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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,

INITIAL BRIEF OF APPELLANT

April 27, 2026

S/Latausha Vanderhall
Appellant, Pro Se

1950 Bellfield Rd,
Ridgeway S.C., 29130

Phone Number:
803-337-1175

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- State v. Gentry, 363 S.C. 93, 609 S.E.2d 494 (2005)
- Evans v. Gunter (S.C. Ct. App.)
- Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238 (1944)
- United States v. Beggerly, 524 U.S. 38 (1998)
- Plum Creek Dev. Co. v. City of Conway, 334 S.C. 30, 512 S.E.2d 106 (1999)
- Shelley Constr. Co. v. Sea Garden Homes, Inc., 287 S.C. 24 (Ct. App. 1985)

STATUTES

- S.C. Code Ann. §§ 22-3-10, 22-3-20
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RULES

- S.C. Code Ann. §§ 22-3-10, 22-3-20
- S.C. Code Ann. § 12-37-2430

STATEMENT OF JURISDICTION

This appeal is taken from a final order of the Fairfield County Circuit Court dated June 8, 2025, affirming a magistrate court eviction order.(R.p.

This Court has jurisdiction pursuant to Rule 203(b)(1), SCACR.

STATEMENT OF ISSUES

- I. Whether the magistrate court lacked subject matter jurisdiction to adjudicate a dispute involving title to real property under S.C. Code Ann. §§ 22-3-10 and 22-3-20.
- II. Whether the circuit court erred in affirming a void judgment entered without subject matter jurisdiction.
- III. Whether enforcement actions during a pending appeal violated Appellant's due process rights.
- IV. Whether the magistrate court improperly relied upon disputed and insufficient evidence to establish ownership.

STATEMENT OF THE CASE

On February 20, 2025, Respondent filed a Notice to Vacate in the Fairfield County Magistrate Court alleging that Appellant unlawfully remained on the personal property located at 1950 Bellfield Road and that the home was an improvement to the estate home and property that she resides in. (R. p. 24).

A hearing was held on March 14, 2025. At the hearing, Respondent asserted ownership of the property and presented a deed and tax bill for the 1948 Bellfield Rd home as proof of title and ownership for 1950 Bellfield Rd home. (R.p.13-17).

Appellant disputed the validity of the deed and asserted that ownership of the property was in dispute. (R.p. 13-17).

The magistrate court ruled in favor of Respondent and ordered Appellant to vacate the property. (R.p.13-17).

Appellant timely appealed to the Circuit Court of Fairfield County. A hearing was held on June 5, 2025. Respondent did not appear. (Tr.7/ R. p. 25).

On June 5, 2025, the circuit court affirmed the magistrate court's ruling based upon the magistrate's return and oral argument. (R. p. 18)

Respondent has unlawfully repeatedly filled frivolous evictions in the same court the Magistrate Court against the Appellate and they were dismissed by judges and jury.(R.p. 56-57)

This appeal follows.

**STATEMENT OF THE FACTS
AND
SUMMARY OF ARGUMENT**

STATEMENT OF FACTS

The dispute concerns personal property located at 1950 Bellfield Road.

Respondent claimed ownership of the property based upon a deed and tax bill for 1948 Bellfield Rd that does not list 1950 Bellfield Rd fraudulently claiming two legally separate homes as one in attand sought to remove Appellant. (R. p. 45-46; 51).

Appellant challenged the validity of the deed, showed proof of ownership documents for her home and asserted that the property is part of a family estate and that ownership has not been lawfully transferred for the land. (R.p26-49)

Appellant further asserted that the deed was fraudulent and insufficient to establish legal ownership due the Respondents deed not listing any homes at all and only listing 1948 Bellfield Rd and not 1950 Bellfield Rd l. (R.p.45-46).

Despite this direct dispute over ownership and jurisdiction , the magistrate court entered judgment in favor of Respondent and ordered eviction. (R. p. 13-17)

Appellant filed motions for stay of enforcement and a bond reduction pending appeal. (R. p. 58; 42)
The bond reduction motions were not ruled upon prior to enforcement.

Appellant was subsequently removed from the property and deprived of access to personal belongings and has still not been allowed to retrieve any personal belongings during the pendency of appeal.

Appellant further asserts she was arrested for trespass arising from enforcement of the underlying judgment while appellate review was still pending. (R. p. 43)

The record contains evidence that Respondent made inconsistent representations regarding ownership of the property. (R. p. 47-50; 45-46; 22-24). Appellant contends the lower courts relied on those representations in resolving an issue that required adjudication of disputed ownership.

SUMMARY OF ARGUMENT

The magistrate court lacked subject matter jurisdiction because the case required determination of ownership and title to real property, which is exclusively within the jurisdiction of the Court of Common Pleas under S.C. Code Ann. §§ 22-3-10 and 22-3-20.

Because the court lacked jurisdiction, its judgment is void ab initio and cannot be affirmed on appeal. State v. Gentry, 363 S.C. 93, 609 S.E.2d 494 (2005).

The circuit court therefore erred in affirming a void judgment.

Additionally, enforcement of the judgment during the pendency of appeal, while stay motions remained unresolved, violated procedural due process and deprived Appellant of meaningful appellate review.

Finally, the magistrate court improperly relied on disputed and legally insufficient evidence to determine ownership. Accordingly, reversal and vacatur are required.

ARGUMENTS

I. THE MAGISTRATE COURT LACKED SUBJECT MATTER JURISDICTION TO ADJUDICATE A DISPUTE INVOLVING TITLE TO REAL PROPERTY

Subject matter jurisdiction concerns a court's authority to hear and determine a particular class of cases.

Magistrate courts in South Carolina are courts of limited jurisdiction and may exercise only those powers granted by statute.

Pursuant to S.C. Code Ann. § 22-3-10, magistrate courts may hear certain civil actions, including actions for possession.

However, magistrate courts are expressly without jurisdiction to determine or adjudicate title to real property. See S.C. Code Ann. § 22-3-20.

A dispute that requires determination of ownership interests, validity of competing deeds, or heirship rights constitutes a question of title and falls exclusively within the jurisdiction of the Court of Common Pleas.

In this case, Respondent asserted ownership of 1950 Bellfield Rd and introduced a deed for 1948 Bellfield Rd as proof of title. (R.p. 13; 45-46).

Appellant directly challenged the validity of that deed, asserted that it was fraudulent, and contended that ownership of the property remained in dispute. (R.p 13).

Because both parties asserted competing claims of ownership, the magistrate court was required to determine title as a threshold issue in order to grant relief. This necessarily placed the matter outside the magistrate court's statutory authority.

Despite the existence of a direct title dispute and lack of jurisdiction the magistrate court entered judgment in favor of Respondent and ordered Appellant to vacate the property. (R. p. 13)

A judgment entered without subject matter jurisdiction is void ab initio and has no legal force or effect. Accordingly, the magistrate court's order must be vacated.

II. THE CIRCUIT COURT ERRED BY AFFIRMING A VOID JUDGMENT

On appeal from the magistrate court, the circuit court sits in an appellate capacity and must review the record to determine whether the magistrate court committed an error of law or whether its findings are supported by the evidence.

In this case, the circuit court affirmed the magistrate court's ruling based upon the magistrate's return and oral argument. (R. p. 18)

The order does not reflect meaningful consideration of Appellant's jurisdictional challenge or the legal effect of a title dispute being adjudicated by a court lacking authority.

Notably, Respondent did not appear at the circuit court hearing. (R. p. 18)

Nevertheless, the circuit court affirmed the magistrate court's decision without addressing the dispositive issue of subject matter jurisdiction.

An appellate court cannot affirm a judgment that is void for lack of subject matter jurisdiction, nor can jurisdiction be conferred by consent, waiver, or appellate affirmation. See *State v. Gentry*, 363 S.C. 93, 609 S.E.2d 494 (2005).

Because the magistrate court's judgment was void, the circuit court's affirmance was legal error and must be reversed.

III. ENFORCEMENT DURING THE PENDENCY OF APPEAL VIOLATED APPELLANT'S DUE PROCESS RIGHTS

Procedural due process requires that a party be afforded notice and a meaningful opportunity to be heard before being deprived of a protected property interest. U.S. Const. amend. XIV; S.C. Const. art. I, § 3.

Due process is violated when deprivation of property occurs without adequate procedural safeguards at a meaningful time and in a meaningful manner.

In this case, Appellant filed motions seeking a stay of enforcement and bond pending appeal. (R. p. 58)

Despite the pending appeal and unresolved stay motions, Appellant was removed from the property and deprived of access to personal belongings. (R. p. 42).

Appellant further asserts she was arrested for trespass arising directly from enforcement of the underlying judgment during the pendency of appeal.

A. Enforcement during unresolved stay proceedings violates due process

Where a party seeks a stay pending appeal, the court must address whether enforcement should be suspended to preserve the status quo. Execution of judgment while a stay motion remains pending deprives the appellant of meaningful appellate review.

B. A void judgment cannot be enforced

As set forth above, the magistrate court lacked subject matter jurisdiction under S.C. Code Ann. §§ 22-3-10 and 22-3-20. A judgment rendered without jurisdiction is void ab initio and a legal nullity. *State v. Gentry*, supra.

Because a void judgment has no legal effect, it cannot serve as a valid basis for eviction or deprivation of property rights.

C. Rule 60(b) supports equitable relief

Rule 60(b), SCRCP authorizes relief from judgment where fraud, misrepresentation, misconduct, or procedural irregularities affect the fairness of the proceedings.

Relief is appropriate where the integrity of the judicial process has been compromised. See *Evans v. Gunter*; *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944).

Here, enforcement during pending appellate review and unresolved stay motions compounds the jurisdictional defect and supports vacatur.

D. Due process was denied through premature execution of judgment

The combined effect of proceeding without subject matter jurisdiction, failing to rule on stay motions, and executing enforcement actions during pending appellate review deprived Appellant of procedural due process guaranteed under both the South Carolina and United States Constitutions.

Due process requires not only the opportunity to be heard, but that the opportunity be meaningful and not rendered hollow by premature or irreversible enforcement.

Because Appellant's property interests were affected while appellate review remained pending, Appellant was deprived of a meaningful opportunity to protect her rights.

**IV. THE MAGISTRATE COURT IMPROPERLY RELIED UPON DISPUTED
AND LEGALLY INSUFFICIENT EVIDENCE TO ESTABLISH OWNERSHIP**

The magistrate court relied upon Respondent's testimony, a purported deed for 1948 Bellfield Rd, and witness statements to conclude that Respondent owned the property. (R. p. 13-17; 45-46)

However, Appellant specifically challenged the validity of the deed for 1948 Bellfield Rd and asserted that it was fraudulent and ineffective to convey ownership of 1950 Bellfield Rd.

Respondent has submitted letters in her own words stating knowledge of knowing she does not own or have rights to remove Appellate from the 1950 Bellfield Rd home and her doing so is only a bargaining tool to gain more of the undivided property that is jointly owned between all 7 heirs. The record contains evidence that Respondent made inconsistent representations regarding ownership of the property. Appellant contends the lower courts relied on those representations in resolving an issue that required adjudication of disputed ownership. (R.p. 47-50)

The determination of whether a deed is valid, fraudulent, or legally sufficient to convey title is a question that necessarily implicates ownership of real property and exceeds the jurisdiction of the magistrate court.

Additionally, tax records, receipts, or informal indicia of possession do not constitute legal proof of ownership under South Carolina law.

By resolving disputed ownership based upon insufficient and contested evidence, the magistrate court effectively adjudicated a title dispute beyond its statutory authority, further rendering its judgment void.

CONCLUSION

For the foregoing reasons, Appellant respectfully requests that this Court:

- 1.) Reverse the Circuit Court's order;
- 2.) Vacate the Magistrate Court's judgment; and
- 3.) Grant such further relief as this Court deems just and proper.

PROOF OF SERVICE
INITIAL BRIEF OF APPELLANT

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Case No. 2025CP2000070
Case No:2025CV2010100128

Alisha Davis

Respondent,

v.

Latausha Vanderhall

Appellant,

I, Latausha Vanderhall Pro Se Appellant certify that a true and correct copy of this Initial Brief Of Appellant has been served upon the Court Of Appeals at the email address ctappfilings@sccourts.org on July 6, 2026.

Respectfully Submitted,

July 6, 2026

S/Latausha Vanderhall
Appellant, Pro Se

1950 Bellfield Rd,
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Phone Number:
803-337-1175

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Appellant,

I, Latausha Vanderhall Pro Se Appellant certify that a true and correct copy of this Initial Brief Of Appellant has been served upon the Respondent Alisha Davis by the United States postal service to her home address at 1948 Bellfield Rd, Ridgeway S.C., 29130 on July 6, 2026.

Respectfully Submitted,

July 6, 2026

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