

RECEIVED

Oct 14 2025

SC Court of Appeals

TO:

Hon. Judge Diane Goodstein

D.R. Horton, Inc. – Mark Bible

Dorchester County Attorney – Bradley Mitchell

FROM:

Attia Elbadawy, Plaintiff (Pro Se)

493 Wise Road (mailing)

493 Wise Lane (911/physical)

Summerville, SC 29483

(843) 641-8556

ala_international@yahoo.com

DATE: October 14, 2025

PLAINTIFF'S FORMAL NOTICE OF VIOLATIONS AND WRONGFUL ACTS

– HEARING OF SEPTEMBER 15, 2025

The plaintiff in case 2025-CP-18-01527, Quiet Title Action lawsuit against two defendants—1) D.R. Horton, and 2) Dorchester County—would like to draw the Courts attention to the violations committed by the wrongful act of defendant D.R. Horton on September 15, 2025. It was the hearing for the following motion in the Quiet Title Action Lawsuit: Motion for Entry of Default Judgment against both defendants, D.R. Horton and Dorchester County.

The Honorable Judge Goodstein DISMISSED the Motion for Entry of Default Judgment against the defendant Dorchester County on the ground that the plaintiff served Dorchester County Administrator Jason Ward, and also DISMISSED against the defendant D.R. Horton

on the ground that the plaintiff did serve Mark Bible's office in Greenville, South Carolina.

During the virtual hearing on September 15, 2025, D.R. Horton's lawyer, Mark Bible, claimed the plaintiff should have served D.R. Horton's main office in Columbia, South Carolina, instead of serving his office, due to his office not accepting any more cases and that Mr. Bible's law firm does not want to represent D.R. Horton in this case.

The Honorable Judge Goodstein also DISMISSED the Motion for Injunction on the ground that the same motion related to the same road, Wise Lane—the plaintiff's driveway—and that it is in the Court of Appeal, and the lower court does not have any jurisdiction over these matters.

Due to those DISMISSALS, the Honorable Judge Goodstein asked both defendants—D.R. Horton's lawyer Mark Bible and Dorchester County's lawyer Bradley Mitchell—to send their proposed orders in.

D.R. Horton's lawyer, Mark Bible, submitted D.R. Horton's proposed order to the Court on September 23, 2025, but never served a copy of the order to the plaintiff, and it is still not showing on the Court docket as of today.

The plaintiff emailed Mr. Bible requesting a copy of the order. The first email was sent on 10-01-2025, and the second email was sent on 10-07-2025. Until 10-09-2025, Mr. Bible finally emailed the plaintiff a copy of the proposed order.

After the plaintiff had a chance to go through it, the plaintiff found the following violations:

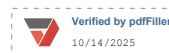
1. Mr. Bible claimed that he did not even attend the hearing—he wasn't there on September 15, 2025. He said there was another lawyer present; her name is Kathryn L. Harden . 2. Mr. Bible claimed that the Honorable Judge Goodstein DENIED the plaintiff's motion, not DISMISSED as she did.

The plaintiff filed an objection to D.R. Horton's proposed order on the Court record on October 10, 2025. The plaintiff asks the Court to take major steps to stop D.R. Horton's lawyer from continuously lying and telling false statements. The rest of the proposed order is merely a footnote; the Court never discussed anything else with D.R. Horton's counsel. Mr. Bible's time was probably less than two minutes, and the rest of the hearing was between the plaintiff and Dorchester County.

Therefore, the plaintiff asks the Court to remove D.R. Horton's proposed order from the record. Also, until today, the plaintiff never received a copy of Dorchester County's proposed order, which is another violation of due process and the plaintiff's civil rights.

Respectfully submitted,

Attia Elbadawy
493 Wise Road (mailing)
493 Wise Lane (911/physical)
Summerville, SC 29483
ala_international@yahoo.com
843-641-8556



October 14, 2025

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

Attia Elbadawy,

Plaintiff,

v.

D.R. Horton, Inc. and Dorchester County,

Defendants.

IN THE COURT OF COMMON PLEAS

C.A. NO. 2025-CP-18-01527

**ORDER DENYING PLAINTIFF’S
MOTION FOR ENTRY OF
DEFAULT**

This matter is before the Court based on Plaintiff’s, Attia Elbadawy (hereinafter “Plaintiff”), Motion for Entry for Default and/or Default Judgment, filed on August 18, 2025 (the “Motion”). The Motion was argued before the Honorable Judge Goodstein on September 15, 2025.¹ Present at the Motion hearing were Plaintiffs (pro se litigants), counsel for Defendant, D.R. Horton, Inc. (“DRH”), Kathryn L. Harden, Esq., and counsel for Third-Party Defendant, Dorchester County (the “County”), Bradley A. Mitchell, Esq. Prior to the Motion hearing, counsel for DRH filed a Motion to Dismiss, pursuant to Rule 12(b)(4), 12(b)(5) and 12(b)(8) of the South Carolina Rules of Civil Procedure (hereinafter “SRCRP”), and alternatively, a Motion to Set Aside Default pursuant to Rules 55(c) and 60(b), SRCRP.

In accordance with the motions, the record, oral arguments of the parties, and the applicable law. For these reasons, the Plaintiff’s Motion is **DENIED**.

I. **BACKGROUND FACTS**

Plaintiff, along with his spouse, are the owners and/or residents of 493 Wise Road, Summerville, SC 29483 (the “Plaintiff’s Property”). Based on boundary maps, plats and surveys

¹ The subject hearing was conducted through the Court’s virtual courtroom hosted via Webex. All parties and/or, to the extent represented by counsel, their attorneys appeared for the hearing.

submitted in this matter, the boundary of Plaintiff's Property appears to terminate adjacent to and/or along the Road but does not extend into the Road.² The Plaintiff's Property (two lots or parcels of land) forms a portion of the Twin Lakes Subdivision, the same having been platted by and/or on behalf of American Mortgage & Investment Co. in 1967 as reflected on plat recorded in the Office of the Register of Deeds for Dorchester County in Plat Book 16, at Page 85 (the "Plat"). Although the Road was not named at the time the Plat was recorded, the Road is represented in the Plat as having been dedicated to the public. The Plaintiff's deed incorporates the Plat and further provides the conveyance of the Plaintiff's Property is "subject to easements, restrictions, covenants, and conditions of record, including matters shown on recorded plats."

DRH is a foreign corporation registered with the South Carolina Secretary of State to transact business in the South Carolina. DRH is the owner of real property bearing Dorchester County Tax Map No. 134-00-00-039 located adjacent to and in the vicinity of the Plaintiff's Property and the Road (the "DRH Tract"). The DRH Tract was conveyed to DRH by a land holding subsidiary of BRD Land & Investment, LLC ("BRD"). Prior to acquisition of the DRH Tract, BRD (a land development company) caused engineering and land planning to be performed and approved by County government officials as necessary to subdivide and develop the DRH Tract. Further, DRH received an encroachment permit from the County for installation of, *inter alia*, sewer and water infrastructure for the use and benefit of development of the DRH Tract (the "Permit").

Despite the Plaintiff already having an active case against D.R. Horton regarding substantially the same disputes, parties, and common nexus of operative fact, such case bearing C.A. No. 2024-CP-18-01459 (the "2024 Case"), Plaintiff filed the instant case July 3, 2025 (the

² An unpaved road or street commonly referred to as "Wise Road" which has also been referred to as "Wise Lane"

“2025 Case”) Plaintiff attempted to effect service of the 2025 Case on DRH by process server who delivered the Plaintiff’s 2025 Case pleadings to Kenison, Dudley, and Crawford, LLC at 325 West McBee Ave., Suite 301, Greenville, South Carolina 29601 (“KDC”). At the time of Plaintiff’s attempted service of the 2025 Case on DRH, KDC had not: (i) been retained to represent DRH in the 2025 Case; (ii) made an appearance in the 2025 Case on behalf of DRH; or (iii) agreed to accept service of the 2025 Case on behalf of DRH. Importantly, at the time of Plaintiff’s attempted service: (i) KDC (including all its attorneys and employees) did not serve as DRH’s designated or registered agent for acceptance of service of process; (ii) KDC’s office did not serve as DRH’s principal place of business; and/or (iii) none of DRH’s corporate officers were located at KDC’s office. Accordingly, DRH was not properly served with any of the Plaintiff’s 2025 Case pleadings. Nevertheless, on August 18, 2025, Plaintiff filed a Motion for Entry of Default and/or Default Judgment against DRH

II. LEGAL ANALYSIS

Under South Carolina law, a civil action is not considered commenced until both the summons and complaint are properly filed and served. Rule 3(a), *SCRPC*, provides “A civil action is commenced when the summons and complaint are filed with the clerk of court if: (1) the summons and complaint are served within the statute of limitations in any manner prescribed by law; or (2) if not served within the statute of limitations, actual service must be accomplished not later than one hundred twenty days after filing.” South Carolina courts may, in their discretion and upon terms they deems just, allow any process to be amended, as long as doing so will not materially prejudice the defendant’s substantial rights. *See* Rule 4(i), *SCRPC*.

Pursuant to Rule 4(d)(8), *SCRPC*, “Service of a summons and complaint upon a defendant of any class referred to in paragraph (1) or (3) of this subdivision of this rule may be made by the

plaintiff or by any person authorized to serve process pursuant to Rule 4(c), including a sheriff or his deputy, by registered or certified mail, return receipt requested and delivery restricted to the addressee. Service is effective upon the date of delivery as shown on the return receipt. Service pursuant to this paragraph shall not be the basis for the entry of a default or a judgment by default unless the record contains a return receipt showing the acceptance by the defendant. Any such default or judgment by default shall be set aside pursuant to Rule 55(c) or Rule 60(b) if the defendant demonstrates to the court that the return receipt was signed by an unauthorized person.

Our State's legislature envisioned how service of process is to be made on a foreign corporation authorized to transact business in South Carolina. Specifically, S.C. Code of Laws Ann. § 15-9-240(a) provides, "[T]he registered agent of a foreign business or nonprofit corporation authorized to transact business in this State is the corporation's agent for service of process, notice, or demand required or permitted by law to be served on the foreign corporation." S.C. Code of Laws Ann. § 15-9-240(b) provides, "[A] foreign business or nonprofit corporation may be served under Rule 4(d)(8) of the South Carolina Rules of Civil Procedure by registered or certified mail, return receipt requested, addressed to the office of the registered agent, or office of the secretary of the foreign corporation at its principal office shown in its application for a certificate of authority or in its most recent annual report. Service is effective upon the date of delivery as shown on the return receipt. Entry of default and default judgments shall be subject to the conditions of Rule 4(d)(8).

Plaintiff filed the 2025 Case on July 3, 2025; the 2025 Case contained claims, motions, and sought affirmative relief against DRH. At the time of filing the 2025 Case, D.R. Horton's counsel was retained for the purpose of defending D.R. Horton in the 2024 Case. As noted above, KDC, nor its attorneys and employees, was not the designated agent for accepting service of process of

new lawsuits on behalf of DRH and counsel had not been authorized to accept service of new lawsuits on behalf of a DRH. A client, such as DRH, is in control of choosing or selecting counsel to represent it in actions as well as its agents authorized to accept service of process. While an attorney may appear on behalf of a party in one action, this alone does not mean that attorney is the designated agent for acceptance of service of pleadings or other papers in separate actions. Plaintiff elected to attempt service of process of the 2025 Case on DRH through the its counsel in the 2024 Case without agreement or consent to accept service of new matters on behalf of DRH. The Plaintiff attempted service failed and was procedurally improper.

III. FINDINGS

The Court finds that:

1. Plaintiff failed to properly serve D.R. Horton with the 2025 Case pleadings including, without limitation, Plaintiff's Motion for Injunction and Quiet Title Action, as required by Rules 3 and 4, *SCRCP*.
2. Without proper service, this Court lacks personal jurisdiction over DRH.
3. Because DRH was not a proper party to the 2025 Case, DRH cannot be held in default nor shall default judgment be entered against DRH as sought by Plaintiff.
4. Because DRH was not a proper party to the 2025 Case due to Plaintiff's failure to properly serve the 2025 Case and its associated motions, Plaintiff's motions against DRH in the 2025 Case and which were set for hearing before this Court on September 15, 2025 are not ripe nor are they properly before this Court for decision as it pertains to DRH.

IV. CONCLUSION

In sum, the Court has carefully reviewed the pleadings in the 2025 Case, including the Plaintiff's motions, memoranda, certificates of service, and affidavits submitted by the parties in

advance of the hearing. This Court has further considered the arguments presented at the hearing on September 15, 2025. Based on the foregoing, the Court finds that the elements necessary for entry of default or default judgment against DRH have not been met or satisfied by Plaintiff. This Court further finds that because of Plaintiff's failure to properly serve DRH with the 2025 Case pleadings, Plaintiff's motion for injunctive relief are not properly before this Court.

IT IS HEREBY ORDERED, Plaintiff has failed to properly serve the 2025 Case pleadings on DRH, including all motions filed under the 2025 Case as of the date of this Order.

THEREFORE, IT IS HEREBY ORDERED, that the Plaintiffs' Motion for Default and/or Default Judgment against DRH is **DENIED**.

IT IS FURTHER ORDERED, that the Plaintiff's Motion for Injunction scheduled to be heard by this Court on September 15, 2025 was not properly served on DRH such that the Plaintiff's Motion for Injunction was not ripe and/or was not properly before this Court for determination.

IT IS FURTHER ORDERED, that Plaintiff's motions which seek relief from DRH, and which have been filed in the 2025 Case as of this Order (including Plaintiff's Motion for Injunction) are not ripe and shall not be set for hearing until after Plaintiff properly serves the 2025 Case pleadings, including Plaintiff's motions, on DRH.

IT IS FURTHER ORDERED, that as of September 15, 2025 DRH had not been made a party to the 2025 Case due to Plaintiff's failure to properly serve the Plaintiff's 2025 Case pleadings on DRH. Accordingly, DRH shall not be considered a party to the 2025 Case until such time as Plaintiff properly serves the Plaintiff's 2025 Case pleadings on DRH.

IT IS FURTHER ORDERED, appearance by counsel for DRH at the September 15, 2025 hearing shall not be considered a voluntary appearance in the 2025 Case by DRH or its counsel and electronic service of pleadings or other case filings through this Court's E-file System shall not be

effective against DRH or its counsel until such time as Plaintiff properly serves the Plaintiff's 2025 Case pleadings on DRH.

IT IS FURTHER ORDERED, that in undertaking efforts to serve any party to the 2025 Case, Plaintiff shall comply with the South Carolina Rules of Civil Procedure and South Carolina statutory law governing service of process and initiation of pleadings in Circuit Court.

AND IT IS SO ORDERED.

Diane Schafer Goodstein
Presiding Judge

[ELECTRONIC SIGNATURE PAGE FOLLOWS]