs or a survey. The Respondent and Appellant are both heirs to the property on the deed of distribution which is the land with no dwellings listed. The Appellant alongside the Respondent are heirs to the property and has not entered into any lease, rental, or tenancy agreement with Respondent. South Carolina's eviction statutes, S.C. Code Ann. § 27-37-10 et seq., require a landlord-tenant relationship. Without such a relationship, the magistrate court lacked any statutory basis to issue a notice to quit or writ of ejectment. Because questions of title were necessarily implicated, the Magistrate's Court exceeded its jurisdiction. Any judgment rendered without subject matter jurisdiction is void ab initio. A void judgment cannot be cured by consent, waiver, or appeal and must be vacated whenever jurisdictional defects are raised.

The Circuit Court erred in upholding the Magistrate's judgment despite the clear statutory bar under § 22-3-20. Respondent has repeatedly disregarded lawful court procedures and orders, further demonstrating the inequity of allowing the judgment to stand. The Respondents theft of real, personal and heir property is breaking the law defrauding the courts and government officials. The Respondent is knowingly committing these acts as she has stated in letters she has filed to courts that she is using these proceedings as a bargaining tool. Enforcements have proceeded before this Court ruled while a stay is in place, Appellant is now faced with irreparable harm and is now homeless and has illegally trespassed and unallowed to retrieve any belongings from home through wrongful dispossession of heir property losing her only home and heirship rights. With a stay in place, the Sheriff enforced the writ of ejectment while waiting for an emergency bond hearing. The acts of the Respondent amount to abuse of process and justify equitable relief. Appellant is a qualified individual with a disability under the Americans with Disabilities Act (ADA), 42 U.S.C. § 12132 (Title II). Courts must provide reasonable modifications to ensure accessibility, fair and just treatment by upholding all statues, laws, and a guarantee of equal access to court remedies. Given ADA obligations, this Court must act urgently.

WHEREFORE, Appellant respectfully requests that this Court:

Dismiss the underlying eviction action and vacate the Magistrate and Circuit Court judgments as void for lack of subject matter jurisdiction. Declare Respondent lacked standing to initiate eviction; Given jurisdictional defects, Respondent's standing failure, misconduct, and ADA obligations, the Court must act urgently. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

S/ Latausha Vanderhall