

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS
JUDICIAL CIRCUITCOUNTY OF OrangeburgFILED FOR RECORD km

WINNIFA B. CLARK

CASE NO.: 2018-CP-38-001339Rufus I. MarkleRiver

2025 SEP 19 A 9 48

Plaintiff,

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

vs.

James SmithCLERK OF COURT
ORANGEBURG, SC

Defendant.

RECEIVED

Jun 29 2026

Plaintiff's Attorney: <u>Rose</u> , Bar No. _____ Address: _____ Phone: <u>803-937-1860</u> Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____
☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information Nature of Motion: <u>Stay Enforcement Pending Rule 60(B)</u> Estimated Time Needed: _____ Court Reporter Needed: ☐ YES ☒ NO	
SECTION II: Motion/Order Type ☒ Written motion attached ☐ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
Signature of Attorney for ☒ Plaintiff / ☐ Defendant: <u>[Signature]</u> Date submitted: <u>9-19</u> , 20 <u>25</u>	
SECTION III: Motion Fee ☐ PAID - AMOUNT: \$ <u>25.00</u> ☒ EXEMPT: (check reason) ☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRPC) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☒ Other: _____	
JUDGE'S SECTION ☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____	JUDGE CODE _____ Date: _____, 20____
CLERK'S VERIFICATION Collected by: _____ Date Filed: _____, 20____	
☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED - AMOUNT DUE: \$ _____	

SCCA 233 (11/2003)

RHE STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

Rufus Rivers and Merle Rivers, pro se
Movants

v

James Smith, Jr.
Nonmovant

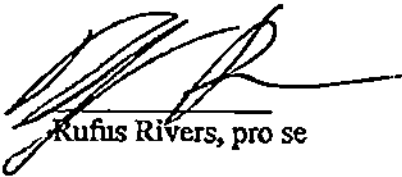
THE COURT OF COMMON PLEAS
CASE NO. 2018-CP-01339

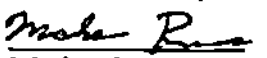
PROOF OF SERVICE

MOTION TO STAY ENFORCEMENT OF
JUDGMENT PENDING RESOLUTION OF
RULE 60(B) MOTION

Movants hereby certify that a copy of their Motion To Stay Enforcement of Judgment pending resolution of Rule 60(B) Motion was served on James Smith, Jr. by email to his attorney of record Kathleen McDaniel, Esq. and by placing copy in the U.S. mail in an envelope with proper postage affixed to her last known address, P.O. Box 1929, Columbia, 29202.
South Carolina, 29202.

09/08/2025


Rufus Rivers, pro se


Merle Rivers, pro se

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Jun 29 2026

SC Court of Appeals

FILED FOR RECORD
WILLIAM B. CLARK
2025 SEP 19 A 9:48
CLERK OF COURT
ORANGEBURG, SC

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

Rufus Rivers and Merle Rivers, pro se
Movants

v.

James Smith, Jr.

Nonmovant

THE COURT OF COMMON PLEAS

THE FIRST JUDICIAL CIRCUIT

CASE NUMBER: 2018-CP-38-01339

Motion To Stay Enforcement Of Judgment
Pending Resolution of Pending Rule 60 Motion and
Federal Claims

RECEIVED

Jun 29 2026

SC Court of Appeals

FILED FOR RECORD
WINN, F.A.B. CLARK
2025 SEP 19 A 9:55
CLERK OF COURT
ORANGEBURG, SC

NOW COMES MOVANTS, Rufus Rivers and Merle Rivers, pro se, respectfully moves the Court for an Order staying the enforcement request a stay of enforcement of the judgment entered in this matter on 08/14/2025 pending resolution of Movants' concurrently filed Motion for relief from judgment under Rule 60(b). In support thereof, Movants states the following:

1. INTRODUCTION

Movants has filed a Motion or Relief from Judgment under South Carolina Rule of Civil procedure Rule 60(b) on the grounds of self-dealing(Ex. G), transferring property in South Carolina without New York POA acknowledgment to be used out of state, void judgment *ab initio* and fraud on the court. This Motion to Stay seeks to preserve the status quo and prevent irreparable harm to Movants during the pendency of that challenge. If enforcement is allowed before the Court rules on the meritorious Rule 60 motion, movants will suffer severe and irreparable financial harm, homelessness and health risk that cannot be undone, and the relief sought in the Rule 60 motion could be ruled moot.

2.FACTUAL BACKGROUND

- On 04/23/2025, a judgment was entered against Movants while recalling the remittitur.(see Ex. A).
- On 08/14/2025, a subsequent order was issued denying movants' motions and affirming the remittitur was recalled and would be reissued.
- On or about 06/27/2025 movants discovered new evidence that voids the judgment *ab initio*.
- Movants have timely filed a Motion for Relief from Judgment pursuant to South Carolina Rule 60(B) on the grounds of Fraud or Misconduct, mismatched and forged signatures, and New York POA's out of state acknowledgment by Principal, self-dealing and no authority

- to transfer property in South Carolina.
- Enforcement, ejectment is imminent.

3. LEGAL ARGUMENT

A. Likelihood of success on the merits of the Rule 60 motion

Movants' concurrently filed Rule 60 demonstrates a strong likelihood of success on the merits. The motion presents compelling evidence of fraud upon the court, invalid New York void POA, mismatched signatures and no out of state acknowledgment by Principal to transfer property in South Carolina. Courts have granted stays when the moving party shows a substantial legal question exist.

B. Irreparable Harm To Movant if Stay is Denied

If a stay is not granted, Movants will suffer irreparable harm.

- **Financial Harm:** Movants will suffer financial difficulty while living on a fixed income, face eviction and displacement.
- **Mooting of Relief:** If the judgment is enforced and Movants are displaced it will render movants homeless and cannot be undone.

C. Balancing of Harms and Public Interest

- The potential harm to Movants from denial of the stay far outweighs any minimal harm to nonmovant from a temporary delay in enforcement. Nonmovant would only be delayed in enforcement of judgment that is being challenged as fraud and/or void.
- There is a significant public interest in preserving the integrity of judicial proceedings and ensuring that judgments are not enforced when they are based on fraud and are void. Granting a stay upholds this interest by allowing the court to fully investigate the serious allegations raised in the Rule 60 motion without the pressure of ongoing enforcement.

4. ASSOCIATED CASES

Petitioners respectfully draws the court's attention to the following associated cases, which bear directly on the issues raised in this motion and reinforce the need relief and stay of enforcement:

Lis Pendens: Rufus Rivers v. James Smith, Jr., case no. 2025-LP-38-00137.

This matter involves the same Power of Attorney instrument used to effectuate property transfer property under contested authority. The Court record include allegations of signatures mismatches , incomplete acknowledgment and unauthorized self-dealing.

Counterclaim Circuit Court: Rufus Rivers v. James Smith, Jr. case no. 2023-CP-38-01749.

This matter involves the same Power of Attorney and petitioners claim of detrimental reliance, promissory estoppel and adverse possession.

1983 Claims with District Court: Claims of fraud on the court related to **VOID POA**. Related to the same underlying cases.

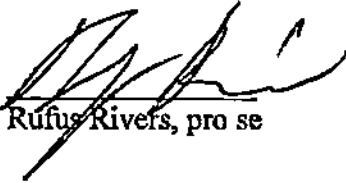
These cases collectively demonstrate a pattern of procedural irregularities and constitutional

violations that warrant relief under Rule 60(B) and justify a stay of enforcement pending full adjudication. Petitioners incorporate by reference the pleadings, exhibits, and judicial findings from the above matters to support the instant motion.

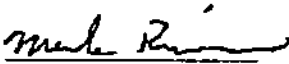
5. CONCLUSION

For the foregoing reasons, Movants respectfully request that this court grant a stay of the judgment entered 08/14/2025 pending resolution of Movants' Motion for relief From Judgment.

09/15/2025

A handwritten signature in black ink, appearing to read 'Rufus Rivers', written over a horizontal line.

Rufus Rivers, pro se

A handwritten signature in black ink, appearing to read 'Merle Rivers', written over a horizontal line.

Merle Rivers, pro se

EXHIBITS

A-E: MISMATCHED SIGNATURES

F: EXEMPLAR

G: QUITCLAIM

H: AFFIDAVIT

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2025 SEP 19 A 9:50
CLERK OF COURT
ORANGEBURG, SC

A

The Supreme Court of South Carolina

Rufus Rivers and Merle Rivers, Respondents,

v.

James Smith, Jr., Petitioner.

Appellate Case No. 2023-001318

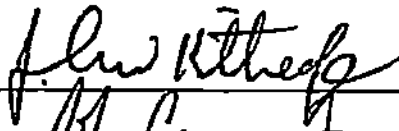
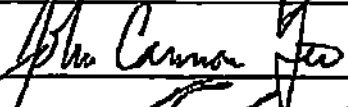
ORDER

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2025 SEP 19 A 9:49
CLERK OF COURT
ORANGEBURG, SC

Respondents have submitted three motions, entitled as follows: (1) Motion to Stay Issuance of the Remittitur; (2) Supplemental Notice in Support of Motion to Stay Remittitur, Request for Forensic Access to Signature Exemplars, and Notice of Anticipated Rule 60 Relief; and (3) Emergency Notice of Filing Disputed POA Exhibits.

Overall, Respondents ask that this Court (1) confirm the remittitur remains recalled and stay the sending of the remittitur; (2) permit the filing of expert findings and related evidence; (3) authorize Respondents to obtain signature examples for use in forensic analysis to present to this Court; and (4) take judicial notice of Respondents' intent to seek relief under Rule 60, SCRPC.

We confirm the remittitur was recalled on April 23, 2025, and deny Respondents' requests for relief. As there is no further relief we may grant Respondents in this matter, we now send the remittitur to the circuit court.


C.J.

J.

J.

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A-1
ACKNOWLEDGMENT IN NEW YORK STATE

D-BK: 01587 PG:0102

STATE OF NEW YORK

COUNTY OF Suffolk ss.:

On the 1 day of July in the year 2013 before me, the undersigned, personally appeared **JESSIE MAE SMITH**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/ their capacity(ies), and that by his/her/ their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Vicki Castro

(Signature and Office of individual taking acknowledgment)

VICKI CASTRO
Notary Public, State of New York
No. 01CA4761748
Qualified in Suffolk County
Commission Expires Nov. 30, 2014

ACKNOWLEDGEMENT OUTSIDE NEW YORK STATE

STATE OF _____ COUNTY OF _____ ss.:

On the _____ day of _____ in the year _____ before me, the undersigned, personally appeared **JESSIE MAE SMITH**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose names(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the _____.

(Insert the city or other political subdivision and the state or country or other place the acknowledgement was taken).

(Signature and office of individual taking acknowledgment)

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CLERK OF COURT
ORANGEBURG, SC

- (3) With respect to any totten trust accounts existing at the creation of the agency or at any time hereafter, to add, delete, or otherwise change the designation of the beneficiaries in effect for any such accounts.
- (4) With respect to any contract of life, accident, health, disability or liability insurance, to add, delete or otherwise change the designation of beneficiaries in effect and to borrow from, transfer ownership or surrender any such policies.
- (5) With respect to any retirement benefit or plan, to add, delete, or otherwise change the designation of beneficiaries in effect.
- (6) To create, amend, fund, add to or terminate revocable or irrevocable trusts.
- (7) To forgive debts.
- (8) To waive benefits and/or elect out of survivor annuity payment(s) under Section 417 of the Internal Revenue Code, or any successor statute, and the regulations promulgated thereunder.
- (9) To enter any safe deposit box or other place of safekeeping standing in my name alone or jointly with another and to remove the contents and to make additions, substitutions or replacements.

(c) GRANT OF SPECIFIC AUTHORITY FOR AN AGENT TO MAKE MAJOR GIFTS OR OTHER TRANSFERS TO HIMSELF OR HERSELF: (OPTIONAL)

If you wish to authorize your agent to make gifts or transfers to himself or herself, you must grant that authority in this section, indicating to which agent(s) the authorization is granted, and any limitations and guidelines.

(742) I grant specific authority for the following agent(s) to make the following gifts or other transfers to himself or herself: James Brinkley and Robert. This authority must be exercised pursuant to my instructions, or otherwise for purposes which the agent reasonably deems to be in my best interest.

- (1) To make gifts, of any amount, to any person or entity, in the sole and absolute discretion of my agent(s), which my agent(s) deem to be in my best interest and for my benefit, considering my financial, estate and/or tax planning objectives, the minimization of income, estate, inheritance, generation-skipping, transfer or gift taxes as well as asset protection planning in the context of medical assistance.
- (2) With respect to any joint accounts existing at the creation of the agency or at any time hereafter, to change the title of the account by the addition of a new joint tenant or deletion of an existing joint tenant.
- (3) With respect to any totten trust accounts existing at the creation of the agency or at any time hereafter, to add, delete, or otherwise change the designation of the beneficiaries in effect for any such accounts.
- (4) With respect to any contract of life, accident, health, disability or liability insurance, to add, delete or otherwise change the designation of beneficiaries in effect and to borrow from, transfer ownership or surrender any such policies.

- (5) With respect to any retirement benefit or plan, to add, delete, or otherwise change the designation of beneficiaries in effect.
- (6) To create, amend, fund, add to or terminate revocable or irrevocable trusts.
- (7) To forgive debts.
- (8) To waive benefits and/or elect out of survivor annuity payment(s) under Section 417 of the Internal Revenue Code, or any successor statute, and the regulations promulgated thereunder.
- (9) To enter any safe deposit box or other place of safekeeping standing in my name alone or jointly with another and to remove the contents and to make additions, substitutions or replacements.

(d) **ACCEPTANCE BY THIRD PARTIES:** I agree to indemnify the third party for any claims that may arise against the third party because of reliance on this Statutory Gifts Rider.

(e) **SIGNATURE OF PRINCIPAL AND ACKNOWLEDGEMENT:**

In Witness Whereof I have hereunto signed my name on 7/1, 2013

PRINCIPAL signs here: → *Jessie M. Lee Smith*

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D
HEALTH CARE PROXY

D-BK: 01587 PG:0112

- (1) I, **JESSIE MAE SMITH**, hereby appoint **JAMES F. SMITH, JR.**, 66 Thomas St., Brentwood, New York 11717, (631) 231-9592 as my health care agent to make any and all health care decisions for me, except to the extent that I state otherwise. This proxy shall take effect only when and if I become unable to make my own health care decisions.
- (2) **Optional: Alternate Agent**-If the person I appoint is unable, unwilling or unavailable to act as my health care agent, I hereby appoint: **QIANA T. SMITH**, as my health care agent(s) to make any and all health care decisions for me, except to the extent that I state otherwise.
- (3) Unless I revoke it or state an expiration date or circumstances under which it will expire, this proxy shall remain in effect indefinitely. (**Optional: If you want this proxy to expire, state the date or conditions here.**) This proxy shall expire (**specify date or conditions**): _____
- (4) **Optional:** I direct my health care agent to make health care decisions according to my wishes and limitations, as he or she knows or as stated below. (**If you want to limit your agent's authority to make health care decisions for you or to give specific instructions, you may state your wishes or limitations here.**) I direct my health care agent to make health care decisions in accordance with the following limitations and/or instructions (**attach additional pages as necessary**): I authorize my health care agent and alternate agent(s), if any, to make all decisions regarding the provision or withdrawal of artificial nutrition and hydration, as I have discussed my wishes with them. I authorize my health care agent and alternate agent(s), if any, to be my representative(s) for the purposes of the Health Insurance Portability and Accountability Act (HIPAA)

In order for your agent to make health care decisions for you about artificial nutrition and hydration (*nourishment and water provided by feeding tube and intravenous line*), your agent must reasonably know your wishes. You can either tell your agent what your wishes are or include them in this section. See instructions for sample language that you could use if you choose to include your wishes on this form, including your wishes about artificial nutrition and hydration.

- (5) **Your Identification (please print):**

Your Name

Your Signature

Your Address

Jessie Mae Smith

Date

7/1/13

66 Thomas St. Brentwood, NY

- (6) **Optional: Organ and/or Tissue Donation**-I hereby make an anatomical gift, to be effective upon my death, of: (check any that apply)

- ☐ Any needed organs and/or tissues
☐ The following organs and/or tissues _____
☐ Limitations _____

If you do not state your wishes or instructions about organ and/or tissue donation on this form, it will not be taken to mean that you do not wish to make a donation or prevent a person, who is otherwise authorized by law, to consent to a donation on your behalf.

Your Signature

Date

- (7) **Statement by Witnesses** (Witnesses must be 18 years of age or older and cannot be the health care agent or alternate.)

I declare that the person who signed this document is personally known to me and appears to be of sound mind and acting of his or her own free will. He or she signed (or asked another to sign for him or her) this document in my presence.

Date
(print)

7/1/13
Kristie DeLaCruz
Name of Witness 1

Date
(print)

7/1/13
Barbara Cioffi
Name of Witness 2

Signature
Address

Kristie DeLaCruz
3 Village Dr. W.
Dix Hills, NY

Signature
Address

Barbara Cioffi
1 Cobb Lane
Medford, NY

E

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LIVING WILL

To My Family, My Physician, My Lawyer, D-BK: 01587 PG:0113
and All Others Whom It May Concern:

Death is as much a reality as birth, growth, maturity, and old age - it is one certainty of life. If the time comes when I, *Jessie Mae Smith*, can no longer take part in decisions for my own future, let this statement stand as an expression of my wishes and directions, while I am still of sound mind

If at such time the situation should arise in which there is no reasonable expectation of my recovery from extreme physical or mental disability, I direct that I be allowed to die and not be kept alive by medications, artificial means, or "heroic measures". I do, however, ask that medication be mercifully administered to me to alleviate suffering even though such medication may shorten my life. I do not want cardiac resuscitation, mechanical respiration, tube feeding, or antibiotics. I would additionally prefer to be allowed to die at home, if possible.

This statement is made after careful consideration and is in accordance with my strong convictions and beliefs. I want the wishes and directions here expressed carried out to the extent permitted by law. Insofar as they are not legally enforceable, I hope that those to whom this Living Will is addressed will regard themselves as morally bound by these provisions. These instructions apply even if I am in an unconscious or conscious state.

NOTE: Must be signed in the presence of two capable witnesses

Signed *Jessie Mae Smith*
Jessie Mae Smith

Date: _____

Witness: *Kirsten DeLoCay* Address: *3 Village Dr. W Dix Hills, NY*
Signature

Witness: *Barbara Apple* Address: *1 Cobble Lane Medford, NY*
Signature

Copies of this request have been given to:

Form 2848 (Rev 3-2012) JESSIE M SMITH

162-22-8259

Page 2

6 Retention/revocation of prior power(s) of attorney. The filing of this power of attorney automatically revokes all earlier power(s) of attorney on file with the Internal Revenue Service for the same matters and years or periods covered by this document. If you do not want to revoke a prior power of attorney, check here ☐

YOU MUST ATTACH A COPY OF ANY POWER OF ATTORNEY YOU WANT TO REMAIN IN EFFECT.

7 Signature of taxpayer. If a tax matter concerns a year in which a joint return was filed, the husband and wife must each file a separate power of attorney even if the same representative(s) is (are) being appointed. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, or trustee on behalf of the taxpayer, I certify that I have the authority to execute this form on behalf of the taxpayer.

IF NOT SIGNED AND DATED, THIS POWER OF ATTORNEY WILL BE RETURNED TO THE TAXPAYER.

Jessie M Smith

Signature

10-3-12

Date

Title (if applicable)

JESSIE M SMITH

Print Name

PIN Number

Print name of taxpayer from line 1 if other than individual

Part I Declaration of Representative

Under penalties of perjury, I declare that:

- I am not currently under suspension or disbarment from practice before the Internal Revenue Service;
- I am aware of regulations contained in Circular 230 (31 CFR, Part 10), as amended, concerning practice before the Internal Revenue Service;
- I am authorized to represent the taxpayer identified in Part I for the matter(s) specified there; and
- I am one of the following:
 - a Attorney — a member in good standing of the bar of the highest court of the jurisdiction shown below.
 - b Certified Public Accountant — duly qualified to practice as a certified public accountant in the jurisdiction shown below.
 - c Enrolled Agent — enrolled as an agent under the requirements of Circular 230.
 - d Officer — a bona fide officer of the taxpayer's organization.
 - e Full-Time Employee — a full-time employee of the taxpayer.
 - f Family Member — a member of the taxpayer's immediate family (for example, spouse, parent, child, grandparent, grandchild, step-parent, step-child, brother, or sister).
 - g Enrolled Actuary — enrolled as an actuary by the Joint Board for the Enrollment of Actuaries under 29 U.S.C. 1242 (the authority to practice before the Internal Revenue Service is limited by section 10.3(d) of Circular 230).
 - h Unenrolled Return Preparer — Your authority to practice before the Internal Revenue Service is limited. You must have been eligible to sign the return under examination and have signed the return. See Notice 2011-6 and Special rules for registered tax return preparers and unenrolled return preparers in the instructions.
 - i Registered Tax Return Preparer — registered as a tax return preparer under the requirements of section 10.4 of Circular 230. Your authority to practice before the Internal Revenue Service is limited. You must have been eligible to sign the return under examination and have signed the return. See Notice 2011-6 and Special rules for registered tax return preparers and unenrolled return preparers in the instructions.
 - k Student Attorney or CPA — receives permission to practice before the IRS by virtue of his/her status as a law, business or accounting student working in LITC or STCP under section 10.7(d) of Circular 230. See instructions for Part II for additional information and requirements.
 - r Enrolled Retirement Plan Agent — enrolled as a retirement plan agent under the requirements of Circular 230 (the authority to practice before the Internal Revenue Service is limited by section 10.3(e)).

IF THIS DECLARATION OF REPRESENTATIVE IS NOT SIGNED AND DATED, THE POWER OF ATTORNEY WILL BE RETURNED. REPRESENTATIVES MUST SIGN IN THE ORDER LISTED IN LINE 2 ON PAGE 1. See the instructions for Part II.

Note: For designations d-f, enter your title, position, or relationship to the taxpayer in the 'Licensing jurisdiction' column. See the instructions for Part II for more information.

Designation — Insert above letter (a-r)	Licensing jurisdiction (state) or other licensing authority (if applicable)	Bar, license, certification, registration, or enrollment number (if applicable). See instructions for Part II for more information.	Signature	Date
b			<i>[Signature]</i>	10/3/12
f			<i>[Signature]</i>	10/3/12

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D-BK: 01587 PG: 0114

FILED Oct 09, 2014 02:30:05 pm
BOOK 01587

PAGE 0114 THRU 0117
INSTRUMENT # 2014004020

FILED
ORANGEBURG
COUNTY
ELAINE G. ALEXANDER
REGISTER
OF DEEDS

AFTER RECORDING MAIL TO:
Bostic Law Firm, PA
834 Wappoo Road
Charleston, SC 29407

Elaine G. Alexander
Signature

QUITCLAIM DEED OF REAL PROPERTY

This Quitclaim Deed, made this 19 day of September, 2014, by and between Jessie M. Smith a/k/a Jesse M. Smith, a/k/a Jessie Mae Smith of Suffolk County, State of New York, hereinafter called Grantor, and James F. Smith, Jr., hereafter called Grantee.

WITNESSETH: That the Grantor, for and in consideration of the sum of One (\$1.00) Dollar and love and affection to her in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has given, granted, bargained, sold, and quitclaimed, and by these presents does hereby give, grant, bargain, sell, convey and quitclaim unto the Grantee, its heirs and/or successors and assigns forever, the following described property, to wit:

ALL that certain piece parcel or tract situate lying and being in Zion Township County of Orangeburg State of South Carolina approximately five miles southwest of the City of Orangeburg South Carolina on South Carolina Highway S-38-33 approximately one half mile east of U.S. Highway 301 containing two (2) acres and bounded and measuring as follows: On the Southwest by South Carolina Highway S-38-33 three hundred and nineteen (319) feet; on the West and Northwest by lands of David Gassentanna two hundred seventy-three and one-tenth (273.1) feet, on Northeast by other lands of grantors three hundred and nineteen (319) feet; on the South and Southeast by other lands of grantors two hundred seventy-three and one tenth (273.1) feet.

The above-described tract of land being more fully shown and delineated on plat of property of James F. Smith and Jessie M. Smith by Earle A. Thompson Reg. Engr. And L. S. dated August 2 1972 and recorded in the office of the Clerk of Court in Orangeburg County in Plat Book 36 at page 154.

The above-entitled lot of land being subject to the following restrictions and conditions

1. The above lots shall be used for residential purposes only
2. No building shall be erected on any lot nearer than twenty feet from lot line on said lot.

ENTERED IN THE OFFICE OF ASSESSOR
MAP 0127 SHEET 00 BLOCK 05 PARCEL 009
THIS 19 DAY OF October 2014

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D-BK: 01587 PG:0117

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

AFFIDAVIT

Date of Transfer of Title
Sept. 19th, 2014

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property is being transferred BY Jessie M. Smith, a/k/a Jesse M. Smith, a/k/a Jessie Mae Smith TO James F. Smith, Jr.

3. Check one of the following: The DEED is

- (A) _____ subject to the deed recording fee as a transfer for consideration paid or to be paid in Money or Money's worth.
- (B) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity or is a transfer to a trust or as a distribution to a trust beneficiary.
- (C) X EXEMPT from the deed recording fee because (exemption # 1)
(If Exempt, please skip items 4-6, and go to item 7 of this affidavit.)

4. Check one of the following if either item 3(A) or item 3(B) above has been checked.

- (A) _____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ _____.
- (B) _____ The fee is computed on the fair market value of the realty, which is \$ _____.
- (C) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____.

5. Check YES _____ or NO _____ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is \$ _____.

6. The DEED Recording Fee is computed as follows:

- (A) _____ the amount listed in item 4 above
- (B) _____ the amount listed in item 5 above (no amount place zero)
- (C) _____ Subtract Line 6(b) from Line 6(a) and place the result.

7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Grantor(s).

8. Check if Property other than Real Property is being transferred on this Deed.

- (A) _____ Mobile Home
- (B) _____ Other

9. _____ DEED OF DISTRIBUTION - ATTORNEY'S AFFIDAVIT: Estate of _____ deceased CASE NUMBER _____. Personally appeared before me the undersigned attorney who, being duly sworn, certified that he is licensed to practice law in the State of South Carolina; that he has prepared the Deed of Distribution for the Personal Rep. in the Estate of _____ deceased and that the grantor(s) therein are correct and conform to the estate file for the above named decedent.

10. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Sworn to before me this 19 day of Sept, 2014

Jessie M. Smith, a/k/a Jesse M. Smith, a/k/a Jessie Mae Smith, By: James F. Smith, Jr., her Attorney-in-Fact.

Sevim Donmez
Notary Public for New York
My Commission Expires: _____

SEVIM DONMEZ
Notary Public - State of New York
NO. 01006125349
Qualified in Suffolk County
My Commission Expires 11-2-2017

FILED FOR RECORD
WINIFEA B. CLARK
2015 SEP 19 A 9:49
CLERK OF COURT
ORANGEBURG, SC

H
STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

] IN THE COURT OF COMMON PLEAS
] THE FIRST JUDICIAL CIRCUIT
]
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RUFUS RIVERS
PLAINTIFFS, PRO SE

**AFFIDAVIT OF DEFECTIVE POA
ACKNOWLEDGEMENT**

VS..

JAMES SMITH, JR.
DEFENDANT

CASE NO. 2018-CP-38-01339

Personally appeared before me, the undersigned authority, RUFUS RIVERS, who being duly sworn, deposes and states as follows:

1. I am the Plaintiffs in the above-captioned matter and make this affidavit based on personal knowledge and review of the relevant documents.
2. The Power of Attorney (POA) relied upon by Defendant to convey real property located in South Carolina contains an out-of-state acknowledgment section which was never signed by the principal.
3. Said acknowledgment was intended to validate the POA for use across state lines, including in South Carolina, but its lack of signature by the principal renders it legally defective and non-compliant with South Carolina law.
4. Pursuant to S.C. Code § 62-8-105 and § 30-5-30, a POA used to transfer real estate must be properly executed, acknowledged, and recorded in the county where the property is located. The unsigned acknowledgment fails to satisfy these statutory requirements.
5. As a result, the POA is invalid for purposes of conveying real property in South Carolina, and any deed executed under its authority is void or voidable.
6. I assert that the agent named in the POA lacked lawful authority to act on behalf of the principal, and that the conveyance constitutes an unauthorized and procedurally defective transaction.
7. I respectfully request that the Court take judicial notice of this defect, and grant appropriate relief to preserve the integrity of the property title and prevent further deprivation of rights under color of defective authority.

FURTHER AFFIANT SAYETH NOT.


RUFUS RIVERS
Affiant

FILED FOR RECORD
WINNIE B. CLARK
2025 SEP 19 A 9:49
CLERK OF COURT
ORANGEBURG, SC

Sworn to and subscribed before me
this _____ day of _____, 2025.

The seal is circular with a double border. The outer border contains the text "OWENS S. BRAZEL" at the top and "NOTARY PUBLIC" at the bottom. The inner border contains "SOUTH CAROLINA". In the center is a smaller circle with a star and the words "NOTARY PUBLIC".

Notary Public, South Carolina
My Commission Expires: _____

Sworn to and subscribed
before me this
22nd day of Aug, 2025