

STATE OF SOUTH CAROLINA **TRANSCRIPT OF RECORD**
COUNTY OF HORRY CASE NO.:2020-CP-26-05267

**** TRANSCRIPTION OF WEBEX RECORDING ****

February 21, 2024

BEFORE: The Honorable Alex Hyman

25th AVENUE, LLC,

Plaintiff,

vs.

CAROL ANN HONEYCUTT,

Defendant.

RECEIVED
Jun 26 2026
SC Court of Appeals

APPEARANCES:

Henrietta Golding, Esq.
Appearing for the Plaintiff.

Carol Ann Honeycutt,
Appearing Pro Se.

Recorded by: Webex Video Courtroom

Transcriber: Natalie Dahl, RPR
SC Official Court Reporter

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(None)

EXHIBITS

(None)

Transcript Legend

Dash (--)	Indicates an interruption in speech
Ellipses (...)	Indicates trailing off in speech
Phonetic (ph)	Indicates a phonetic word
(Inaudible)	Indicates word(s) are not discernable due to audio recording quality

P R O C E E D I N G S

THE COURT: No. 3 and 4, 25th Avenue, LLC,
v. Carol Ann Honeycutt. All right.

THE LAW CLERK: Ms. Bailey -- I think the
plan was for Ms. Honeycutt to come in, but she just
messed me and said that she hasn't. Should I
bring her in so we can ask her?

THE COURT: Yeah. It looks like there is a
Carol Ann Honeycutt in the attendees.

I see Ms. Golding. Ms. Golding, can you hear
me?

MS. GOLDING: Yes, sir, Your Honor. Good
morning.

THE COURT: Good morning. How are you?

MS. GOLDING: I'm well. I hope the Court is
doing well.

THE COURT: Doing well. Doing well.

Ms. Honeycutt, can you hear me?

MS. HONEYCUTT: I can.

THE COURT: Ms. Honeycutt, down in the middle
of your screen at the bottom there should be a
button that says "start video."

MS. HONEYCUTT: Okay.

THE COURT: If you can, press that so I can
see you.

1 MS. HONEYCUTT: Okay.

2 THE COURT: There you are.

3 Ms. Golding and Ms. Honeycutt, are we
4 expecting anyone else as far as this hearing?

5 MS. GOLDING: No, sir, Your Honor.

6 THE COURT: Ms. Honeycutt, I understand you
7 made some requests that this hearing be in person,
8 and I think you filed or sent a request for a
9 continuance; is that right?

10 MS. HONEYCUTT: Yes, Your Honor, that is
11 correct.

12 THE COURT: Ms. Honeycutt, the Supreme Court
13 of South Carolina has made certain changes in
14 non-jury motions. Your motions that you have made
15 are non-jury in nature, and we don't have court
16 reporters, which is why they do these via Webex. A
17 court reporter is the recording mechanism for this
18 video, so we can't do it in person. If we did it
19 in person, it would be just like we're doing here,
20 there would be no court reporter and it would be
21 recorded just like this. So as far as that
22 request, unfortunately, I can't help you with that
23 one.

24 MS. HONEYCUTT: Okay.

25 THE COURT: But it's my understanding there

1 was a motion for a temporary injunction, as well as
2 a motion to compel. Am I correct that your motion
3 to compel dealt with the sheriff's department in
4 the county and a FOIA request?

5 MS. HONEYCUTT: The motion to compel was for
6 the sheriff and for his sergeant, Jeff Benton. And
7 then the second part of that was for Julie Kevish,
8 the court reporter on a hearing that happened
9 April 24th last year and -- do you want me to go
10 ahead and explain those?

11 THE COURT: Well, generally speaking, when
12 you file a FOIA request against a county agency, it
13 has to go through the Public Information
14 Department. Is that the channel you used to obtain
15 that?

16 MS. HONEYCUTT: Oh, I did everything. I
17 wrote probably three spiral-bound notebooks. I
18 just went over and over trying to get the
19 information I wanted.

20 Finally, my primary information desire was
21 the video recordings. There were three officers on
22 the property on the day there was the move-out.
23 Every officer there had a video cam. And I started
24 within a few days after that event to try to get
25 the video cams recording, and one year later I

1 finally found out from the sheriff -- they we're
2 evasive, at best -- I finally found out from the
3 sheriff that the video cams had been destroyed, and
4 then I sent back letters to him. I think it's all
5 in the notes there.

6 THE COURT: I see it. And I see the
7 letter from the sheriff's department saying that
8 the recordings no longer exist and cannot be
9 produced.

10 MS. HONEYCUTT: Right. This morning I had
11 sent in some additional exhibits for the sheriff,
12 and that was scanned in about probably 9 o'clock
13 this morning. And it is called Sheriff Exhibit 1A,
14 because it updates from the -- from the Exhibit 1
15 that was the top --

16 THE COURT: Well, Ms. Honeycutt, we don't
17 have a representative from the sheriff's department
18 here. My assumption is that the representative for
19 the sheriff's department would probably be David
20 Jordan, who is the county attorney. I don't
21 believe that Mr. Jordan -- at least I don't see
22 where he was put on notice of this hearing. So in
23 that regard, I'm going to continue your motion to
24 compel as to the sheriff's department, because we
25 don't have a representative here.

1 But as to your -- your other motion in
2 regards to the motion for temporary injunction,
3 I'm happy to hear you. I do have your motion
4 here.

5 MS. HONEYCUTT: Okay. Excuse me, Judge.
6 Now, the second part of that motion to compel was
7 for the court reporter named Julie Kevish, who was
8 an in-person court reporter on April 24th, 2023
9 at a hearing, of course, with Ms. Golding and Judge
10 McCaslin. And I took all of the official steps to
11 get the transcript. She sent -- she was evasive in
12 many of her e-mails to me, but finally she sent me
13 the form for it. And I said, Well, I should have
14 had this the first day. She sent me the form to
15 fill out. I filled it out and sent it back to her.
16 I think I went through the transcript filings of
17 the appellant court, that form, Form 800. When I
18 got the transcript back from her, about half of the
19 information was left out.

20 Hang on one second, I want to show you the
21 document.

22 MS. GOLDING: Your Honor, may I? I don't
23 like to interrupt, but I think the Court needs
24 to know that, essentially, this lawsuit is over
25 with.

1 THE COURT: Well -- and, Ms. Golding, I was
2 taking a look at that, and I don't -- the only
3 issue that I still see that is even pending is the
4 plaintiff's cause of action, I think, for back
5 rent. I think that was the only thing that wasn't
6 granted summary judgment.

7 MS. GOLDING: That's it. All of her
8 counterclaims have been dismissed. Currently,
9 she's got an appeal and notice of appeal. The
10 court of appeals dismissed her appeal for not
11 timely filing some information. She's tried to
12 reinstate that appeal, and that matter is before
13 the court. So from a technical perspective, this
14 matter is on appeal.

15 And then the second matter is that all of her
16 claims have been dismissed. She has no basis -- no
17 legal basis to seek any discovery anymore. It's
18 over with.

19 MS. HONEYCUTT: Okay. Your Honor, may I --
20 may we get back to my presentation?

21 THE COURT: Well, Ms. Honeycutt, Ms. Golding
22 is correct. I went back and looked at the record
23 in this and I see that Ms. McCaslin -- excuse me,
24 Judge McCaslin and also Judge Curtis have
25 previously had findings in regards to your

1 counterclaims, as well as the actual causes of
2 action of the plaintiff. I'm bound by their
3 findings. I have no authority to change anything
4 that they have previously ruled on. We stand
5 equal.

6 So I understand also that the court of
7 appeals dismissed your appeal because a transcript
8 had not been timely ordered and provided. So as to
9 what Ms. Golding is saying, she's correct.

10 MS. HONEYCUTT: Your Honor, may I respond to
11 those?

12 THE COURT: Briefly.

13 MS. HONEYCUTT: Okay. To start out, I want
14 to say that my two motions today, the motion for a
15 temporary injunction and the motion to compel
16 discovery, relate to the main theme of this
17 lawsuit. Everything done in this lawsuit was done
18 by fraud or obstruction of justice. The two
19 appeals that I have before the appellant court --

20 THE COURT: And, Ms. Honeycutt, hang on. Let
21 me just stop you. Again, your claims for fraud
22 have already been dismissed previously by another
23 judge. I can't hear any merits on that.

24 MS. HONEYCUTT: Okay.

25 THE COURT: That's not before me. But let me

1 ask you this -- all right. The only outstanding
2 cause of action that is still pending is the
3 plaintiff's cause of action for back rent. In what
4 way is the information that you are trying to get
5 related to that cause of action?

6 MS. HONEYCUTT: Okay. As Judge McCaslin
7 stated -- now, I wanted to show you this. This
8 transcript is only half done (indicates). This is
9 part of the fraud.

10 Judge McCaslin stated that I haven't had a
11 hearing. I have a right to a hearing. A million
12 dollars' worth of my property was destroyed by a
13 fraudulent order. That order is -- Judge McCaslin
14 -- I'm sorry Judge Curtis, and that order is before
15 the appellant court.

16 My second filing with the appellant court
17 was on Judge McCaslin, who dismissed the claims
18 that Ms. Golding say are dismissed, but they are
19 not dismissed yet because -- nothing is settled
20 yet because everything is before the appellant
21 court.

22 THE COURT: Well, I don't believe that that
23 is accurate, and it was Judge Curtis who made those
24 findings as far as the most recent dismissals.
25 Just because something is under appeal -- and I

1 think the only thing you have under appeal right
2 now is Judge Curtis' order.

3 Is that correct, Ms. Golding?

4 MS. GOLDING: That's correct, Your Honor.

5 MS. HONEYCUTT: No, I have two, Your Honor,
6 two appeals.

7 THE COURT: Well, it's my understanding that
8 your appeal as to Judge McCaslin's orders was
9 dismissed by the court of appeals for failure to
10 obtain a transcript.

11 MS. HONEYCUTT: No, that is incorrect. That
12 was just filed the 25th of January, and that has
13 -- that part of it just has gotten started because
14 starting the hearing back -- we're back to the
15 hearing of -- I'm sorry, April 24, 2023.

16 Judge McCaslin made an order on the 27th.
17 I appealed that order, as did Ms. Golding. Then,
18 Judge McCaslin said that she was -- in her answer
19 to that, which would have been about May 25th --
20 I appealed her decision -- well, Ms. Golding
21 appealed, and so the decision of May 25th was --
22 or May 24th, I believe, was considered null and
23 void.

24 Well, I appealed that, and that sat with an
25 appeal on it. I appealed that back to McCaslin.

1 That sat until January 11th of this year, until
2 the clerk of court reminded her that nothing had
3 been done on it.

4 On January 11th, she denied my appeal, and
5 then that's when I put in the appeal to the
6 appellant court.

7 THE COURT: Well -- and I'm not seeing that
8 in this. What I'm seeing is that there was an
9 order from Judge McCaslin. And after that, there
10 was another order from Judge Curtis. And in Judge
11 Curtis' order, she specifically made findings based
12 on Judge McCaslin's previous order, as well as the
13 court of appeals' denial.

14 MS. HONEYCUTT: Well, it's not denied yet.
15 That was a -- attempted dismissal of McCaslin's
16 order was actually -- it needs to be rescinded
17 because it was falsely -- a claim falsely made.
18 That, and I requested and I gave probably 45 pages
19 of documents that that was not true, that that
20 needed to be rescinded.

21 When Judge McCaslin's appeal went into the
22 court, that was given a different number. And then
23 someone without the authority of the court slipped
24 it in under McCaslin -- or Curtis' appeal to get it
25 dismissed.

1 THE COURT: Ms. Honeycutt -- Ms. Honeycutt,
2 I'm basing my decision on two previous circuit
3 judges. I understand your argument, but I'm
4 denying your motion as to the motion to compel on
5 both counts, because I do find that you have no
6 outstanding causes of action.

7 You also have filed a motion for temporary
8 injunction, which I will now hear -- I will now
9 hear. But I'm -- again, I'm just reminding you
10 that this is not a time to try your case. There
11 are certain parameters for a motion for temporary
12 injunction under Rule 65 of the South Carolina
13 Rules of Civil Procedure.

14 So I'll let you proceed, but, again, this is
15 not a time to try and tell me about all of these
16 other issues that two prior judges have already
17 decided.

18 MS. HONEYCUTT: Well, forgive me for
19 repeating. I'm doing my best here. But the two
20 main orders by Curtis and McCaslin are under
21 appeal. They are currently under appeal. I
22 believe that they will be reversed, and that puts
23 me back to needing the -- the discovery --

24 THE COURT: All right. Again, I'm going to
25 let you make an argument as to the temporary

1 injunction motion you've filed. We are done with
2 the discovery motions.

3 MS. HONEYCUTT: Okay. For the temporary
4 injunction that was made, of course, back in, I
5 think, July 27th. At that point in time, the --
6 I have to talk about this to explain this.
7 McCaslin made an order that the contract was null
8 and void. I appealed that. That was under appeal
9 back to McCaslin. The contract was not null and
10 void because it was under appeal. That appeal
11 lasted until January 11th of this year --

12 THE COURT: All right. Ma'am, I need you to
13 make your argument as to the temporary injunction
14 blocking the plaintiff from destroying the
15 building. That is what is before me now.

16 Again, this is the third time I've asked you.
17 I'm going to give you a chance to make your
18 argument on that, but I don't need a historical, I
19 guess, refresher on everything that has happened.
20 I understand what has happened. I've read the
21 previous orders.

22 So, Ms. Honeycutt, again, as to Rule 65?

23 MS. HONEYCUTT: All right, Your Honor.
24 Please be patient with me.

25 THE COURT: I understand.

1 MS. HONEYCUTT: The building was destroyed on
2 July 27th, even though that order was under
3 appeal. The building was sold on -- or the land --
4 the building was flattened around July 27th. The
5 day when I took that temporary injunction request
6 to the property, the building was on the ground.

7 The property was sold August -- I think
8 August 8th, right around August 8th. The money
9 is -- I guess the plaintiffs still have the money.
10 So the injunction can't be an injunction not to
11 destroy the building, because Ms. Golding told them
12 to go ahead and destroy the building.

13 THE COURT: Well, as far as that goes, again,
14 if there's no building that I need to even
15 contemplate enjoining being destroyed, it is a moot
16 point.

17 MS. HONEYCUTT: Well, it's moot except for
18 the fact that I'm concerned that before this is
19 over -- I don't -- I don't want the plaintiffs to
20 dissolve their business, and I think the money
21 should be kept -- from the building should be kept
22 -- should be held by 25th Avenue, LLC, until all
23 of this is over.

24 THE COURT: Well, again, Ms. Honeycutt, I
25 just remind you that you have no active causes of

1 action pending before this Court. But because the
2 building has been destroyed, I am -- I find it is a
3 moot point, so I'm going to deny your motion for
4 temporary injunction blocking the destruction of
5 the building.

6 MS. HONEYCUTT: Right. Right.

7 THE COURT: All right. And I believe that
8 that is all that I have before me today.

9 MS. GOLDING: Yes, sir.

10 THE COURT: Ms. Golding, anything else?

11 MS. GOLDING: No, sir. Thank you, Your
12 Honor. If you could -- would the Court mind
13 issuing form orders?

14 THE COURT: I'll do Form 4's on all of these.
15 Thank you.

16 MS. HONEYCUTT: Okay. Your Honor, would you
17 tell me how to order the recording of this Webex
18 hearing?

19 THE COURT: You do it through the clerk of
20 court's office.

21 MS. HONEYCUTT: Okay. The Horry County Clerk
22 of Court?

23 THE COURT: That's correct. And they'll do a
24 request.

25 MS. HONEYCUTT: Thank you so much.

1 THE COURT: Thank you.
2 (Whereupon, the Webex hearing concluded.)
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CERTIFICATE OF TRANSCRIBER

Case Name: 25th Avenue, LLC v. Carol Ann
Honeycutt

Case No.: 2020-CP-26-05267

Date of Hearing: February 21, 2024

* * * * *

I, Natalie Dahl, do hereby certify that the
foregoing transcript is a true and correct record
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I do further certify that I am neither of
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Natalie Dahl, RPR

Natalie Dahl, Registered Professional
Reporter and transcriber for the State of
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