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Sep 17 2025

S.C. SUPREME COURT

IN THE SUPREME COURT OF SOUTH CAROLINA

Case No.: 2023-23-001318

RUFUS RIVERS AND MERLE RIVERS
Respondents

VS.

JAMES SMITH, JR.
Petitioner

MOTION FOR LEAVE TO FILE RULE 60(b)(4) MOTION IN CIRCUIT COURT

COMES NOW the Petitioners, Rufus Rivers and Merle Rivers, pro se, and respectfully moves this Honorable Court for leave to file a Rule 60(b)(4) motion in the Circuit Court of Orangeburg County, on the grounds that the underlying judgment is void due to reliance on a facially defective Power of Attorney

1. The judgment below was predicated on a property transfer executed under a New York Power of Attorney that:

- Was not properly acknowledged by the principal;(see Ex. A-1)
- Explicitly prohibited out-of-state transfers;
- Was used to transfer real property located in South Carolina, in violation of SC Code § 30-5-30,
- Mismatched signatures. (See Ex. B-F).

2. The defect is jurisdictional and renders the judgment void **ab initio** under Rule 60(b)(4), which permits relief from void judgments at any time.

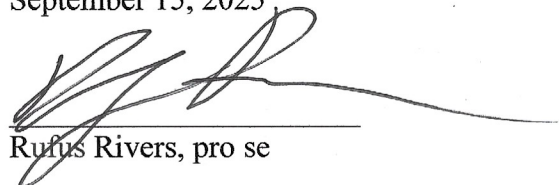
3. **Remittitur** has been stated as imminent but has not yet issued, and Appellants seeks leave to preserve procedural integrity and judicial economy.

WHEREFORE, Petitioner

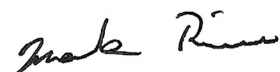
s respectfully requests that this Court grant leave to file a Rule 60(b)(4) motion in the Circuit Court.

Respectfully submitted,

September 15, 2025



Rufus Rivers, pro se



Merle Rivers