

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA**

**Charleston Division**

**MISCELLANEOUS DOCKET NO. 2:26-mc-86-RMG-MGB**

**IN RE: SAMUEL TUCKER COLLINS, JR., THE LIVING MAN**

**PLEA OF RELEASE AND EQUITABLE TENDER**

**UNDER THE MCCALL DOCTRINE**

(Regarding Collins v. West Palmetto Holdings, LLC, South Carolina Court of Appeals Case No. 2025-002352)

**COMES NOW**, Samuel Tucker Collins, Jr., the living man, appearing in propria persona, and hereby files this Plea of Release and Equitable Tender in the court of conscience as a matter of public record, notice, and preservation.

**I. THE MAN APPEARS**

1. I, Samuel Tucker Collins, Jr., am the living man, a natural person, appearing in my own proper person. I am not the ens legis, the fictional entity created by operation of law. I am not the STCJ Network Revocable Living Trust or any other fiction. I am the man.

2. I appear with clean hands, in good faith, and with no intention other than to preserve my right to possession of real property pending full adjudication of my appeal now pending before the South Carolina Court of Appeals, and to resolve all matters in equity.

3. This appearance is made in equity, before the court of conscience, and is deposited in this miscellaneous docket as a permanent record under Miscellaneous Docket No. 2:26-mc-86-RMG-MGB.

**II. THE MATTER IDENTIFIED**

4. I am the Appellant in Collins v. West Palmetto Holdings, LLC, presently pending before the South Carolina Court of Appeals, Appellate Case No. 2025-002352.

5. On February 6, 2026, a writ of ejectment was issued by the magistrate court directing the Clarendon County Sheriff's Office to remove me from real property in dispute.

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6. On February 9, 2026, I filed an emergency motion to stay pending appeal in the South Carolina Court of Appeals, seeking to prevent execution and enforcement of the writ.

7. On February 23, 2026, the South Carolina Court of Appeals denied my motion, citing Rule 241(b)(4), SCACR and S.C. Code Ann. 18-9-170, which requires a written undertaking with two sureties to stay execution.

8. The Court's order contains no reference to equity, no consideration of my capacity as the living man, and no recognition of any equitable remedies available to me.

9. I am now subject to imminent removal by the Clarendon County Sheriff's Office. Under South Carolina law, the sheriff must give twenty-four hours' notice before executing a writ of ejectment pursuant to Section 27-37-160, which notice has already been provided or posted.

### **III. THE EQUITABLE TENDER**

10. In lieu of the statutory undertaking with two sureties required by Section 18-9-170, and as evidence of my good faith and clean hands, I hereby tender the sum of \$50.00.

11. A \$50.00 United States Postal Service money order is attached hereto as Exhibit A, made payable to the Clerk of this Court.

12. This tender is made:

- a. Unconditionally;
- b. With clean hands;
- c. As evidence of my willingness and ability to pay for any lawful use and occupation of the property;
- d. To create a fund against which any lawful claim may be asserted;
- e. To invoke the protective custody of this Court;
- f. To establish that I am not attempting to avoid lawful obligations, but merely seeking to preserve my rights pending appeal;
- g. To serve as equitable security in place of the statutory sureties.

13. I request that this Court accept this tender into its registry and hold it pending further order, to be applied as may be just and equitable upon resolution of the underlying appeal.

#### **IV. INVOCATION OF SUBROGATION**

14. I hereby invoke the equitable doctrine of subrogation and step into the place of:

- a. West Palmetto Holdings, LLC, with respect to its right to possession of the property and any claim for use and occupation;
- b. The Clarendon County Sheriff's Office, with respect to its duty to execute the writ;
- c. The magistrate court, with respect to its equitable power to grant stays;
- d. The South Carolina Court of Appeals, with respect to its authority to consider equitable relief;
- e. Any surety that would otherwise be required under Section 18-9-170.

15. By operation of subrogation, I now hold the same rights and duties held by these parties, including:

- a. The right to demand strict compliance with all statutory requirements before removal;
- b. The duty to provide complete and accurate information regarding any claimed right to possession;
- c. The right to demand an accounting of any claimed damages or use and occupation value;
- d. The duty to act in good faith and with clean hands;
- e. The right to seek equitable relief where legal remedies are inadequate;
- f. The right to post equitable security in lieu of statutory sureties.

#### **V. INCORPORATION OF THE MCCALL DOCTRINE**

16. This filing is made under the McCall Doctrine, which holds that:

The man appears in equity, deposits his plea in a miscellaneous docket ancillary to a main case, tenders' settlement in good faith, invokes subrogation, documents the creditors response, accepts any judgment as grantee, and holds the record as his shield.

17. I adopt this doctrine and incorporate it herein by reference.

18. By this filing and tender, I demonstrate:

Good faith: \$50.00 money order tendered

Willingness: Ready to pay all lawful obligations

Clean hands: No fraud, no deceit, no games

Notice: All parties will be served with this filing

Record: All actions documented in this docket

## **VI. PLEA OF RELEASE**

19. By this Plea of Release, I tender full and complete settlement of all claims, disputes, and questions regarding my possession of the property pending appeal.

20. This Plea constitutes:

- a. An offer to resolve all matters in good faith;
- b. A request that the Court accept this tender as equitable security;
- c. A demand that the sheriff take no action to remove me until this Court has ruled;
- d. A declaration that I stand ready, willing, and able to pay any lawful obligation upon proper verification;
- e. An offer to provide any additional information reasonably required.

21. Upon acceptance of this Plea and the accompanying tender, or upon resolution of the underlying appeal in my favor, I request that the \$50.00 be returned to me. If the underlying appeal is resolved against me, I request that the \$50.00 be applied to any lawful obligation as the Court may direct.

## **VII. NOTICE TO ALL PARTIES**

22. West Palmetto Holdings, LLC, the Clarendon County Sheriff's Office, the magistrate court, and the South Carolina Court of Appeals are hereby notified of this filing and tender.

23. A true and correct copy of this Plea, together with the \$50.00 money order, shall be served upon:

West Palmetto Holdings, LLC

By and through its Attorney James Martin Page

339 Heyward Street

Columbia, South Carolina 29201

Attn: Registered Agent

Clarendon County Sheriff's Office

217 Commerce Street

Manning, South Carolina 29102

Attn: Sheriff Timothy Baxley

Clarendon Magistrate Court  
102 South Mill Street  
Manning, South Carolina 29102  
Attn: Magistrate Angela Weatherspoon

South Carolina Court of Appeals  
Attn: Clerk of Court  
1220 Senate Street  
Columbia, South Carolina 29102

24. All parties are invited to respond within the time provided by law or court rule.

#### **VIII. CONSEQUENCES OF REFUSAL OR SILENCE**

25. In equity, a proper Plea of Release and tender, followed by refusal or silence, does not defeat the claim. It documents the respondents conduct.

26. Should West Palmetto Holdings, LLC, or the sheriff fail to respond or refuse to acknowledge this Plea:

- a. Their refusal shall be deemed inequitable conduct, giving them unclean hands;
- b. The refusal shall be documented in this miscellaneous docket;
- c. The undersigned reserves the right to return to this Court for such equitable relief as may be just, including:
  - i. A declaration that my tender serves as sufficient security;
  - ii. An order directing the sheriff to stay execution pending appeal;
  - iii. An injunction barring removal until the appeal is decided;
  - iv. Such other relief as equity may require.

#### **IX. RESERVATION OF RIGHTS**

27. I expressly reserve all rights under UCC 1-308 and applicable law, including but not limited to:

- a. The right to challenge the validity or amount of any claimed obligation;
- b. The right to dispute the accuracy of any accounting;
- c. The right to tender additional funds upon proper verification;
- d. The right to assert equitable defenses to any claim;

e. The right to demand strict proof of any alleged right to possession.

28. No action or inaction by me shall be deemed a waiver of these rights.

#### **X. RELIEF SOUGHT**

WHEREFORE, I, Samuel Tucker Collins, Jr., the living man, respectfully request that this Court, sitting in equity:

1. Accept this Plea of Release and Equitable Tender for filing in Miscellaneous Docket No. 2:26-mc-86-RMG-MGB;
2. Accept the attached \$50.00 money order into the Court Registry as equitable security and tender;
3. Order the Clarendon County Sheriff's Office to take no action to remove me from the property until the South Carolina Court of Appeals has issued its final decision in Appellate Case No. 2025-002352, or until further order of this Court;
4. Declare that this tender satisfies the equitable purpose of the statutory undertaking requirement;
5. Retain jurisdiction over this matter pending resolution of the underlying appeal;
6. Grant such other and further relief as equity may require.

#### **VERIFICATION**

I, Samuel Tucker Collins, Jr., verify under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

I declare that I am the living man, that I appear with clean hands, that I have tendered \$50.00 in good faith, that I face imminent removal from my home, that my appeal is pending before the South Carolina Court of Appeals, and that I come before this Court seeking only the protection that equity provides.

Executed on this 24 day of February, 2026.

By: Samuel Tucker Collins Jr

Samuel Tucker Collins, Jr.

In Propria Persona

2398 Hotel Street

Alcolu, South Carolina 29001

(803) 410-6608

stcjnetwork@proton.me

**EXHIBITS**

Exhibit A: \$50.00 United States Postal Service Money Order made payable to Clerk, U.S. District Court

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing PLEA OF RELEASE AND EQUITABLE TENDER, together with Exhibit A, was served upon the following on this 24 day of February, 2026,

by:  Certified Mail, Return Receipt Requested

Hand Delivery

~~Electronic Mail~~

West Palmetto Holdings, LLC  
By and through its Attorney James Martin Page  
339 Heyward Street  
Columbia, South Carolina 29201  
Attn: Registered Agent

Clarendon County Sheriff's Office  
217 Commerce Street  
Manning, South Carolina 29102  
Attn: Sheriff Timothy Baxley

Clarendon Magistrate Court  
102 South Mill Street  
Manning, South Carolina 29102  
Attn: Magistrate Angela Weatherspoon

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