

**MOTION TO DISMISS  
DEFAULT/VOID JUDGEMENT  
OF NOTICE TO QUIT  
THAT WAS SETTLED WHEN DISMISSED IN 2021**

**RECEIVED**

**Oct 09 2025**

**SC Court of Appeals**

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

FAIRFIELD COUNTY  
Court of Common Pleas

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

Alisha Davis

Respondent,

v.

Latausha Vanderhall

Appellant,

NOW COMES the Appellant, Latausha Vanderhall, appearing pro se, and respectfully moves this Court to dismiss the Notice to Quit case number: 2025-001231 action in its entirety including the affirming by the circuit court judge case number: 2025CP2000070, and to vacate the orders of the magistrate and circuit courts, pursuant to S.C. Code §§ 22-3-10, 22-3-20, and the doctrines of res judicata and collateral estoppel under Rule 12(b), SCRCP as recognized by South Carolina case law. In support, Appellant states as follows:

**Magistrate Court Lacked Subject Matter Jurisdiction**

- Pursuant to S.C. Code § 22-3-20, magistrate courts “shall not have jurisdiction in cases where the title to real property is in question.”
- In this case, title and ownership of real property were directly litigated in magistrate court. Respondent presented a deed as proof of ownership, A witness to that had no idea who owned the property or how it was deeded attested that the property was deeded to her while Appellant contested the deed, asserted heirship rights, and presented evidence regarding possession and ownership of the personal property which is a manufactured home.
- By adjudicating ownership and title disputes, the magistrate court exceeded its statutory jurisdiction. A judgment entered without subject matter jurisdiction is void ab initio.
- The magistrate judge the honorable Danielle Miller Harris's written summary of the hearing and the hearing's Return To Civil Appeal summary that was sent to the circuit court judge the honorable Robert Hood state and reflect that questions of title and ownership were raised, presented, challenged, and decided. (Evidence of magistrate judges summary and Return To Civil Appeal Attached See Exhibit A).

**Circuit Court Improperly Affirmed a Void Judgment**

- On appeal, the Circuit Court upheld the magistrate’s ruling despite Respondent’s failure to appear and the

summary written by the magistrate judge where she explained in her own word's that it was a dispute over ownership which she can not decide over.

- A void judgment cannot be cured by appellate affirmation. See *State v. Gentry*, 363 S.C. 93, 609 S.E.2d 494 (2005) (“Lack of subject matter jurisdiction can be raised at any time, and a judgment rendered without subject matter jurisdiction is a nullity.”).

- Subject matter jurisdiction cannot be waived or conferred by consent. It may be raised at any time, including on appeal.

#### Res Judicata and Collateral Estoppel

-In the alternative, dismissal is required under the doctrines of res judicata and collateral estoppel.

-Respondent has filed at least three prior eviction actions in magistrate court based on the same deed, facts, and property dispute, each of which was dismissed or adjudicated. (See Exhibit A).

-Under res judicata, a final judgment on the merits in a prior action between the same parties bars re-litigation of the same claim. *Plum Creek Dev. Co. v. City of Conway*, 334 S.C. 30, 512 S.E.2d 106 (1999).

-Under collateral estoppel, issues actually litigated and determined in a prior proceeding cannot be re-litigated in a subsequent action. *Shelley Constr. Co. v. Sea Garden Homes, Inc.*, 287 S.C. 24, 336 S.E.2d 488 (Ct. App. 1985).

-Because Respondent has repeatedly refiled the same eviction claim, this action is barred and must be dismissed with prejudice.

#### Conclusion

- In 2021 there was a Notice To Quit case number: 2021CV201010037 filed by the respondent in the magistrate court and it was dismissed due the lack of jurisdiction Pursuant to S.C. Code § 22-3-20, and that fact and matter still stands today with no changes. There has been two other evictions filed by the Respondent against the Appellant and both times jurors ruled in favor of the Appellant.

- By denying Appellant’s motions it is a continuous overlooking of the jurisdictional defect that invalidates all lower court rulings in this matter. It is also a direct violation of the Appellant's civil and due process rights.

- The Respondent’s deed was filed without a proper survey, without the signatures of all heirs, and conveyed portions of unsurveyed land. A deed so drafted is invalid and void under South Carolina law.

- The property is heirship property of the Vanderhall family. Appellant remains a lawful heir with possessory rights that cannot be extinguished by an invalid deed filed unilaterally on behalf of one heir.

- Appellant owns the manufactured home located on the property by virtue of holding legal title. Under S.C. Code § 12-37-2430, a manufactured home remains personal property unless the title is retired and recorded as real property. No such retirement occurred; therefore, the Respondent’s deed to land does not and cannot convey ownership of Appellant’s home.

- Furthermore, Because there is no landlord–tenant relationship, and because the underlying dispute concerns title and ownership of heirship property and a manufactured home that is not part of the alleged deed of the Respondent, the Magistrate Court lacks subject matter jurisdiction over the case.

WHEREFORE, Appellant respectfully requests that this Court:

1. Dismiss this action for lack of subject matter jurisdiction;
2. Vacate the orders of the magistrate and circuit courts as void;
3. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

This 3rd day of October , 2025

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S/Latausha Vanderhall

Appellant, Pro Se

1950 Bellfield Rd, Ridgeway S.C., 29130

Phone Number: 803-337-1175

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Alisha Davis Respondent,

v.

Latausha Vanderhall Appellant,

**PROOF OF SERVICE**

I, Latausha Vanderhall certify that I have served the Motion To Dismiss Default/Void Judgment Of Notice To Quit That Was Settled When Dismissed In 2021 on the Respondent Alisha Davis by hand delivering a copy to the United States Postal Service to be mailed to her home address of 1948 Bellfield Rd, Ridgeway SC, 29130 on October 7, 2025.

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PROOF OF SERVICE

I, Latausha Vanderhall certify that I have served the Motion To Dismiss Default/Void Judgment Of Notice To Quit That Was Settled When Dismissed In 2021 on the Appellate Court by emailing a copy to the email address [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org) on October 7, 2025.