

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

JUL 21 2026

SC Court of Appeals

APPEAL FROM CALHOUN COUNTY
Court of Common Pleas
The Honorable Heath P. Taylor, Circuit Court Judge

Case No. 2025 - 002564
Appellate Case No. 2025-CP-0900-213

Shaneeka Stroman, Appellant

vs.

The State

Defendants,

Of Which

..... Respondents.

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA
COUNTY OF Calhoun
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2023CP0900171

Shaneeka Stroman
PLAINTIFF(S)

Carol B Fischer et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled);
☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

This matter is before the Court on Defendants Town of St. Matthews, Helen Carson-Peterson, St. Matthews Police Department and Michael Smalls' Motion to Dismiss. In considering a motion to dismiss a complaint based on a failure to state facts sufficient to constitute a cause of action, the trial court must base its ruling solely on allegations set forth in the complaint. If the facts alleged and inferences reasonably deducible therefrom, viewed in the light most favorable to the plaintiff, would entitle the plaintiff to relief on any theory, then dismissal under Rule 12(b)(6), SCRPC, is improper. Doe v. Marion, 373 S.C. 390, 395, 645 S.E.2d 245, 247 (2007). The question to be considered is whether, when viewed in the light most favorable to the plaintiff, the complaint states any valid claim for relief. Carolina Care Plan, Inc. v. United HealthCare Services, Inc., 361 S.C. 544, 606 S.E.2d 752 (Ct. App. 2004).

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☒ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/29/2024 .

Emily Fischer-Bunker
Michael Smalls
Shaneeka Stroman for Shaneeka Stroman
Helen Carson
Carol B Fischer
Shaneeka Stroman for Shaneeka Stroman

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

After reviewing the Plaintiff's Amended Complaint, the Plaintiff fails to set forth sufficient facts to constitute a cause of action against Defendants Town of St. Matthews, Helen Carson-Peterson, St. Matthews Police Department and Michael Smalls. Further, while leave to amend should be freely granted, an amendment may be denied where any proposed amendment would be futile. *Skydive Myrtle Beach, Inc. v. Horry County*, 426 S.C. 175, 183, 826 S.E.2d 585, 589 (2019). The Court finds and concludes that permitting the Plaintiff to further amend her complaint would be futile. Accordingly, the Plaintiff's claims against Defendants Town of St. Matthews, Helen Carson-Peterson, St. Matthews Police Department and Michael Smalls are hereby dismissed with prejudice.



Calhoun Common Pleas

Case Caption: Shaneeka Stroman VS Carol B Fischer , defendant, et al
Case Number: 2023CP0900171
Type: Order/Electronic Form 4

IT IS SO ORDERED.

Heath P. Taylor

Electronically signed on 2024-01-29 15:54:53 page 3 of 3

STATE OF SOUTH CAROLINA

COUNTY OF Calhoun **FILED**

IN THE COURT OF COMMON PLEAS

Shaneeka Stroman 2023 SEP 29 AM 11:39

CIVIL ACTION COVERSHEET

Plaintiff(s)

2023 - CR - 09 - 00171

vs.

Carol B Fischer, Emily Banks Newmeyer
Fischer Bunker Banks Newmeyer
Attys @ Law, LLP, Town of St Matthews et, al

Defendant(s)

Submitted By:

Address:

Shaneeka Stroman

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Certificate Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|---|--|---|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ General (130)
☐ Breach of Contract (140)
☐ Fraud/Bad Faith (150)
☐ Failure to Deliver/ Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199)
Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 -NI-
☐ Notice/ File Med Mal (230)
☐ Other (299)
Administrative Law/Relief
☐ Reinstate Drv. License (800)
☐ Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) | Torts - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☐ Slander/Libel (380)
Other (399)
Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers Compensation Settlement Approval (780)
☐ Incapacitated Adult Settlement (790)
☐ Other (799) | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☒ Other (499) <u>Section 16-1-60</u>
Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SC DOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm (990)
☐ Employment Security Comm (991)
☐ Other (999) |
|--|---|--|---|

Special/Complex/Other

- | | |
|---|---|
| ☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699)
☐ Sexual Predator (510)
☐ Permanent Restraining Order (680)
☐ Interpleader (690) | ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of-State Depositions (650)
☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Pre-Suit Discovery (670) |
|---|---|

Submitting Party Signature:

Date:

9-29-23

STATE OF SOUTH CAROLINA

FILED

IN THE COURT OF COMMON PLEAS
THE JUDICIAL CIRCUIT

COUNTY OF

Shaneeka

2023 SEP 29 AM 11:40

CASE NO.

2023-CP-09-00171

COMPLAINANT(S)

CLERK OF DISTRICT
CLERK OF DISTRICT
CLERK OF DISTRICT

Carol B Fischer, VS. Emily Marie
Fischer Bunker, Banks Neumeister
A #ys @law, UP Town of St. Matthews
RESPONDENT(S)

SUMMONS
AND NOTICE OF HEARING

TO THE RESPONDENT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the Complainant, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

A hearing has been set in the above entitled action on (date) at (time)
, South Carolina. YOU ARE HEREBY NOTIFIED to be present in the County
Courthouse at the above-stated hearing at that time.


Complainant/Attorney for Complainant

Dated:

Complainant's Alternate Address/Attorney's Address:

Note: Inclusion of address of complainant is prohibited, pursuant to §16-3-1910(F).

IN THE STATE OF SOUTH CAROLINA,
COUNTY OF CALHOUN COUNTY,
(NAME OF PLAINTIFF) Shaneeka Stroman

COURT OF COMMON PLEAS
CAUSE NO. SECTION 15-67-410
2023 - CP - 09 - 00171

V

(NAME OF DEFENDANTS) Carol B Fischer et al, Emily Marie Fischer Bunker,
Attorney for Carol B Fischer, (Banks Neumeister, Attys.
at Law, LLP
Town Of St. Matthews (Chief Executive officer) Helen Carson-Peterson
St. Matthews Police Department (Chief) Michael Smalls

LANE, B. F. FISCHER
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEWS, SC

2023 SEP 29 AM 11:40

FILED

Complaint For Forcible Entry and Detainer

COMES NOW Shaneeka Stroman (Name of Plaintiff), Plaintiff in the above-styled and numbered cause, by and through self-representation, and files this complaint against defendants Carol B Fischer et al, Banks Neumeister, Attys. At Law, LLP, St. Matthews Police Department, Chief Michael Smalls, and in support thereof would show unto the Court the following matters and facts:

1. Plaintiff is an adult resident citizen of St. Matthews, Calhoun County, South Carolina.
2. Defendant is an adult resident citizen of St. Matthews, Calhoun County, South Carolina.
3. At all times subsequently mentioned, Plaintiff had the right of, and was entitled to, the possession and occupancy of the premises located at 307 Church St. St. Matthews, SC, 29135, hereinafter called the Premises.
4. On or about 9/26/2023, during the temporary absence of the plaintiff from the Premises, Defendants, without the consent and against the will of the Plaintiff, unlawfully and with force, entered the Premises and took possession and occupancy of the Premises, and has ever since retained and had, and still retains and has, possession and occupancy of all the premises. Upon arriving on the premises, someone removed my personal items as well as my no trespassing signs. I was threatened by the police stating that if I come back, he will lock me up for

trespassing. I asked for a report on my missing personal items, and he supposedly sent the report to my email, but I never received it and am still waiting for a response.

5. On 9/26/2023 I demanded that the police officer read the SC State law that I had in my possession so that he would understand that I did not have to leave, and he refused. Therefore, the defendant still refuses by mentioning the owner and the owner's attorney advised the police department to put me on trespassing notice and that if I were to come back that he would lock me up.

6. Plaintiff had been in the actual, peaceable, and undisturbed possession of the property for more than presumable time frame immediately proceeding the time of unlawful entry on 9/26/2023, and for a long time prior to that date.

7. By the reason of the wrongful entry and unlawful acts of the Defendant, Plaintiff has been deprived of the rights and profits of the premises, to Plaintiffs damage in the sum of \$10,000 per day, and the damages to plaintiff caused by the act of the Defendants as alleged in the complaint have accrued at the rate since 9/26/2023, and will continue to accrue at that rate so long as Defendant retains possession of the Premises from Plaintiff.

WHEREFORE, Plaintiff request judgement for:

1. Restitution of possession of the Premises.
2. Damages at the rate of \$10,000 per day from each defendant starting from 9/26/2023, for each day the Defendant(s) continues in possession of the Premises.
3. Attorney's fees according to proof.
4. Costs incurred in this action.

5. Such other and further relief as the court may deem just and proper.

Respectfully Submitted,
Name of Plaintiff, Shaneeka Stroman

Dated: 9/28/2023

See attachments. Calhoun Times News Paper.

Plaintiff signature: [Signature] Witness: Beth Raat

SWORN to and subscribed before me this 28 day of September, 2023.

Notary Public for South Carolina

Signature: Janice Baskin Janice Baskin

Commission expires: 6-24-2032



See Exhibit
H, I
For evidence

See attached case
State v. Bates
Exhibit A - N

State v. Bates

Copy Citation Request Law School Case Briefs

Supreme Court of South Carolina**February 22, 1911, Decided****7778****Reporter****87 S.C. 527 * | 70 S.E. 170 ** | 1911 S.C. LEXIS 23 *****LAW LIBRARY
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEW, S.C.

2023 SEP 29 AM 11:40

FILED

STATE v. BATES.

Prior History:[***1] Before ALDRICH, J., Anderson, September, 1909, term. Affirmed.

Indictment against James Bates, James Hix, Ed Rhodes and Arthur Keasler for forcible entry and detainer and destroying landmarks. From sentence on verdict of guilty on the first count, defendants appeal. That portion of the charge objected to in the last exception is:

"When one comes into law to recover possession of real estate the party in possession is presumed to be the true owner, and he has not got to make out his title, as it is presumed that he has a good and perfect title, and the plaintiff can't recover in such an action unless he can show a good and perfect title in himself. Parties being in a case to recover possession of real estate, the plaintiff must recover upon the strength of his own title and not upon the weakness of his adversaries. And it is always desirable in a controversy over the possession of real property to have the possession, and hence--it was so in the olden times and in the present times it seems. I have known it to be when men seek to recover possession of land they will come with a strong hand and a crowd of people to take the possession from the party in actual possession by force, [***2] and keep him out and hold the possession by force in order that when the action is brought to recover possession of that land he may have the advantage of being the defendant in the action and therefore presumed to be the true owner, unless the other party can show a good and perfect title in himself."

Disposition:

Judgment affirmed.

Exhibit A

2023-CP-09-00171

Core Terms

forcible entry and detainer

Case Summary

Procedural Posture

Defendants sought review of a decision from the Circuit Court of Anderson County (South Carolina), which convicted defendants of forcible entry and detainer of a strip of land alleged to have been in the possession of another individual.

Overview

The individual in possession of the property at issue claimed it as part of his own farm. One of the defendants acquired title to adjoining land, and after having it surveyed claimed that the individual had been cultivating over the boundary line. Defendants ploughed up the individual's crops, planted crops over the line on the disputed land, dug a ditch, and built a fence on the line claimed to be the true boundary. There was no evidence of personal violence or threats of such violence on either side. The court denied defendants' contention that their acts of plowing up the individual's crop and erecting a fence were not sufficient to warrant a conviction for forcible entry and detainer. Under S.C. Code § 2963, defendants were guilty because their entry was not allowed by law. The claim that one of the defendants was the owner of legal title to the property was no defense because the statute was designed to protect the possession and not the title of the property. Defendants' acts were sufficient to evince their purpose to hold possession against any effort of the

Exhibit B

Record on Appeal 0010

LAURENCE HENDERSON
CLERK OF COURT
ANDERSON COUNTY
SOUTH CAROLINA

2023 SEP 29 AM 11:40

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individual to resume it. Defendants were not prejudiced by the trial judge's remarks.

Outcome

The court affirmed the judgment convicting defendants of forcible entry and detainer.

CLERK OF COURT
CALHOUN COUNTY
STANTON, MISSISSIPPI

2023 SEP 29 AM 11:40

FILED

▼ LexisNexis® Headnotes

- Criminal Law & Procedure > ... > Theft & Related Offenses > Burglary & Criminal Trespass > General Overview
- Real Property Law > Title Quality > Adverse Claim Actions > General Overview

HN1 Theft & Related Offenses, Burglary & Criminal Trespass

See S.C. Code § 2963. [More like this Headnote](#)

[Shepardize®](#) - [Narrow by this Headnote](#)

- Criminal Law & Procedure > ... > Theft & Related Offenses > Burglary & Criminal Trespass > General Overview
- Real Property Law > Title Quality > Adverse Claim Actions > General Overview

HN2 Theft & Related Offenses, Burglary & Criminal Trespass

Every unlawful entry upon the possession of another is, in the eye of the law, a forcible entry. But it must be an actual, and not a mere constructive possession. Two persons cannot be in the actual possession of the same land at the same time. And wherever the unlawful entry of one necessarily dispossesses the other, an indictment for a forcible entry may be maintained. And although the possession may have been surreptitiously obtained, yet if it is maintained by force, the entry will be considered forcible. Otherwise a person may be dispossessed of his corn field, his orchard, and even his

Exhibit C

Record on Appeal 0011

dwelling house, if an intruder should slyly creep in when he is out about his ordinary business. It is not necessary, as has been contended, that to constitute a forcible entry, it should be with a multitude of people. S.C. Code § 2963 forbids any person to enter into any lands or tenements, except when entry is given, and in such case, not a strong hand, nor with multitude of people. So that where entry is lawful it must not be done with multitude of people; and where it is not lawful it must not be done at all. [More like this](#)

Headnote

Shepardize® - Narrow by this Headnote

- Criminal Law & Procedure > ... > Theft & Related Offenses > Burglary & Criminal Trespass > General Overview
- Real Property Law > Title Quality > Adverse Claim Actions > General Overview

HN3 Theft & Related Offenses, Burglary & Criminal Trespass

Under S.C. Code § 2963, one who enters and takes lands from the possession of another, where the entry is not given by law, is guilty of forcible entry and detainer. On the trial of the issue the defendant cannot claim that the entry was given by law because he was the owner of the legal title, for it is the possession and not the title to the land which the statute was designed to protect. [More like this Headnote](#)

Shepardize® - Narrow by this Headnote

▼ Headnotes/Summary

Headnotes

1. **FORCIBLE ENTRY AND DETAINER.** -- Plowing up growing crops, digging a ditch and erecting a substantial wire fence are acts against the possession of one claiming land that will support an indictment for forcible entry and detainer.

Exhibit D

2. CHARGE. -- Remarks by the trial Judge as to the familiar legal rights and advantages arising from possession in a contest about title to land and as to efforts sometimes made to obtain such advantage, are not prejudicial.

Counsel: Messrs. Paget & Watkins, for appellants, cite: Proof necessary to make out crime of forcible entry and detainer: 2 Brev. 446; 3 Brev. 413; Harp. 503; 19 Cyc. 1115.

Solicitor P. A. Bonham and Mr. J. E. Brazeale, contra, oral argument

Judges: MR. JUSTICE WOODS.

Opinion by: WOODS

LANIER
CLERK OF COURT
CALHOUN COUNTY
MATHRETS, SC

2023 SEP 29 AM 11:40

FILED

Opinion

[*528] [**170] The opinion of the Court was delivered by MR. JUSTICE WOODS. The defendants were convicted of forcible entry and detainer of a strip of land alleged to have been in the possession of A. L. Atkins.

[*529] The first question raised by the appeal is whether the Circuit Judge erred in refusing to direct a verdict of acquittal on the ground that there was no evidence of such conduct on the part of the defendants as would constitute the crime of forcible entry and detainer. The evidence was to the effect that Atkins had been for some years in possession of the [***3] strip of land, which is the subject of controversy, claiming it as part of his own farm. The defendant Bates acquired title to a tract of land adjoining the land of Atkins, and after having it surveyed claimed that Atkins had been cultivating over the line, and undertook himself to cultivate to the new line shown by his survey. Bates, by his employees, the defendants Hix, Rhodes and Keasler, planted the strip in dispute and Atkins ploughed up the crop and planted it himself. Thereafter the defendants again planted the disputed land, dug a ditch, and finally built a substantial fence on the line claimed by Bates to be the true boundary. There was no evidence of personal violence or threats of such violence on either side.

The forcible entry and detainer statute of 5 Rich., 2d c, 8, now appears in our Civil Code as section 2963: HN1 "No person shall make any entry into any

Exhibit F

Record on Appeal 0013

FILED

2023 - CP - 09 - 00173

lands or tenements, but in case where entry is given by law; and in such case not with strong hand, nor with multitude of people, but only in peaceable and easy manner."

In support of the contention that the acts of the defendants in ploughing up the crop of the prosecutor who was in possession, and erecting [***4] a fence to keep him off, were not sufficient to warrant a conviction of forcible entry and detainer, counsel relied on the case of *State v. Cargill*, 4 S.C. L. 445, 2 Brev. 445. In that case, decided in 1811, the following language used by the Court, it is contended, supports the position of defendants: "It does not appear that the *public peace was violated*, by any violent misconduct of the defendant in obtaining or keeping possession of the land in [***530] question. If the prosecutor had a better right to the possession than the defendant, he might have availed himself of his civil [***171] remedy. The law will not punish, criminally, a private injury of this nature. There must be, at least, some appearance of force, by acts, words, or gestures, to constitute the offense charged."

Even under this case we think it cannot be doubted that ploughing up the crop of the person in possession of land, digging a ditch, and barricading the land by a wire fence, are acts of entering and holding by force "with strong hands." But all doubt as to the force necessary to constitute the offense was set at rest by the later case of *Burt adv. The State*, 5 S.C. L. 413, 3 Brev.

413, [***5] decided in 1814, wherein the Court says: HN2 "Every unlawful entry upon the possession of another is, in the eye of the law, a forcible entry. But it must be an actual, and not a mere constructive possession. Two persons cannot be in the actual possession of the same land at the same time. And wherever the unlawful entry of one necessarily dispossesses the other, an indictment for a forcible entry may be maintained. And although the possession may have been surreptitiously obtained, yet if it is maintained by force, the entry will be considered forcible. Otherwise a person may be dispossessed of his corn field, his orchard, and even his dwelling house, if an intruder should slyly creep in when he is out about his ordinary business. It is not necessary, as has been contended, that to constitute a forcible entry, it should be with a multitude of people. The statute of 5 Rich., 2d c. 8, forbids any person to enter into any lands or tenements, except when entry is given, and in such case, not a strong hand, nor with multitude of people. So that where entry is lawful it must not be done with multitude of people; and where it is not lawful it must not be done at all."

This case [***6] has never been overruled, nor has its doctrine been modified, so far as we can discover, by any later case in this State. The Court is the more strongly inclined to [***531] respect its authority because the rule it lays

Exhibit F

down conserves the public peace and is in accord with the highest public policy.

HN3 Under the statute as thus construed, one who enters and takes lands from the possession of another, where the entry is not given by law, is guilty of forcible entry and detainer. On the trial of the issue the defendant cannot claim that the entry "was given by law" because he was the owner of the legal title, for it is the possession and not the title to the land which the statute was designed to protect. *Bennett v. State*, Harper 503.

In the case now under consideration there was evidence of a deliberate invasion of the possession; and the ploughing up of crops and the erection of a wire fence as a barricade constituted entry and detainer by force, evincing the purpose of the defendants to hold the possession against any effort of the prosecutor to resume it. This evidence in the light of the law above stated was sufficient to justify the Court in refusing the motion to direct [***7] a verdict of acquittal made on the ground that there was no evidence to support the charge of forcible entry and detainer.

There is no force in the exception alleging that the defendants were prejudiced by the remarks of the Circuit Judge as to the familiar legal rights and advantages arising from possession in a contest about the title to land, and as to efforts which are sometimes made to obtain the advantage of possession. There was no intimation that the defendants had taken this course. On the contrary the charge was explicit in stating the issue to be whether the defendants had entered and held possession against the prosecutor by force or threats.

It is the judgment of this Court that the judgment of the Circuit Court be affirmed.

2023 SEP 29 AM 11:40
FILED
CLERK OF COURT
CALHOUN COUNTY
STATE OF MISSISSIPPI

Exhibit G



Re: certified letter
message

2023-CP-09-00171

Shaneeka Stroman <shaneekastroman8@gmail.com>
to: info@calhouncountylibrary.org

Thu, Sep 28, 2023 at 11:57 AM

On Tue, Jun 27, 2023 at 10:04 AM Millie Irick <millie.s.irkick@usps.gov> wrote:

The certified letter was returned to sender due to the address 307 church street Saint Matthews SC 29135 is a vacant residence.
Sorry for the delay processing can take up to thirty days sometimes.

FILED
2023 SEP 29 AM 11:40
LAWSON J. IRICK
CLERK OF COURT
CALHOUN COUNTY
ST MATTHEWS, SC

Exhibit H

2023-CP-09-00171

FILED

2023 SEP 29 AM 11:40

Calhoun County Sheriffs Office

LANEISA M. DUCRE
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEWS, SC

THOMAS S. SUMMERS, JR.

2811 Old Belleville Road

St. Matthews, SC 29135

Plaintiff: SHANEEKA STROMAN

Defendant: CAROL B FISCHER

KENNETH HASTY
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEWS, SC

2023 AUG 28 PM 1:46

FILED

Affidavit Of Non-Service

Civil Number: 2023-CP-09-00098		Civil Type: SUMMONS AND COMPLAINT			
Court COMMON PLEAS	Division:	Court Location:		Court Date:	Court Time:
Attorney:		Attorney Address:			
Incident Number:	File Number:	DSS Number:	County: Calhoun	Date Issued: 06/14/2023	Date Returned: 08/25/2023
Attempted Service To: CAROL B FISCHER		Home Address: 307 CHURCH STREET, St. Matthews. SC 29135			

The undersigned, being duly sworn, states that after several attempts to serve the above captioned case on the defendant, he/she was unable to complete service in accordance with applicable statutes and the Rules of Civil Procedures in effect. Service could not be completed for the following reason: PROPERTY IS ABANDONED

Notary Statement

Sworn to and subscribed before me this

25 day of AUGUST, 2023


Notary Public for the State of South Carolina

My Commission expires: 5/4/26

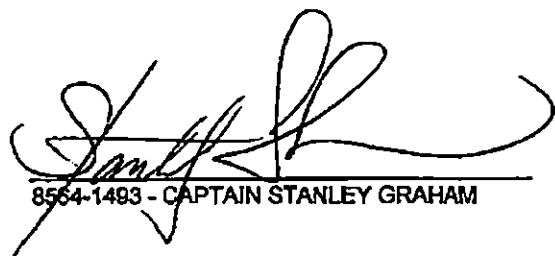

8564-1493 - CAPTAIN STANLEY GRAHAM

Exhibit I

Date: 08125/2023 - Time: 10:27

Exhibit I

Record on Appeal 0018

Page 2

2023-CP-09-00171
2023-CP-09-00098
FILED

Written
Instrument

Notice of Adverse Claim 2023 SEP 09 AM 11:41

Affidavit

LAKEISHA JOHNSON
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEWS, SC

KENNETH HASTY
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEWS, SC

2023 JUN 14 PM 1:05

FILED

State of South Carolina

County of

Calhoun

To the Republic, United States of America

Before Me, the undersigned authority on this day personally appeared

(affiant), who being by me duly sworn made the following statements and sworn that they are and were true in god we trust

My name is Shaneeka Stronman and I exercise my right to occupy, claim possession that I reside at 307 Church St. St. Matthews the county of Calhoun am of sound mind and Physical capable of making this affidavit. "I am personally acquainted with the facts here in stated concerning the open use open occupation and apparent ownership of the land lot

And improvement located at. Legal Description TMS: # 18-1604-002

Map Decal more commonly known as

I heard by swear and affirm that I will continuously adversely possess the above the described property for the state of South Carolina section title 15 code 15-67-10, 15-67-20 15-67-30 law state appear to be to all the exclusion of all other.

My claim is based upon my actual visible appropriation and possession of the above-mentioned property here by being open and Notorious and peaceful possessing it due to abandonment, neglect or those who personal represented have vacate the above described property also whereby I intend to continue to enjoy and make further improvement as this is my personal dwelling by adverse possession.

I will be paying taxes of the county of Calhoun with the above described property while the property is in my possession.

This affidavit is given to notify all and any heirs, minors, party or parties lien holder, That I have and will take adverse possession and I am claiming ownership of the above described property at PEACE PEACEBLY.

In regards of this "possession claim" I strongly recommend no force removal and treat that will be violate the law. You will need to find legal advice to even try to redeem or reclaim your vacant, neglect abandon empty and in distress left behind residence or inheritance, Investment property located at:

This is now a civil matter that should be held in the court of law in the state of South Carolina, county of Calhoun, St Matthews SC,

Affiant:

Shaneeka Stronman

29135

Record on Appeal 0019

Exhibit J. Pg 1

This affidavit is given to notify all and any heirs, minors, party or parties lien holder, That have and will take adverse possession and I am claiming ownership of the above described property at PEACE PEACEBLY.

In regards of this "possession claim" I strongly recommend no force removal and treat that will be violate the law. You will need to find legal advice to even try to redeem or reclaim your vacant, neglect abandon empty and in distress left behind residence or inheritance, investment property located at:

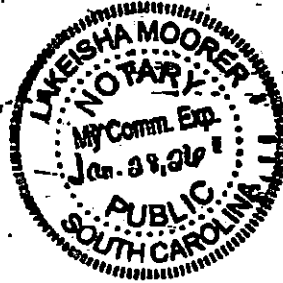
Subscribed and sworn to and before me by the above name affiant on:

Seal to certify which witness m" hand and official seal

Nota-••

Witness#1LuhRQ \$(I iGof)

Witness# *Lakeisha Moore*



Title 15 - Civil Remedies and Procedures

CHAPTER 67

Recovery of Real Property

ARTICLE 1

General Provisions

SECTION 15-67-10. Persons who may bring action to determine adverse claim.

Any person in possession of real property, by himself or his tenant, or any person having or claiming title to vacant or unoccupied real property may bring an action against any person who claims or who may or could claim an estate or interest therein or a lien thereon adverse to him for the purpose of determining such adverse claim and the rights of the parties, respectively.

HISTORY: 1962 Code Section 10-2401; 1952 Code Section 10-2401; 1942 Code Section 878; 1932 Code Section 878; Civ. P. '22 Section 826; 1916 (29) 928.

SECTION 15-67-20. Plaintiff limited to one action for recovery of real property.

The plaintiff in actions for recovery of real property or the recovery of the possession of real property is limited to one action for recovery.

HISTORY: 1962 Code Section 10-2402; 1952 Code Section 10-2402; 1942 Code Section 374; 1932 Code Section 374; Civ. P. '22 Section 317; Civ. P. '12 Section 123; Civ. P. '02 Section 98;

SECTION 15-67-30. Propriety of service by publication; personal service out of State shall be sufficient.

When any action is commenced to determine adverse claims, publication of the summons may be made and service upon parties outside of the State and unknown claimants obtained in the following manner. When the sheriff of the county in which the action is brought shall have duly determined that the defendant cannot be found therein, and an affidavit of the plaintiff or his attorney shall have been filed with the clerk stating that a cause of action exists to determine adverse claims to certain property within the county, and that he believes the defendant or defendants, naming them, is not a resident of the State or cannot be found therein and either (a) that he has mailed a copy of the summons, by registered mail, to the defendant at his place of residence or (b) that such residence is not known to him, service of the summons may be made upon the defendant by three weeks' public notice thereof in the manner provided by law for publication of summons in civil actions. Personal service of such summons without the State, made after order for publication, proved by the affidavit of the person making such service made before an authorized officer having a seal, shall have the same effect as the publication of the summons herein provided.

HISTORY: 1962 Code Section 10-2403; 1952 Code Section 10-2403; 1942 Code Section 879; 1932 Code Section 879; Civ. P. '22 Section 827; 1916 (29) 928.

Exhibit K
Record on Appeal 0021 Pg 1

FILED
2023 SEP 29 AM 11:41
CLERK OF COURT
CALHOUN COUNTY
ST. MATHIEW, MISSISSIPPI

SECTION 15-67-40. Service on unknown parties; notice of lis pendens.

In any action brought to determine adverse claims to real property within this State the plaintiff may insert in the title thereof, in addition to the names of such persons as are known or appear of record to have some right, title, interest, estate or lien in or on the real property in controversy, the following: "Also all other persons unknown, claiming any right, title, estate, interest in or lien upon the real estate described in the complaint herein." Service of the summons may be had upon all such unknown persons defendant by publication in the same manner as against nonresident defendants, upon the filing of an affidavit of the plaintiff, his agent or attorney, stating the existence of a cause of action to try adverse claims within this State. The plaintiff shall before commencement of such publication file with the clerk of the court a notice of the pendency of the action, a copy of which shall be published in the same newspaper with and immediately following the summons.

HISTORY: 1962 Code Section 10-2404; 1952 Code Section 10-2404; 1942 Code Section 880; 1932 Code Section 880; Civ. P. '22 Section 828; 1916 (29) 929.1879 (17) 76; 1913 (27) 36; 1988 Act No. 553, Section 2.

AGENCY I.D.
SC0090200*

ST. MATTHEWS POLICE DEPARTMENT
INCIDENT REPORT

CASE NUMBER

23 - 261

NCIC

INQ. ENTD.

INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. 23H - LARCENY - ALL OTHER		☒ YES ☐ NO	☐ YES ☐ NO	20		☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Orgn. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.
2.		☐ YES ☐ NO	☐ YES ☐ NO			
3.		☐ YES ☐ NO	☐ YES ☐ NO			
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)				ZIP CODE	WEAPON TYPE	
307 CHURCH ST., ST. MATTHEWS SC				29135		
INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME 24 HR. CLOCK	
09/23/2023	1800		09/26/2023	1010	DISP. DATE DISP. TIME TIME ARRIVED DEPART. TIME	
					09/26/2023 1020 1023 1107	
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX
STROMAN, SHANEEKA MONET		OK		J	O	U
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.
335 HORSES NECK RD		SWANSEA		SC	29160-9765	
VICTIM'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX
STROMAN, SHANEEKA MONET		OK		J	O	U
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.
335 HORSES NECK RD		SWANSEA		SC	29160-9765	
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.		
5-6	199	BLK	BRO			
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.
335 HORSES NECK RD		SWANSEA		SC	29160-9765	
VISIBLE INJURY (VICT. 1) ☐ YES ☒ NO EXPLAIN -						
VICTIM (NO. 1) USING: ALCOHOL ☐ YES ☒ NO ☐ UNK DRUGS: ☐ YES ☒ NO ☐ UNK						
☐ TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/SPLASMT ☐ OTHER ☐ ALONE ☐ ASSISTED J - This Jurisdiction S - State O - Out of State U - Unknown						
SUBJECT NAME (LAST, FIRST, MIDDLE)		RACE	SEX	AGE	ETH.	DATE OF BIRTH
PERSON, UNKNOWN/UNTRACKED		U	U	00	U	
FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.						
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.
SUBJECT (NO. 1) USING: ALCOHOL: ☐ YES ☐ NO ☒ UNK		ARRESTED NEAR OFFENSE SCENE ☐ YES ☐ NO		DATE/TIME OF OFFENSE		DATE/TIME OF ARREST
DRUGS: ☐ YES ☐ NO ☒ UNK. TYPE:		TOTAL # ARRESTED 0		09/23/2023 1800		

Offenses:
LARCENY - ALL OTHER

ON SEPTEMBER 26, 2023 AT 1020 HRS CHIEF SMALLS WAS DISPATCHED TO 307 CHURCH ST. ST. MATTHEWS SC. ON A CALL FOR LARCENY. ONCE ON SEEN CHIEF SMALLS SPOKE WITH THE COMPLAINANT / VICTIM MS. STROMAN. DURING THEIR CONVERSATION MS. STROMAN ADVISED CHIEF SMALLS THAT SHE HAD SEVERAL ITEMS STOLEN FROM THE PROPERTY OF 307 CHURCH ST. ST. MATTHEWS SC. THE COMPLAINANT / VICTIM MS. STROMAN GAVE CHIEF SMALLS A LIST OF ITEMS TAKEN DURING THE INCIDENT. THE ITEMS ARE LISTED AS FOLLOWS.

1. MAMIE CAST IRON NEGRO STATUE VALUE \$ 350
2. ONE METAL RAKE VALUE \$ 50
3. THREE CAST IRON NEGROS STATUE \$ 350 EACH
4. FIVE NO TRESPASSING SIGNS VALUE \$ 3 EACH.

THIS INCIDENT TOOK PLACE IN THE TOWN OF ST. MATTHEWS IN THE JURISDICTION OF THE ST. MATTHEWS POLICE DEPT.

Exhibit L Pg 1

Print Date: 09/27/2023 12:43:36 PM		JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY	
P	TYPE (GROUP)	71-Metals,			TOTAL VALUE
R	Burned				
O	Count/Forged				
P	Dest./Damaged				
E	Recovered				
R	Seized				
T	Stolen	1450.00			1450.00
Y	Unknown				
SUBJECT IDENTIFIED		SUBJECT LOCATED		☒ ACTIVE ☐ ADM. CLOSED	
☐ YES ☒ NO		☐ YES ☒ NO		☐ UNFOUNDED	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY		REPORTING OFFICER(S)		DATE	
CHIEF MICHAEL SMALLS		10/26/2023		1	
FOLLOW-UP INVESTIGATION OFFICER		CHIEF MICHAEL SMALLS		10/27/2023	
Record on Appeal 0023		UNIT NUMBER		UNIT NUMBER	
		1		1	

AGENCY I.D.
SC0090200

ST. MATTHEWS POLICE DEPARTMENT
PROPERTY LISTING

CASE NUMBER

23 - 261

NCIC

INQ. ENTD.

- | | | | |
|--|--|---|--|
| ☐ ORIGINAL REPORT | ☐ SUPPLEMENTAL REPORT | ☐ ADDITIONAL VICTIMS | ☐ ADDITIONAL STOLEN PROPERTY |
| ☐ MODIFIES ORIGINAL | ☐ CASE STATUS CHANGE | ☐ ADDITIONAL OFFENDERS | ☐ ADDITIONAL RECOVERED PROPERTY |

PAGE 1

7 STOLEN

METALS, NON-PRECIOUS

1,450.00

TOTAL GROUP

1,450.00

Pg 2

TOTAL PROPERTY

1,450.00

ADMINISTRATIVE	SUBJECT IDENTIFIED ☐ YES ☒ NO		SUBJECT LOCATED ☐ YES ☒ NO		☒ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER					
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY													
	REPORTING OFFICER(S)			DATE		UNIT NUMBER		APPROVING OFFICER			DATE		UNIT NUMBER	
	CHIEF MICHAEL SMALLS			10/26/2023		1		CHIEF MICHAEL SMALLS			10/27/2023		1	
								FOLLOW-UP INVESTIGATION OFFICER ☐ YES ☒ NO						

Record on Appeal 0024

AGENCY I.D.
SC0090200

ST. MATTHEWS POLICE DEPARTMENT
INCIDENT REPORT

CASE NUMBER

2,3-2,6,0

NCIC

INQ. ENTO.

INCIDENT TYPE		COMPLETED		FORCED ENTRY		PREMISE TYPE		UNITS ENTERED		TYPE VICTIM	
1. 90J - TRESPASS OF REAL PROPERTY		FILED		☒ YES ☐ NO		☐ YES ☐ NO		20		☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Orgn. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.	
2.		2023 SEP 29 AM 11:41		☐ YES ☐ NO		☐ YES ☐ NO					
3.				☐ YES ☐ NO		☐ YES ☐ NO					
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)								ZIP CODE		WEAPON TYPE	
307 CHURCH STREET, ST. MATTHEWS SC								29135			
INCIDENT DATE		24 HR. CLOCK		TO		DATE		DISPATCH DATE/TIME 24 HR. CLOCK		LOCATION NO.	
09/23/2023		1130				09/25/2023		1130		1210	
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT		RESIDENT		RACE		SEX	
FISCHER-BUNKER, EMILY MARIE				ST		J		O		U	
ADDRESS				CITY		STATE		ZIP CODE		LOCATION NO.	
738 FINLAY LN				COTTAGEVILLE		SC		29435-3668			
VICTIM'S NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT		RESIDENT		RACE		SEX	
FISCHER-BUNKER, EMILY MARIE				ST		J		O		U	
ADDRESS				CITY		STATE		ZIP CODE		LOCATION NO.	
738 FINLAY LN				COTTAGEVILLE		SC		29435-3668			
HEIGHT				WEIGHT		HAIR		EYES		FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	
5-2				127		BRO		BRO			
ADDRESS				CITY		STATE		ZIP CODE		LOCATION NO.	
738 FINLAY LN				COTTAGEVILLE		SC		29435-3668			
VISIBLE INJURY (VICT. 1) ☐ YES ☒ NO EXPLAIN -											
VICTIM (NO. 1) USING: ALCOHOL: ☐ YES ☒ NO ☐ UNK. DRUGS: ☐ YES ☒ NO ☐ UNK.											
☐ TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/SPL. ASMT. ☐ OTHER ☐ ALONE ☐ ASSISTED J - This Jurisdiction S - State O - Out of State U - Unknown											
☒ SUSPECT SUBJECT NAME (LAST, FIRST, MIDDLE) RACE SEX AGE ETH. DATE OF BIRTH HEIGHT WEIGHT HAIR EYES STROMAN, SHANEEKA MONET B F 37 N 5-6 199 BLK BRO FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.											
☐ WANTED ADDRESS CITY STATE ZIP CODE LOCATION NO. 335 HORSES NECK RD SWANSEA SC 29160-9765											
☐ ARREST SUBJECT (NO. 1) USING: ALCOHOL: ☐ YES ☐ NO ☒ UNK. ARRESTED NEAR OFFENSE SCENE ☐ YES ☒ NO DATE/TIME OF OFFENSE DATE/TIME OF ARREST 09/23/2023 1130											
☐ JAIL DRUGS: ☐ YES ☐ NO ☒ UNK. TYPE. TOTAL # ARRESTED 0											
☐ SUMMONS											

Offenses:

TRESPASS OF REAL PROPERTY

ON ABOVE DATE AND TIME THIS R/O WAS AT THE POLICE DEPARTMENT AND A WALK IN ADVISE THAT SHE NEEDED A REPORT IN REFERENCE TO A TRESPASSING. THE VICTIM STATED THAT A FEMALE FILED PAPERWORK WITH THE CLERK OF COURT OFFICE IN REFERENCE TO CLAIM AND DELIVERY AND POSSESSION OF THE PROPERTY DUE TO IT BEING ABANDONED. THE PAPERWORK WAS FILED BACK IN JUNE 14, 2023 AT 01:05PM. THE VICTIM FISCHER-BUNKER IS ALSO POWER OF ATTORNEY OVER THE PROPERTY AND GIVE NO ONE THE RIGHTS TO THE PROPERTY. FISCHER-BUNKER IS GOING TO SPEAK WITH HER ATTORNEY IN REFERENCE TO THE REBUTTAL TO THE PAPER WORK WHICH WAS FILED WITH THE COURT ABOUT HER MOTHER PROPERTY. THIS AGENCY'S WILL ADDED THE RESIDENTS TO THE PROPERTY CHECK LISTED SO THAT THE PROPERTY WILL BE CHECKED AND LOOK FOR STROMAN SUBJECT ON THE PROPERTY SO THAT SHE CAN BE SERVED WITH A TRSPASSING NOTICE FOR THR PROPERTY. SEE CASE FOLDER FOR PAPERWORK CIVIL CASE NUMBER. NOTHING FURTHER AT THIS TIME

Exhibit M pg 1

Print Date: 09/27/2023 01:06:56 PM				JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY				JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY					
P TYPE (GROUP)										TOTAL VALUE			
R Burned													
O Count/Forged													
P Dest/Damaged													
E Recovered													
R Seized													
T Stolen													
Y Unknown													
A SUBJECT IDENTIFIED		SUBJECT LOCATED		☒ ACTIVE ☐ ADM. CLOSED		☐ ARRESTED UNDER 18		☐ EX-CLEAR UNDER 18					
☒ YES ☐ NO		☐ YES ☒ NO		☐ UNFOUNDED		☐ ARRESTED 18 AND OVER		☐ EX-CLEAR 18 AND OVER					
M REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY													
REPORTING OFFICER(S)				DATE		UNIT NUMBER		APPROVING OFFICER				DATE	
CAPT WILLIE T BRITT				09/25/2023		61		CHIEF MICHAEL SMALLS				09/25/2023	
								FOLLOW-UP INVESTIGATION OFFICER					
								Recorded on 09/27/2023 WILLIE T BRITT				09/25/2023	
												61	

INCIDENT REPORT SUPPLEMENTAL

Page #: 1

Case Number: 23-260

Officer: SMALLS SMALLS, MICHAEL Date Entered/Changed: 09/26/2023

Reviewer:

Review Date:

ETAILED STATEMENT OF INVESTIGATION: ON SEPTEMBER 26, 2023 AT 1000 HRS. CHIEF SMALLS WAS DISPATCHED TO 307 CHURCH ST. N THE TOWN OF ST. MATTHEWS SC ON A CALL ABOUT THIEF FROM THE ABOVE INCIDENT LOCATION. ONCE AT THE ABOVE LOCATION CHIEF SMALLS SEVERED A TRESPASS NOTICED ON ONE MS. SHANEKA M. STROMAN OF 335 HORSES NECK RD SWANSEA SC. MR. & MS. STROMAN AS ADVISED BY CHIEF SMALLS NOT TO RETURN TO THE ABOVE INCIDENT LOCATION. MR. STROMAN TOLD CHIEF SMALLS THAT HE HAD AAWN MORE ON THE PROPERTY AND NEED TO COME BACK FOR IT AT A LATER DATE. CHIEF SMALLS ADVISED MR. STROMAN TO CALL THE OLICE DEPT. WHEN HE WAS IN THE AREA AND AN OFFICER WILL ESCORT HIM ON THE PROPERTY TO OBTAIN HIS ITEMS. MR. 7 MS. TROMAN WAS ADVISED THAT IF THEY ARE FOUND ON THE PROPERTY OF 307 CHURCH ST. THEY WOULD BE ARRESTED, AND CHARGED WITH RESPASSING.

Record on Appeal 0026

Pg 2

ARTICLE 5

Forcible Entry and Detainer

2023 SEP 29 AM 11:41

FILED

CLERK OF COURT
CALHOUN COUNTY
STATEMENT

. Action may be had against person wrongfully disseizing.

If any person be put out or disseized of any lands or tenements in forcible manner or put out peaceably and be afterwards holden out with strong hand, or, after such entry, any reversion or discontinuance in any wise thereof be made to defraud and take away the right of the possessor, the party grieved in this behalf shall have an action against such disseizor.

HISTORY: 1962 Code Section 10-2431; 1952 Code Section 10-2431; 1942 Code Section 889; 1932 Code Section 889; Civ. P. '22 Section 837; Civ. C. '12 Section 4068; Civ. C. '02 Section 2967; G. S. 2294; R. S. 2427; 1712 (2) 445.

SECTION 15-67-420. Plaintiff's right to treble damages.

If the party grieved recover in such action and it be found by verdict or in other manner by due form of law that the party defendant entered with force into the lands and tenements or, after his entry, did hold them with force, the plaintiff shall recover treble damages against the defendant.

HISTORY: 1962 Code Section 10-2432; 1952 Code Section 10-2432; 1942 Code Section 890; 1932 Code Section 890; Civ. P. '22 Section 838; Civ. C. '12 Section 4069; Civ. C. '02 Section 2968; G. S. 2295; R. S. 2428; 1712 (2) 445.

SECTION 15-67-430. Court of common pleas shall have jurisdiction.

The court of common pleas of the county wherein such lands and tenements may be situated may inquire by the people of the same county, as well of them that make forcible entries in lands and tenements as of them which hold such lands and tenements with force.

HISTORY: 1962 Code Section 10-2433; 1952 Code Section 10-2433; 1942 Code Section 886; 1932 Code Section 886; Civ. P. '22 Section 834; Civ. C. '12 Section 4065; Civ. C. '02 Section 2964; G. S. 2291; R. S. 2424; 8 H 6 c. 9; 1712 (2) 444; 1972 (57) 2535.

SECTION 15-67-440. Restitution of possession to tenants for years.

The court authorized and enabled upon inquiry to give restitution of possession unto tenants of any estate of freehold of their lands or tenements which shall be entered upon with force or from them withholden by force shall have the like and the same authority and ability, upon indictment of such forcible entries or forcible withholdings before them duly found, to give like restitution of possession unto tenants for terms of years of lands or tenements by them so holden which shall be entered upon by force or holden from them by force.

Exhibit N
Record on Appeal 0027

Pg 1

HISTORY: 1962 Code Section 10-2434; 1952 Code Section 10-2434; 1942 Code Section 892; 1932 Code Section 892; Civ. P. '22 Section 840; Civ. C. '12 Section 4071; Civ. C. '02 Section 2970; G. S. 2297; R. S. 2430; 21 J. 1 c. 15; 1712 (2) 445; 1972 (57) 2535.

SECTION 15-67-450. Persons who have held by force three years are unaffected by this article.

They which keep their possessions with force in any lands and tenements whereof they or their ancestors or they whose estate they have in such lands and tenements have continued their possessions in such lands and tenements by three years or more shall not be endangered by force of this article.

HISTORY: 1962 Code Section 10-2435; 1952 Code Section 10-2435; 1942 Code Section 893; 1932 Code Section 893; Civ. P. '22 Section 841; Civ. C. '12 Section 4072; Civ. C. '02 Section 2971; G. S. 2298; R. S. 2431; 8 H 6 c. 1712 (2) 445.

SECTION 15-67-460. Putting party ousted in possession.

If it be found before any of them that any do contrary to this article, then the court shall cause to be reseized the lands and tenements so entered or holden as stated in this article and shall put the party so put out in full possession of the same lands and tenements so entered or holden as before.

HISTORY: 1962 Code Section 10-2436; 1952 Code Section 10-2436; 1942 Code Section 887; 1932 Code Section 887; Civ. P. '22 Section 835; Civ. C. '12 Section 4066; Civ. C. '02 Section 2965; G. S. 2292; R. S. 2425; 1712 (2) 444; 1972 (57) 2536.

SECTION 15-67-470. Forms and proceedings in cases of forcible entry and detainer are same as for tenants holding over.

The forms and proceedings in cases of forcible entry and detainer shall be such as are prescribed by law in cases when tenants hold over after the expiration of their leases.

HISTORY: 1962 Code Section 10-2437; 1952 Code Section 10-2437; 1942 Code Section 891; 1932 Code Section 891; Civ. P. '22 Section 839; Civ. C. '12 Section 4070; Civ. C. '02 Section 2969; G. S. 2296; R. S. 2429; 1829 (6) 338; 1972 (57) 2557.

STATE OF SOUTH CAROLINA)
COUNTY OF CALHOUN)
)
SHANEEKA STROMAN,)
PLAINTIFF,)
)
-VS-)
)
CAROL B. FISCHER, EMILY)
MARIE FISCHER BUNKER,)
ATTORNEY FOR CAROL B.)
FISCHER (BANKS NEUMEISTER,))
ATTYS AT LAW, TOWN OF)
SAINTMATTHEWS (CHIEF)
EXECUTIVE OFFICER) HELEN)
CARSON-PETERSON, and ST)
MATTHEWS POLICE)
DEPARTMENT (CHIEF))
MICHAEL SMALLS)
DEFENDANTS.)
_____)

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT

CASE No.: 2023CP0900171

**MOITON FOR SPECIAL
APPEARANCE**

COMES NOW Attorney Allen Neumeister and hereby files this Motion for Special Appearance, and in support thereof states as follows:

1. On September 29, 2023, Plaintiff filed a Complaint against certain Defendants in this Court, alleging, as best can be determined, a cause of action for only Forcible Entry and Detainer.
2. The Complaint captions in partial parentheses an entity named like this: (Banks Neumeister Attys at Law.
3. No such entity exists.
4. The styling of the caption with at least one parenthesis immediately after a former client seems to indicate a parenthetical expression.
5. Neither Allen Neumeister, nor any other attorney, nor his law firm is ever named in the Complaint as a party to this action.
6. Mr. Neumeister has never had a substantive interaction with the Plaintiff.
7. The basis of the lawsuit, Forcible Entry and Detainer, is a cause of action that cannot possibly apply to Mr. Neumeister and his law firm.

8. Plaintiff and Defendant Fischer were involved in a previous lawsuit which the Plaintiff subsequently dismissed under Rule 41 before an Answer could be filed.

9. The Court lacks personal jurisdiction over Mr. Neumeister in regards to this matter.

WHEREFORE, Defendant respectfully requests that this Court:

- A. Grant Mr. Neumeister and his law firm a special appearance to challenge the jurisdiction of this Court over the person of Mr. Neumeister and his law firm.
- B. Quash the summons and dismiss the lawsuit against Mr. Neumeister and his law firm with prejudice.
- C. In the event that the Court finds it has personal jurisdiction over Mr. Neumeister, grant him an extension of time to provide an Answer to the Plaintiff's Complaint of thirty days after the conclusion of the hearing reviewing personal jurisdiction.
- D. Grant Mr. Neumeister and his law firm attorney fees and costs.
- E. Grant any other relief the Court deems just and proper.

s/ Allen Neumeister

Allen Neumeister, Attorney

Banks & Neumeister, Attys at Law, LLP

716 F.R. Huff Dr.

St. Matthews, S.C. 29135

Tel.: (803) 874-2100

allen.neumeister@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2023, I served a copy of the foregoing Motion for Special Appearance on Plaintiff by First Class Mail at address: 335 Horses Neck Rd Swansea SC 29160.

s/ Allen Neumeister

Allen Neumeister

2023-CP-09-00171

FILED

STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

COUNTY OF CALHOUN 2023 OCT 12 PM 4:00 FIRST JUDICIAL CIRCUIT

LAKEISHA MOORER
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEWS, SC

SHANEEKA STROMAN,

OBJECTION TO DISMISSAL

PLAINTIFF,

OBJECTION TO EXTENSION

OF TIME

Case No. 2023-CP-09-00171

CAROL B FISCHER, EMILY MARIE

FISCHER BUNKER, ATTORNEY FOR

CAROL B FISCHER, BANKS & NEUMEISTER,

ATTYS AT LAW LLP, TOWN OF ST. MATTHEWS

ST MATTHEWS POLICE DEPARTMENT

DEFENDANTS,

COMES NOW Shaneeka Stroman and hereby files this objection to motion of Dismissal with prejudice and motion for extension of time regarding the facts below and in support thereof states as follows:

1.The action was filed only for Forcible Entry and Detainer because that is the action of the cause alleged to the best of my knowledge and as best that could be determined.

2.If you closely look at Mr. Neumeister's request, under Defendant's, he insists that the name of his Office is BANKS NEUMEISTER,

ATTYS AT LAW, which he claims does not exist. All the while, Mr. Neumeister does not have his LLP listed either.

3. Therefore, the entity he's claiming does not exist.

4. With respect to the courts, as a pro-se, I ask that the courts disregard the styling of allegedly being a parenthetical expression because it merely justifies insinuation.

5. Alan Neumeister, nor any other is named in the complaint, however, if you look Look at #5 on the complaint he is mentioned in the complaint as "attorney" which He self-confessed to representing the parties in the case previously.

6. Mr. Neumeister has never had a substantial interaction with me personally. However, Mr. Neumeister is claiming that he had conversations with his client, The police have indicated that he also encountered the owners and her attorneys. The town of St. Matthews mentioned the attorney's and police and the owner came in to contact with them before I was illegally put on trespassing.

7. The basis of this lawsuit, **Forcible Entry and Detainer**, is a cause of action that can possibly apply to Mr. Neumeister and his firm because while I was conveying to the property, a representative by the name Ms. Mitchell of the courts, stated that I should talk to Mr. Banks about the property. All the while, Mr. Banks is not the owner of the property. Here Comes Now, Mr. Neumeister and his law office is represented the defendants. Therefore, there could be a possible suit that applies to Mr. Neumeister and his law firm as well.

8. The previous case is irrelevant to this case.

9. The Court has Subject Matter Jurisdiction over the Defendants as well as Personal Jurisdiction over Alan Neumeister and his partnered law firm because of his substantial business dealings within the State Of South Carolina. Therefore, I reject his request that he's claiming and hope that the Honorable Judge denies his request.

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Deny Mr. Neumeister and his law firm special appearance to challenge the Jurisdiction of this Court over the person of Mr. Neumeister and his law firm.
- B. Deny to Quash the summons and dismiss the lawsuit against Mr. Neumeister and his law firm with prejudice.
- C. Deny extension of time for Mr. Neumeister and his law firm to answer to plaintiff's complaint.
- E. Deny Mr. Neumeister his attorney fees and costs.
- E. Deny any other relief the Court deems just and proper.

s/Shaneeka Stroman

Shaneeka Stroman/Pro-se

335 Horse Neck Rd.

Swansea, South Carolina

Tel.: 803-596-5784

shaneekastroman@gmail.com

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF CALHOUN)	FIRST JUDICIAL CIRCUIT
SHANEEKA STROMAN,)	CASE No.: 2023CP0900171
PLAINTIFF,)	
-VS-)	ANSWER AND COUNTERCLAIMS
	OF CAROL B. FISHER
CAROL B. FISCHER, EMILY)	
MARIE FISCHER BUNKER,)	
ATTORNEY FOR CAROL B.)	
FISCHER (BANKS NEUMEISTER,))	
ATTYS AT LAW, TOWN OF SAINT))	
MATTHEWS (CHIEF)	
EXECUTIVE OFFICER) HELEN)	
CARSON-PETERSON, and ST)	
MATTHEWS POLICE)	
DEPARTMENT (CHIEF))	
MICHAEL SMALLS)	
DEFENDANTS.)	

DEFENDANT CAROL B. FISCHER, A PERSON UNDER DISABILITY WHO IS REPRESENTED BY HER AGENT, EMILY MARIE FISCHER BUNKER AND ATTORNEY ALLEN NEUMEISTER, WOULD RESPECTFULLY SHOW unto this honorable court that:

AS A FIRST DEFENSE

(General Denial)

1. Any and all allegations not specifically admitted, denied or modified are deemed denied and strict proof demanded.
2. Defendant Carol B. Fischer (herein "Fischer") denies Plaintiff's allegation in ¶ 1 and demands strict proof thereof.
3. Fisher denies Plaintiff's allegations in ¶ 2-4.
4. Fischer admits that she is the "owner" of the property as stated by the Plaintiff; the remainder of the ¶ 5 is hearsay and Fischer is without knowledge of conversations between the Town of St. Matthews Police and Plaintiff.
5. Fischer denies Plaintiff's allegations in ¶ 6-7.

AS A SECOND DEFENSE

(Rule 12(b)(6), Failure to State a Claim Upon Which Relief May Be Granted)

6. The allegations contained in ¶ 1- 5 are repeated here as if stated verbatim.
7. Plaintiff fails to clearly articulate a cause of action.
8. Plaintiff seeks to pursue a cause of action for Forcible Entry and Detainer.
9. Plaintiff clearly identifies Defendant Fischer as the “owner” of the property.
10. Defendant Buckner is Fischer’s agent.
11. Plaintiff never claims that the Plaintiff and Defendant Bunker or Fischer had a landlord/tenant relationship.
12. Plaintiff cannot claim Forcible Entry and Detainer as Plaintiff is not a holdover tenant pursuant to §15-67-470.
13. Plaintiff also seems to imply a cause of action of adverse possession in ¶ 6, but she fails to provide any facts that would support the elements of adverse possession such as exclusive control of the property for ten or more years.
14. Therefore, Plaintiff has not stated a cause of action upon which relief may be granted.

AS A THIRD DEFENSE

(Rule 11, Failure to Provide an Address with Pleadings)

15. The allegations contained in ¶ 1-13 are repeated here as if stated verbatim.
16. Plaintiff fails to provide a valid address to receive pleadings pursuant SCRPC Rule 11.
17. If a pleading, does not comply with Rule 11, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader.
18. Fischer has no address to serve Plaintiff; therefore, she cannot alert the Plaintiff to her breach of procedural due process.
19. If a pleading is signed in violation of Rule 11, the court may impose upon the person who signed it an appropriate sanction, which may include an order to pay to the other party reasonable expenses incurred because of the filing of the pleading, including a reasonable attorney's fee.
20. Fischer is entitled to a reasonable attorney’s fee.

AS A FOURTH DEFENSE AND FIRST COUNTERCLAIM

(South Carolina Frivolous Civil Proceedings Sanction Act)

21. The allegations contained in ¶ 1-17 are repeated here as if stated verbatim.
22. Plaintiff has violated ¶15-36-10 of the South Carolina Code of Laws, also known as the South Carolina Frivolous Civil Proceedings Sanction Act.

23. Pursuant to ¶15-36-10(A)(3)(b), the law provides a non-frivolous lawsuit is one where a “reasonable attorney in the same circumstances would believe that under the facts his claim or defense may be warranted under the existing law or, if his claim or defense is not warranted under the existing law, a good faith argument exists for the extension, modification, or reversal of existing law....”

24. Plaintiff has purposefully asserted a cause of action for Forcible Entry and Detainer despite not being a holdover tenant.

25. No reasonable attorney under the same circumstances would believe that a cause of action for Forcible Entry and Detainer is warranted under law, nor does Plaintiff assert that she intends to present a good faith argument for the extension, modification, or reversal of existing law.

26. Pursuant to ¶15-36-10(A)(4)(a)(ii), the Court may sanction Plaintiff for filing a frivolous lawsuit.

AS A SECOND COUNTERCLAIM

(Abuse of Process)

27. The allegations contained in ¶ 1-26 are repeated here as if stated verbatim.

28. Plaintiff seeks to misuse this civil process against Defendants for a purpose different than the proceeding's intended purpose.

29. Plaintiff does not seek to damages as a wrongly displaced tenant.

30. Plaintiff's ulterior motive is to enrich herself by either seeking a judgment, settlement, or by acquiring property to which she has no rightful claim.

31. Plaintiff has attempted to enrich herself by filing pleadings seeking unsubstantiated damages.

32. Plaintiff has attempted to enrich herself in a similar fashion by claiming tortious injury as reflected by 2022CV0910500044.

33. Fischer is entitled to actual, consequential, and punitive damages.

WHEREFORE, the Defendant Fischer prays for an Order from this Court as follows:

1. Dismissing the Plaintiff's case with prejudice; and
2. Sanctioning the Plaintiff; and
3. Awarding Fischer attorney fees; and

4. Awarding Fischer actual, consequential, and punitive damages; and
5. For further relief as this Court may deem just and proper.

s/ Allen Neumeister
Allen Neumeister, Attorney for Defendant
Banks & Neumeister, Attys at Law, LLP
716 F.R. Huff Dr.
St. Matthews, SC 29135
Tel. (803) 874-2100
Email: Allen.neumeister@gmail.com

October 13, 2023

STATE OF SOUTH CAROLINA)
COUNTY OF CALHOUN)
)
SHANEEKA STROMAN,)
PLAINTIFF,)
)
-VS-)
)
CAROL B. FISCHER, EMILY)
MARIE FISCHER BUNKER,)
ATTORNEY FOR CAROL B.)
FISCHER (BANKS NEUMEISTER,)
ATTYS AT LAW, TOWN OF SAINT)
MATTHEWS (CHIEF)
EXECUTIVE OFFICER) HELEN)
CARSON-PETERSON, and ST)
MATTHEWS POLICE)
DEPARTMENT (CHIEF))
MICHAEL SMALLS)
DEFENDANTS.)
_____)

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT

CASE No.: 2023CP0900171

**ANSWER AND COUNTERCLAIMS
OF EMILY MARIE FISCHER BUNKER**

DEFENDANT EMILY MARIE FISCHER BUNKER, BY AND THROUGH HER
ATTORNEY ALLEN NEUMEISTER, WOULD RESPECTFULLY SHOW unto this honorable
court that:

AS A FIRST DEFENSE

(General Denial)

1. Any and all allegations not specifically admitted, denied or modified are deemed denied and strict proof demanded.
2. Defendant Emily Marie Fischer Bunker (herein "Bunker") denies Plaintiff's allegation in ¶ 1 and demands strict proof thereof.
3. Bunker denies Plaintiff's allegations in ¶ 2-4.
4. Bunker admits that she is the "owner" of the property as stated by the Plaintiff; the remainder of the ¶ 5 is hearsay and Fischer is without knowledge of conversations between the Town of St. Matthews Police and Plaintiff.
5. Bunker denies Plaintiff's allegations in ¶ 6-7.

AS A SECOND DEFENSE

(Rule 12(b)(6), Failure to State a Claim Upon Which Relief May Be Granted)

6. The allegations contained in ¶ 1- 5 are repeated here as if stated verbatim.
7. Plaintiff fails to clearly articulate a cause of action.
8. Plaintiff seeks to pursue a cause of action for Forcible Entry and Detainer.
9. Plaintiff clearly identifies Defendant Fischer as the “owner” of the property.
10. Buckner is Defendant Fischer’s agent.
11. Plaintiff never claims that the Plaintiff and Defendant Fischer or her agent, Bunker, had a landlord/tenant relationship
12. Plaintiff cannot claim Forcible Entry and Detainer as Plaintiff is not a holdover tenant pursuant to §15-67-470.
13. Plaintiff also seems to imply a cause of action of adverse possession in ¶ 6, but she fails to provide any facts that would support the elements of adverse possession such as exclusive control of the property for ten or more years.
14. Therefore, Plaintiff has not stated a cause of action upon which relief may be granted.

AS A THIRD DEFENSE

(Rule 11, Failure to Provide an Address with Pleadings)

15. The allegations contained in ¶ 1-14 are repeated here as if stated verbatim.
16. Plaintiff fails to provide a valid address to receive pleadings pursuant SCRCF Rule 11.
17. If a pleading, does not comply with Rule 11, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader.
18. Bunker has no address to serve Plaintiff; therefore, she cannot alert the Plaintiff to her breach of procedural due process.
19. If a pleading is signed in violation of Rule 11, the court may impose upon the person who signed it an appropriate sanction, which may include an order to pay to the other party reasonable expenses incurred because of the filing of the pleading, including a reasonable attorney's fee.
20. Bunker is entitled to a reasonable attorney’s fee.

AS A FOURTH DEFENSE AND FIRST COUNTERCLAIM

(South Carolina Frivolous Civil Proceedings Sanction Act)

21. The allegations contained in ¶ 1-17 are repeated here as if stated verbatim.
22. Plaintiff has violated ¶15-36-10 of the South Carolina Code of Laws, also known as the South Carolina Frivolous Civil Proceedings Sanction Act.

23. Pursuant to ¶15-36-10(A)(3)(b), the law provides a non-frivolous lawsuit is one where a “reasonable attorney in the same circumstances would believe that under the facts his claim or defense may be warranted under the existing law or, if his claim or defense is not warranted under the existing law, a good faith argument exists for the extension, modification, or reversal of existing law....”

24. Plaintiff has purposefully asserted a cause of action for Forcible Entry and Detainer despite not being a holdover tenant.

25. No reasonable attorney under the same circumstances would believe that a cause of action for Forcible Entry and Detainer is warranted under law, nor does Plaintiff assert that she intends to present a good faith argument for the extension, modification, or reversal of existing law.

26. Pursuant to ¶15-36-10(A)(4)(a)(ii), the Court may sanction Plaintiff for filing a frivolous lawsuit.

AS A SECOND COUNTERCLAIM

(Abuse of Process)

27. The allegations contained in ¶ 1-26 are repeated here as if stated verbatim.

28. Plaintiff seeks to misuse this civil process against Defendants for a purpose different than the proceeding's intended purpose.

29. Plaintiff does not seek to damages as a wrongly displaced tenant.

30. Plaintiff's ulterior motive is to enrich herself by either seeking a judgment, settlement, or by acquiring property to which she has no rightful claim.

31. Plaintiff has attempted to enrich herself by filing pleadings seeking unsubstantiated damages.

32. Plaintiff has attempted to enrich herself in a similar fashion by claiming tortious injury as reflected by 2022CV0910500044.

33. Bunker is entitled to actual, consequential, and punitive damages.

WHEREFORE, the Defendant Fischer prays for an Order from this Court as follows:

1. Dismissing the Plaintiff's case with prejudice; and
2. Sanctioning the Plaintiff; and
3. Awarding Defendant Bunker attorney fees; and
4. Awarding Bunker actual, consequential, and punitive damages; and

5. For further relief as this Court may deem just and proper.

s/ Allen Neumeister
Allen Neumeister, Attorney for Defendant
Banks & Neumeister, Attys at Law, LLP
716 F.R. Huff Dr.
St. Matthews, SC 29135
Tel. (803) 874-2100
Email: Allen.neumeister@gmail.com

October 13, 2023

STATE OF SOUTH CAROLINA)
COUNTY OF CALHOUN)
)
SHANEEKA STROMAN,)
PLAINTIFF,)
)
-VS-)
)
CAROL B. FISCHER, EMILY)
MARIE FISCHER BUNKER,)
ATTORNEY FOR CAROL B.)
FISCHER (BANKS NEUMEISTER,)
ATTYS AT LAW, TOWN OF)
SAINTMATTHEWS (CHIEF)
EXECUTIVE OFFICER) HELEN)
CARSON-PETERSON, and ST)
MATTHEWS POLICE)
DEPARTMENT (CHIEF))
MICHAEL SMALLS)
DEFENDANTS.)
_____)

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT

CASE No.: 2023CP0900171

**MOTION FOR DISMISSAL BASED
UPON THE PLEADINGS**

COME NOW Defendants, Carol B. Fischer and Emily Marie Fischer Bunker, by and through their undersigned attorney, and hereby move this Court to dismiss Plaintiff's Complaint pursuant to Rule 12(b)(6), Rule 12(c) and Rule 56 of the South Carolina Rules of Civil Procedure, and the Doctrine of Unclean Hands, and in support thereof states as follows:

ARGUMENT

Plaintiff's Complaint fails to state a claim upon which relief can be granted.

Rule 12(b)(6) and Rule 12(c) of South Carolina's Rules of Civil Procedure allows a defendant to move for dismissal of a complaint if it fails to state a claim upon which relief can be granted.

In order to survive a motion to dismiss under Rule 12(b)(6) and Rule 12(c), a complaint must contain sufficient factual allegations to state a claim to relief that is plausible on its face.

Plaintiff's Complaint fails to meet this standard. Plaintiff seeks a judgment based upon the cause of action for Forcible Entry and Detainer. Plaintiff provides in ¶ 3 of her pleadings that she "she had the right of, and was entitled, to the possession and occupancy of the premises...."

Plaintiff's allegation is false. In ¶ 5, Plaintiff refers to Defendant Fischer as the owner of the property. Plaintiff and Defendant Fischer never had an agreement constituting a landlord/tenant relationship. According to §15-67-470, "the forms and proceedings in cases of forcible entry and detainer shall be such as are prescribed by law in cases when tenants hold over after the expiration of their leases." In the present case, Plaintiff was NOT a tenant. Plaintiff entered onto the property without permission. In South Carolina, the definition of trespassing is "the unauthorized entry onto the land or building of another." A Forcible Entry and Detainer cause of action does not apply in this matter.

Plaintiff also appears to make a vague reference in ¶ 6 to a possible adverse possession claim. Such a claim is not supported by the facts outlined in the Complaint. Plaintiff's claim that she has possessed "the property for more than the presumable time frame, preceding the time of unlawful entry on 9/26/2023, and for a long time prior to that date." Plaintiff never clearly states that she has occupied the property for the required ten years. She also fails to claim she had exclusive possession of the property. Therefore, any implied cause of action for adverse possession fails.

WHEREFORE, Defendant respectfully requests that this Court:

1. Grant Defendants' Motion to Dismiss and dismiss Plaintiff's Complaint with prejudice.
2. Grant Defendants attorney fees and court costs.
3. Award Defendants such other and further relief as this Court deems just and equitable.

Respectfully submitted,

s/ Allen Neumeister

Allen Neumeister, Attorney

Banks & Neumeister, Attys at Law, LLP

716 F.R. Huff Dr.

St. Matthews, S.C. 29135

Tel.: (803) 874-2100

allen.neumeister@gmail.com

October 13, 2023

STATE OF SOUTH CAROLINA

COUNTY OF CALHOUN

SHANEEKA STROMAN

IN THE COURT OF COMMON PLEAS

FILED

2023 OCT 16 PM 12:50
Plaintiff(s)

CIVIL ACTION COVERSHEET

2023-CP - 09- 00171

vs.
St. Matthews Police Department
CAROL B FISCHER,
EMILY FISCHER BUNKER
BANKS&NEUMEISTER ATTY AT LAW,LLP ET,AL
ALAN NEUMEISTER,ATTORNEY
TOWN OF ST.MATTHEWS ET,AL
(JOINT LIABILITY)

LAKESHIA H. JORER
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEWS, SC

Defendant(s))

Submitted By: Shaneeeka Stroman
Address: 335 Horses neck rd
Swansea,SC,29160

SC Bar #: _____
Telephone #: _____
Fax #: _____
Other: _____
E-mail: SHANEEKASTROMAN8@GMAIL.COM

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

**If Action is Judgment/Settlement do not complete*

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
☒ This case is subject to **ARBITRATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to **MEDIATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Certificate Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|---|---|---|
| Contracts | Torts - Professional Malpractice | Torts - Personal Injury | Real Property |
| ☐ Constructions (100) | ☐ Dental Malpractice (200) | ☐ Conversion (310) | ☐ Claim & Delivery (400) |
| ☐ Debt Collection (110) | ☐ Legal Malpractice (210) | ☐ Motor Vehicle Accident (320) | ☐ Condemnation (410) |
| ☐ General (130) | ☐ Medical Malpractice (220) | ☐ Premises Liability (330) | ☐ Foreclosure (420) |
| ☐ Breach of Contract (140) | Previous Notice of Intent Case # | ☐ Products Liability (340) | ☐ Mechanic's Lien (430) |
| ☐ Fraud/Bad Faith (150) | 20 ____ -NI- ____ | ☒ Personal Injury (350) | ☐ Partition (440) |
| ☐ Failure to Deliver/
Warranty (160) | ☐ Notice/ File Med Mal (230) | ☐ Wrongful Death (360) | ☐ Possession (450) |
| ☐ Employment Discrim
(170) | ☐ Other (299) _____ | ☐ Assault/Battery (370) | ☐ Building Code Violation (460) |
| ☐ Employment (180) | | ☐ Slander/Libel (380) | ☐ Other (499) _____ |
| ☐ Other (199) _____ | | ☐ Other (399) _____ | |
| Inmate Petitions | Administrative Law/Relief | Judgments/Settlements | Appeals |
| ☐ PCR (500) | ☐ Reinstate Drv. License (800) | ☐ Death Settlement (700) | ☐ Arbitration (900) |
| ☐ Mandamus (520) | ☐ (800) Review (810) | ☐ Foreign Judgment (710) | ☐ Magistrate-Civil (910) |
| ☐ Habeas Corpus (530) | ☐ Relief (820) | ☐ Magistrate's Judgment (720) | ☐ Magistrate-Criminal (920) |
| ☐ Other (599) _____ | ☐ Permanent Injunction (830) | ☐ Minor Settlement (730) | ☐ Municipal (930) |
| | ☐ Forfeiture-Petition (840) | ☐ Transcript Judgment (740) | ☐ Probate Court (940) |
| | ☐ Forfeiture-Consent Order (850) | ☐ Lis Pendens (750) | ☐ SCDOT (950) |
| | ☐ Other (899) _____ | ☐ Transfer of Structured
Settlement Payment Rights
Application (760) | ☐ Worker's Comp (960) |
| | | ☐ Confession of Judgment (770) | ☐ Zoning Board (970) |
| Special/Complex /Other | | ☐ Petition for Workers
Compensation Settlement
Approval (780) | ☐ Public Service Comm. (990) |
| ☐ Environmental (600) | ☐ Pharmaceuticals (630) | ☐ Incapacitated Adult
Settlement (790) | ☐ Employment Security Comm (991) |
| ☐ Automobile Arb. (610) | ☐ Unfair Trade Practices (640) | ☐ Other (799) _____ | ☐ Other (999) _____ |
| ☐ Medical (620) | ☐ Out-of State Depositions (650) | | |
| ☐ Other (699) _____ | ☐ Motion to Quash Subpoena in an | | |

- ☐ Sexual Predator (510) ☐ Out-of-County Action (660)
☐ Permanent Restraining Order (680) ☐ Pre-Suit Discovery (670)
☐ Interpleader (690)

Submitting Party Signature:



Date:

10-16-23

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCF, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR under ADR Rule 3(b) upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals;
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. Cases may also be exempt from ADR under ADR Rule 3(c) upon motion to and approval by the court.
6. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
7. Application of a party to be exempt from payment of neutral fees due to indigency should be filed with the Clerk of Court prior to the scheduling of the ADR conference.

Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.

STATE OF SOUTH CAROLINA,
COUNTY OF CALHOUN
SHANEEKA STROMAN

FILED

IN THE COURT OF COMMON PLEAS

2023 OCT 16 PM 12:50

Plaintiff: *Amended*
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEWS ET, AL

SUMMONS

vs.

FILE NO. 2023-CP-09-00171

CAROL B FISCHER,
EMILY FISCHER BUNKER,
BANKS&NEUMEISTER ATTYS ATTY
AT LAW,LLP ET,AL
TOWN OF ST.MATTHEWS ET,AL
ST.MATTHEWS ET,AL

Defendant.)

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Calhoun County, South Carolina

Dated: October 16, 2023


Plaintiff/Attorney for Plaintiff

Address: 335 Horses Neck Rd,
Swansea,sc,29160

SCCA 401 (5/02)

Record on Appeal 0047

STATE OF SOUTH CAROLINA **FILED** COURT OF COMMON PLEAS
COUNTY OF CALHOUN 2023 OCT 16 PM 12:50 1ST JUDICIAL CIRCUIT

SHANEKA STROMAN, PLAINTIFF,
LAKESHIA MOORER
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEWS SC
CASE NO.: 2023CPO900171

AMENDED COMPLAINT

-VS-

CAROL B FISCHER, EMILY-
FISCHER BUNKER, BANKS &
NEUMEISTER, ATTYS. AT LAW, LLP
ALAN NEUMEISTER, ATTORNEY
TOWN OF ST. MATTHEWS ET, AL
ST. MATTHEWS POLICE DEPARTMENT
(JOINT LIABILITY)
DEFENDANTS,

This complaint is in reference to an unlawful eviction, constructive eviction, negligent infliction of emotional distress, negligence, intentional infliction of emotional distress of covenant of good faith, breach of covenant of quiet enjoyment of the premises, negligence, trespass, and nuisance.

UNLIMITED CIVIL, DEMAND over \$200,000

Forced Entry and Detainer

SECTION 151750. Affidavit to obtain order for arrest.

The order may be made when it shall appear to the proper officer by the affidavit of the plaintiff or of any other person that a sufficient cause of action exists and that the case, from the facts stated, is one of those mentioned in Section 151720.

property has been removed with intent to deprive the plaintiff of the benefit thereof.

that I, Shaneeka Stroman lawfully possessed of the premises, and that the defendants unlawfully entered and detained unlawfully.

PLAINTIFF, Shaneeka Stroman, hereby complains and alleges as follows:

1. Plaintiff are now, and always relevant herein, were an individual and resident of the Town of St. Matthews, County of Calhoun, State of South Carolina.

2. Defendant Carol B Fischer is, and always relevant herein was, an individual, and an owner of the real property located at 307 Church St. St Matthews, SC, 29135. (Property)

3. This court is the proper court for trial in this action in that the actions and omissions of Defendants, as alleged herein, were made within this court's jurisdictional area.

4. Plaintiff has a right to color of title at 307 Church St. St. Matthews, S.C., 29135

5. At all times mentioned herein, Defendant's, and each of them. Inclusive were authorized and empowered by each other to act, and did so act, as agents of each other, and all the things herein, alleged to have been done in the capacity of such agencies. Upon information and belief, all Defendants are responsible in some manner for the events described herein and are liable to plaintiff damages they have incurred.

6. Property has been removed with intent to deprive the plaintiff of the benefit thereof. I, Shaneeka Stroman lawfully possessed the premises, and the defendants unlawfully entered and detained the property unlawfully. Defendant's broke locks. Crammed heavy refrigerators in front of the door so that I could not enter. Also, threatened with trespassing notice of incarceration. Defendants fail to go through the proper eviction process indulging in self-eviction which is illegal in South Carolina,

VIOLATIONS

Fourteenth Amendment

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or

property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

DAMAGES

PRAYER FOR TREBLE, ACTUAL DAMAGES, PUNITIVE DAMAGES, CONSEQUENTIAL DAMAGES, EXEMPLARY DAMAGES, AND MONETARY DAMAGES.

WHEREFORE, Plaintiff request judgement for:

1. Restitution of possession of the Premises.
2. Damages at the rate of \$10,000 per day from each defendant starting from 9/26/2023, for each day the Defendant(s) continues in possession of the Premises.
3. All court costs of plaintiff according to proof.
4. Costs incurred in this action.
5. Such other and further relief as the court may deem just and proper.

Respectfully Submitted,
Name of Plaintiff, **Shaneeka Stroman**

s/Shaneeka Stroman

335 Horses Neck Rd,
Swansea, SC, 29160

Shaneekastroman8@gmail.com

STATE OF SOUTH CAROLINA **FILED** IN THE COURT OF COMMON PLEAS
COUNTY OF CALHOUN 2023 OCT 16 PM 12:50 FIRST JUDICIAL CIRCUIT

SHANEEKA STROMAN, LAKEISHA MOORE
CLERK OF COURT
CALHOUN COUNTY
BY MATTHEW PO
PLAINTIFF, CASE NO.: 2023CP0900171
RESPONSE TO ANSWER OF COUNTER-
CLAIMS FROM EMILY FISCHER -
BUNKER

-VS-

CAROL B FISCHER, EMILY
MARIE FISCHER BUNKER,
ATTORNEY FOR CAROL B
FISCHER, BANKS&NEUMEISTER
ATTY AT LAW, TOWN OF ST,
MATTHEWS ET AL,
St. Matthew Police Department et, al
DEFENDANTS,

PLAINTIFF SHANEEKA STROMAN BY AND THROUGH HERSELF AS A PRO-
SE, WOULD RESPECTFULLY SHOW UNTO THIS HONORABLE COURT THAT:

AS FIRST OFFENSE

1. STRICT PROOF IS VERIFIABLE THROUGH COLOR OF TITLE. (SWORN AFFIDAVIT)
2. STRICT PROOF IS VERIFIABLE ON CAROL B FISCHER ONLY, IN THE COUNTY INDEX. (TAX ACCESSOR'S OFFICE) AND USPS MAIL.
3. STRICT PROOF IS VERIFIABLE THROUGH COLOR OF TITLE AND UTILITY BILL.
- 4., BUNKER IS'NT THE OWNER OF 307 CHURCH STREET. CAROL B FISCHER IS THE OWNER OF 307 CHURCH STREET. BUNKER IS CLAIMING TO BE CAROL FISCHER'S PERSONAL REPRESENTATIVE WHICH PROBATE COURT DENIES WHEREIN THE COUNTY CAROL FISCHER SUPPOSEDLY RESIDES WITH NO FORWARDING ADDRESS FROM THE UNITED STATES POSTAL SERVICE AND NO UPDATED

INFORMATION ON CAROL B FISCHER'S NEW RESIDENCE AT THE TAX ASSESSOR'S OFFICE WHICH CAN BE PROVED BEYOND A REASONABLE DOUBT.

5.FISCHER-BUNKER INSISTED THAT ST. MATTHEWS POLICE DEPARTMENT PUT STROMAN ON TRESSPASSING, INSTEAD OF THE PROPER EVICTION PROCESS. (SEE EMILY FISCHER'S POLICE REPORT, FIRST PARAGRAPH, EXHIBIT M(PG)1.

6.FISCHER-BUNKER MAY NOT BE AWARE OF THE CONVERSATION THAT ST. MATTHEWS POLICE DEPARTMENT AND I HAVE HAD.I AGREE! HOWEVER, EMILY TOOK PART IN THE TRESSPASSING NOTICE WITHOUT FOLLOWING THE PROPER PROCEDURE ON THE EVICTION PROCESS WHICH HAS LED TO THIS LAWSUIT AND SHOULD HAVE KNOWN THAT FORCED ENTRY AND DISSEIZER WAS GOING TO OCCUR.THEREFORE,SHE ALONG WITH A MULTITUDE OF PEOPLE HAVE VIOLATED THE LAW,INCLUDING THE FOURTH AMENDMENT OF THE CONSTITUTION.(UNREASONABLE SEARCH AND SEIZURES).VIOLATION OF THE LANDLORD TENANT ACT,UNLAWFUL EVICTION,FORCIBLE ENTRY AND DETAINER,HOMESTEAD ACT,VACANT LAND ACT,THAT HAS CAUSED TREBLE DAMAGES AND ANY OTHER DAMAGES THAT THE COURT SEEMS JUST AND PROPER.

AS SECOND OFFENSE

Deny motion under rule (12)(b)(6) because the law that was broken is listed on the civil coversheet and the claim is forcible entry detainer.

7.Cause of action is listed

8.A police officer will not just put you on trespassing without the owner consent. Therefore, Emily Fischer Bunker was involved in the wrongfeviction process.

9.Carol B Fischer is the owner of 307 Church Street. I never mentioned that Emily Fischer Bunker is the owner of 307 Church Street in St. Matthews South Carolina.

10.If Buckner is Carol B Fischer's agent or personal representative than Emily Fischer Bunker isn't because they don't have the same last names, Bunker and Buckner are different but similar. Also, Calhoun County probate has no records of Carol Fischer OR her agent.

11. No, I never claimed we had any relationship at all. I don't know them at all. However, the color of the title explains my conveyance and participation of the property at 307 Church Street.

12.With a color of title, plaintiff can claim a Forcible Entry and Detainer because the plaintiff was the one in the possession of the property and has electricity and has also improved the property.

13.Adverse is not being claimed in this case. Occupancy is claimed to be able to bring adverse claims soon. Currently plaintiff was conveying to the property as the color of title explains.

14. Plaintiff has documents attached that explains treble damages for forcible entry and detainer and the landlord tenant act does exist under real property and violations of real property which again, was listed on the civil cover sheet.

15. Can you evict a squatter in South Carolina?

Since South Carolina has not defined specific laws on evicting squatters, **a property owner who hopes to remove them from their building must initiate a judicial eviction process.** The first step is to issue an eviction notice.

16. Fischer-Bunker had not had any no trespassing signs posted at all. Stroman's trespassing signs and personal property were removed and posted with no trespassing signs from someone else.

17. What is the code 15 67 210 in SC?

Presumption of possession, when occupation deemed under legal title. In every action for the recovery of real property or the possession thereof the person establishing a legal title to the premises shall be presumed to have possessed thereof within the time required by law.

18. Self-eviction is illegal in South Carolina. Therefore, landlords shouldn't try to remove squatters themselves. Threatening them, turning off utilities, and changing the locks to prevent them from entering can set the stage for a lawsuit.

Unlike other states, South Carolina also has no provisions for disabled landlords. In some cases, being underaged, legally incompetent, or insane may be considered a legal disability. However, there is no standard, and authorities review each claim individually.

AS A THIRD DEFENSE

19. Due to the fact I'm taking out a restraining order, The State Of South Carolina does not require that my address be public because I am assisting the State of South Carolina with prosecution of a crime.

20. Plaintiff isn't required by law to provide her address on the summons.

21. Bunker can serve the Plaintiff at her alternative address because it's on the public index.

22. Bunker has the resources to serve the plaintiff at her address with her response to plaintiff's complaint and summons.

23.To the best of my knowledge, my pleading isn't in violation of rule 11 and with accusations made on opinions without the honorable judge, I'm asking that the defendant pay all reasonable attorney fees and whatever the courts deem just and proper.

AS FOURTH OFFENSE AND FIRST REPLY TO COUNTERCLAIM
OBJECTION TO FRIVOLOUS PROCEEDINGS SANCTION ACT

1.NONE OF THE CLAIMS HERE ARE FRIVULOUS.WHILE CONVEYING TO PROPERTY I WAS FORCEFULLY and IMPROPERLY REMOVED WITHOUT THE EVICTION PROCESS.I ENCLOSED THE PROPERTY, WHICH I STILL HAVE A KEY TO THE PROPERTY.I HAVE IMPROVED THE PROPERTY AND HAVE EVIDENCE.THEREFORE, THERE IS NOTHING FRIVILOUS ABOUT THIS SITUATION.WITH THE DEFENDANTS STATEMENT IM ASKING TO BRING A CLAIM AGAINST THE DEFENDANTS ON LIBERAL SLANDERING,

THE plaintiff can prove hostile, notorious, continuous, and open along with the color of title/Sworn affidavit, written instrument.

OFFENSE TO SECOND COUNTERCLAIM

(ABUSE OF PROCESS)

- 24.Deny defendant's statement
- 25.Deny defendant's statement
- 26.treble damages are attached with exhibits along with complaint and summons.
- 27.Deny defendant's statement.
- 28.Deny defendant's statement.
- 30.Deny defendant's statement.
- 31.Requesting the honorable court to deny all the defendant's damages.

WHEREFORE, the plaintiff Stroman prays for an Order from this Court as follows:

- 1.Denying the defendant's dismissal with prejudice. And
- 2.Deny sanctioning Plaintiff due to lack of knowledge.
- 3.Denying defendant attorney fees; and
- 4.Denying Bunker's actual, consequential, and punitive damages; and

5. Denying any further relief to defendant.

s/Shaneeka Stroman

Shaneeka Stroman/Pro-se

335 Horse Neck Rd,

Swansea Sc, 29160

Email: Shaneekastroman8@gmail.com

OCTOBER 16, 2023

How to Get Rid of Squatters In South Carolina

South Carolina doesn't have any specific laws regarding the removal of squatters. Every landowner who wishes to remove a squatter will need to go through a judicial eviction process in order to get a squatter off of their property.

There are no provisions for disabled landowners in South Carolina. The only "legal disability" in this case only extends to the underaged or legally incompetent/insane. Each adverse possession claim brought against a landowner of this description will be examined on an individual basis, as there is no standard.

To begin the process of a judicial eviction, a landowner must issue an eviction notice. There are several types of eviction notices that can be issued:

- **Nonpayment of Rent** – Rent is considered late if it's not paid within 5 days. The landowner may issue a 5-Day Notice to Pay. Once the notice period has ended, an eviction suit may be filed.
- **No Lease/End of Lease**- If there was no lease to begin with or a tenant stays after the rental term has expired, a landowner may issue a notice to quit. The amount of notice depends on the type of tenancy: 7-Day Notice to Quit shall be issued for week-to-week tenancies and 30-Day Notice to Quit shall be issued for month-to-month tenancies.
- **Illegal Activity**- No written notice is required, and the landowner may proceed directly with filing an eviction suit.

If the squatter does not vacate the landowner can apply for a Rule (or Order) to Show Cause. A hearing will be scheduled shortly after, and the landowner and the squatter will be summoned to appear. The squatter must respond to the Rule (or Order) to Show Cause, if there is no response, the court will rule in favor of the landowner.

If the eviction is granted, a Writ of Ejectment is issued, and this is the squatters final notice to leave the property within 24 hours or they will be forcibly removed by the sheriff or constable.

It is important to note that the landowner must not try to remove the squatter themselves. Self-eviction measures are illegal, and this covers everything from threats to physically removing the tenant, changing the locks, or turning off the utilities. These actions can open a landowner up to a lawsuit.

NOTE

A landowner who is facing a squatter situation should always call the sheriff or constable instead of the local police. The local law enforcement might be able to take care of a trespasser, but the jurisdiction to take action against a squatter lies only with the sheriff or constable.

If a squatter leaves personal property behind, South Carolina landlords shall provide a notice allowing them 15 days to retrieve the belongings. If the squatter does not remove the property within 15 days, the landowner may immediately remove the property and dispose of it. However, if the personal property is more than \$500 in value, the landlord must file a formal ejection application with the court. In some cases, the court may allow the landowner to immediately get rid of it without notifying the squatter; however, they can only do this if the eviction notice clearly indicates that the landlord will do so.

Tips for Protecting Yourself from Squatters in South Carolina

- Inspect the property regularly.

- Make sure that the property is secured. Block all entrances, close all windows, and lock every door.
- Pay property taxes in a timely manner.
- Post "No Trespassing" signs on the property, especially if it's currently unoccupied.
- Serve written notice as soon as you notice that squatters are present.
- Offer to rent the property to the squatters.
- Call the sheriff (not the local law enforcement) to remove squatters from the premises if they do not leave.
- Hire a lawyer. You may need to take legal action to remove squatters, and having the correct legal advice is critical for every step of the journey.

It's important to arm yourself with the right legal knowledge to prevent someone from making an adverse possession claim on your property. Make sure you refer to South Carolina Code Title 15, Ch. 67, Art. 3 for more information.

CONCLUSION

Stroman had the proper paperwork to occupy the vacant abandoned home. In good faith, Stroman acknowledged that Carol B Fischer was the absentee owner before Stroman occupied the property and had in her possession a color of title and applied the utilities/light bill in Stroman's name. Stroman made improvements to the property. Stroman was continuously occupying the property, hostile, openly, notoriously, peaceably, exclusively, and actually until the unlawful eviction occurred. If procedures had been followed correctly there would not have been an argument. Since procedures weren't followed correctly, there is an argument. See *States vs Bates* below as follows:

"Every unlawful entry upon the possession of another is, in the eye of the law, a forcible entry. But it must be an actual, and not a mere constructive possession. Two people cannot be in the actual possession of the same land at the same time. And wherever the unlawful entry of one necessarily dispossesses the other, an indictment for a forcible entry may be maintained. And although the possession may have been surreptitiously obtained, if it is maintained by force, the entry will be considered forcible. Otherwise, a person may be dispossessed of his corn field, his orchard, and even his dwelling house, if an intruder should slyly creep in when he is out about his ordinary business. It is not necessary, as has been contended, that to constitute a forcible entry, it should be with a multitude of people. The statute of 5 Rich., 2d c. 8, forbids any person to enter any lands or tenements, except when entry is given, and in such case, not a strong hand, nor with multitude of people. So that where entry is lawful it must not be done with multitude of people; and where it is not lawful it must not be done at all."

This case [***6] has never been overruled, nor has its doctrine been modified, so far as we can discover, by any later case in this State. The Court is the more strongly inclined to [*531] respect its authority because the rule it lays down conserves the public peace and is in accord with the highest public policy.

HN3 Under the statute as thus construed, one who enters and takes lands from the possession of another, where the entry is not given by law, is guilty of forcible entry and detainer. At the trial of the issue the defendant cannot claim that the entry "was given by law" because he was the owner of the legal title, for it is the possession and not the title to the land which the statute was designed to protect. *Bennett v. State*, Harper 503.

The principles of homesteading and squatter's rights embody the most basic concept of property and ownership, which can be summarized by the adage "possession is nine-tenths of the law," meaning the person who uses the property effectively owns it. Likewise, the adage, "use it or lose it," applies. – Wikipedia

STATE OF SOUTH CAROLINA

FILED

IN THE COURT OF COMMON PLEAS

COUNTY OF CALHOUN 2023 OCT 16 PM 12: 50 FIRST JUDICIAL CIRCUIT

SHANEEKA STROMAN,

LANEISHA MOORER
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEWS, SC

CASE NO.:2023CP0900171

PLAINTIFF,

RESPONSE TO ANSWER OF COUNT-

CLAIMS FOR CAROL B FISCHER

-VS-

CAROL B FISCHER, EMILY

MARIE FISCHER BUNKER,

ATTORNEY FOR CAROL B

FISCHER, BANKS&NEUMEISTER

ATTY AT LAW, TOWN OF ST,

MATTHEWS ET AL,

DEFENDANTS,

PLAINTIFF SHANEEKA STROMAN BY AND THROUGH HERSELF AS A PRO-
SE, WOULD RESPECTFULLY SHOW UNTO THIS HONORABLE COURT THAT:

AS FIRST OFFENSE

1.STRICT PROOF IS VERIFIABLE THROUGH EMILY FISCHER BUNKER'S POLICE
REPORT.

2.STRICT PROOF IS VERIFIABLE THROUGH EMILY FISCHER'S POLICE REPORT.

3.STRICT PROOF IS VERIFIABLE THROUGH EMILY FISCHER'S POLICE REPORT.

4., BUNKER IS'NT THE OWNER OF 307 CHURCH STREET.CAROL B FISCHER IS THE
OWNER OF 307 CHURCH STREET.BUNKER IS CLAIMING TO BE CAROL FISCHER'S
PERSONAL REPRESENTATIVE WHICH PROBATE COURT DENIES WHEREIN THE
COUNTY CAROL FISCHER SUPPOSEDLY RESIDES WITH NO FORWARDING
ADDRESS FROM THE UNITED STATES POSTAL SERVICE AND NO UPDATED

INFORMATION ON CAROL B FISCHER'S NEW RESIDENCE AT THE TAX ASSESSOR'S OFFICE WHICH CAN BE PROVED BEYOND A REASONABLE DOUBT.

5.BUNKER INSISTED THAT ST. MATTHEWS POLICE DEPARTMENT PUT STROMAN ON TRESSPASSING, INSTEAD OF GOING THROUGH THE PROPER EVICTION PROCESS. (WRONGFUL EVICTION. (SEE EMILY FISHER'S POLICE REPORT FIRST PARAGRAPH EXHIBIT M, PAGE1).THEREFORE,EMILY FISCHER BUNKER ENGAGED IN THE WRONGFUL EVICTION.ALAN NEUMEISTER IS THE REPRESENTATIVE OF CAROL B FISCHER IN THE PREVIOUS CASE.THEREFORE,HE ALSO PARTICIPATED IN SOME KIND OF FORM OR FASHION IN THE WRONGFUL EVICTION AND FORCEFUL ENTRY AND DETAINER.

AS SECOND OFFENSE

Deny motion under rule (12)(b)(6) because the law that was broken is listed on the civil coversheet and the claim is forcible entry detainer.

7.Cause of action is listed

8.A police officer will not just put you on trespassing without the owner consent. Therefore, Emily Fischer Bunker was involved in the improper eviction process.

9.Carol B Fischer is the owner of 307 Church Street. I never mentioned that Emily Fischer Bunker is the owner of 307 Church Street in St. Matthews South Carolina.

10.If Buckner is Carol B Fischer's agent or personal representative than Emily Fischer Bunker isn't because they don't have the same last names, Bunker and Buckner are different but similar. Also, Calhoun County probate has no records of Carol Fischer OR her agent.

11. No, I never claimed we had any relationship at all. I don't know them at all. However, the color of the title explains my conveyance and participation to the property at 307 Church Street,St.Matthews SC,29135.

12.With a color of title, plaintiff can claim good faith and Forcible Entry and Detainer because the plaintiff was the one in the possession of the property with documents and have electricity in Stroman's name and has also improved the property which can prove actual possession of the property with.

13.Adverse is not being claimed in this case. Continuous Occupancy. Currently plaintiff was conveying to the property as the color of title explains. Plaintiff never states that she is the original owner and acknowledges that that Carol B Fischer is the owner. Which clearly shows good faith. Continuous is noted to be able to make an adverse claim.

14.Plaintiff has documents attached that explain treble damages for forcible entry and detainer. Defendants are in violation of: Violation Offense 16-1-60.

AS A THIRD DEFENSE

15. The State Of South Carolina does not require that my address be public because I am assisting the State of South Carolina with the prosecution of a crime.

16. Plaintiff isn't required by law to provide her address on the summons.

17. Bunker can serve the Plaintiff at her address because it's on the public index.

18. Bunker has the resources to serve the plaintiff at her address with her response to plaintiff's complaint and summons.

19. To the best of my knowledge, my pleading isn't in violation of rule 11. Therefore, Bunker's statements are being rebutted by plaintiff.

AS FOURTH OFFENSE AND FIRST REPLY TO COUNTERCLAIM OBJECTION TO FRIVOLOUS PROCEEDINGS SANCTION ACT

1. NONE OF THE CLAIMS HERE ARE FRIVULOUS. WHILE CONVEYING TO PROPERTY I WAS FORCEFULLY and IMPROPERLY REMOVED WITHOUT THE EVICTION PROCESS. I ENCLOSED THE PROPERTY, WHICH I STILL HAVE A KEY TO THE PROPERTY. I HAVE IMPROVED THE PROPERTY AND HAVE EVIDENCE. THEREFORE, THERE IS NOTHING FRIVILOUS ABOUT THIS SITUATION. WITH THE DEFENDANTS STATEMENT IM ASKING TO BRING A CLAIM AGAINST THE DEFENDANTS ON LIBERAL SLANDERING.

THE plaintiff can prove hostile, notorious, continuous, and open along with the color of title/affidavit, which is a written instrument.

OFFENSE TO SECOND COUNTERCLAIM

(ABUSE OF PROCESS)

20. Deny defendant's statement

21. Deny defendant's statement

22. treble damages are attached with exhibits along with complaint and summons.

23. Deny defendant's statement.

24. Deny defendant's statement.

25. Deny defendant's statement.

25. Requesting the honorable courts to deny all the defendant's damages she's requesting.

WHEREFORE, the plaintiff Stroman prays for an Order from this Court as follows:

1. Denying the defendant's dismissal with prejudice. And
2. Deny sanctioning Plaintiff due to lack of knowledge.
3. Denying defendant attorney fees; and
4. Denying Bunker's actual, consequential, and punitive damages; and
5. Denying any further relief to defendant.

s/Shaneeka Stroman

Shaneeka Stroman/Pro-se

335 Horse Neck Rd,

Swansea Sc, 29160

Email: Shaneekastroman8@gmail.com

OCTOBER 16, 2023

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- **Illegal Activity**- No written notice is required, and the landowner may proceed directly with filing an eviction suit.

If the squatter does not vacate the landowner can apply for a Rule (or Order) to Show Cause. A hearing will be scheduled shortly after, and the landowner and the squatter will be summoned to appear. The squatter must respond to the Rule (or Order) to Show Cause, if there is no response, the court will rule in favor of the landowner.

If the eviction is granted, a Writ of Ejectment is issued, and this is the squatters final notice to leave the property within 24 hours or they will be forcibly removed by the sheriff or constable.

It is important to note that the landowner must not try to remove the squatter themselves. Self-eviction measures are illegal, and this covers everything from threats to physically removing the tenant, changing the locks, or turning off the utilities. These actions can open a landowner up to a lawsuit.

NOTE

A landowner who is facing a squatter situation should always call the sheriff or constable instead of the local police. The local law enforcement might be able to take care of a trespasser, but the jurisdiction to take action against a squatter lies only with the sheriff or constable.

If a squatter leaves personal property behind, South Carolina landlords shall provide a notice allowing them 15 days to retrieve the belongings. If the squatter does not remove the property within 15 days, the landowner may immediately remove the property and dispose of it. However, if the personal property is more than \$500 in value, the landlord must file a formal ejection application with the court. In some cases, the court may allow the landowner to immediately get rid of it without notifying the squatter; however, they can only do this if the eviction notice clearly indicates that the landlord will do so.

Tips for Protecting Yourself from Squatters in South Carolina

- Inspect the property regularly.
- Make sure that the property is secured. Block all entrances, close all windows, and lock every door.
- Pay property taxes in a timely manner.
- Post "No Trespassing" signs on the property, especially if it's currently unoccupied.
- Serve written notice as soon as you notice that squatters are present.
- Offer to rent the property to the squatters.
- Call the sheriff (not the local law enforcement) to remove squatters from the premises if they do not leave.
- Hire a lawyer. You may need to take legal action to remove squatters, and having the correct legal advice is critical for every step of the journey.

It's important to arm yourself with the right legal knowledge to prevent someone from making an adverse possession claim on your property. Make sure you refer to South Carolina Code Title 15, Ch. 67, Art. 3 for more information.

Case # 2023-CP-0900098

Affidavit

Calhoun County GIS

Parcel Number: 118-16-11-002

OWNER INFORMATION

Name:
FISCHER CAROL BENOIT

Mailing Address:
307 CHURCH ST

Mailing City, State, ZIP:
ST MATTHEWS SC 29135

LEGAL INFORMATION

Sale Price: \$0
Sale Date: 20100429
Deed Book: 258
Deed Page: 15
Plat Book: 4550
Plat Page: n/a

PROPERTY INFORMATION

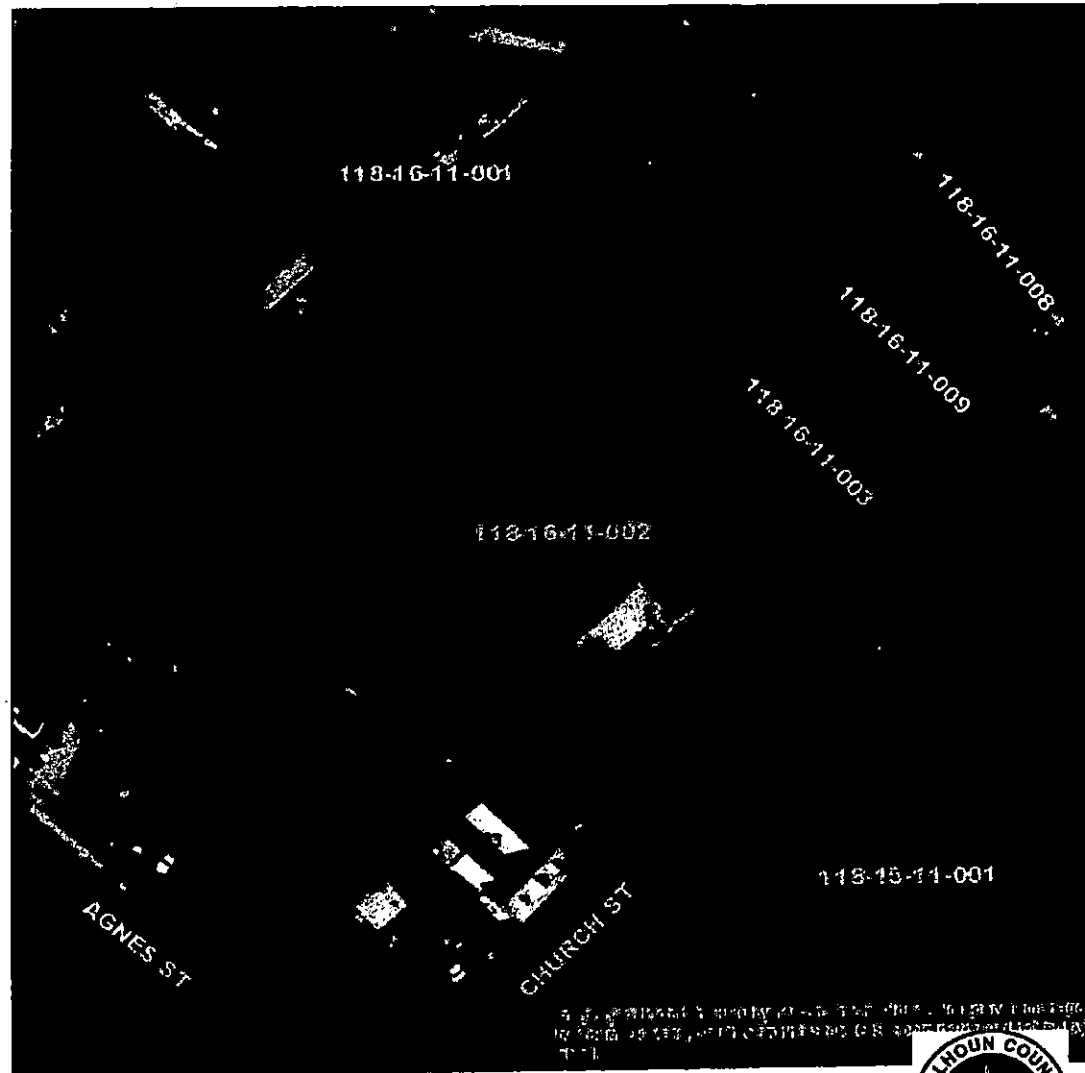
Parcel TMS: 118-16-11-002

Property Address:
307 CHURCH

Subdivision: n/a
District: 2-1
Fire Code: S
Acres / Lots: 1.00 / 0

0 60 120 240
ft

Printed On: 6/26/2023



This is
to certify
that 307
Church St,
St. Matthews
SC, 29135
is owned
by Carol
B Fischer
and she
hasn't
updated
a new
residence
Shaneeka
Stroman

THIS MAP IS PREPARED FOR THE INVENTORY OF REAL PROPERTY FOUND WITHIN THIS JURISDICTION, AND IS COMPILED FROM RECORDED DEEDS, PLATS, AND OTHER PUBLIC RECORDS AND DATA. USERS OF THIS MAP ARE HEREBY NOTIFIED THAT THE AFOREMENTIONED PUBLIC PRIMARY INFORMATION SOURCES SHOULD BE CONSULTED FOR VERIFICATION OF THE INFORMATION CONTAINED ON THIS MAP. THE COUNTY AND MAPPING COMPANY ASSUME NO RESPONSIBILITY FOR THE INFORMATION CONTAINED ON THIS MAP. *THIS MAP IS NOT TO BE USED AS A PLAT*

Exhibit A Record on Appeal 0067

AGENCY I.D.
SC0320500

SUPPLEMENTARY REPORT

CASE NUMBER

NCIC

ING. ENTD.

☒ ORIGINAL
REPORT
☐ MODIFIED
ORIGINAL

☐ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE

☐ ADDITIONAL
VICTIMS
☐ ADDITIONAL
OFFENDERS

☐ ADDITIONAL
STOLEN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 3 OF 3 PAGES

AND INSTEAD PRESENTED SEVERAL DOCUMENTS THAT HE GENERATED ON HIS OWN. [REDACTED] ALSO HAD THE UTILITIES FOR THE RESIDENCE TURNED ON IN HIS NAME, WHICH WERE THE POWER AND WATER FOR THE RESIDENCE.

THE COMPLAINANT, [REDACTED], AND HIS GIRLFRIEND, [REDACTED] (VICTIMS) ADVISED THAT THEY PURCHASED THE RESIDENCE ON 6.7.22 AND WHEN THEY ARRIVED, APPROXIMATELY 30 MINUTES PRIOR TO CALLING DISPATCH, THEY FOUND THE SUBJECTS AND THEIR 3 CHILDREN IN THE HOME. [REDACTED] ADVISED THAT THEY HAD CONTACTED A LOCAL JUDGE WHO HAD DRAWN UP A TRESPASS ORDER FOR BOTH SUBJECTS. IT IS A CIVIL ORDER, SO IT WAS TURNED OVER TO LEXINGTON COUNTY SHERIFFS DEPARTMENT TO BE SERVED. AS OF THE TIME WHEN I WAS ON SCENE, THE ORDER HAD NOT BEEN SERVED.

I ADVISED BOTH THE SUBJECTS AND VICTIMS THAT THIS WAS A CIVIL MATTER AND WOULD HAVE TO BE RESOLVED BEFORE THE MAGISTRATE JUDGE AT 650 KNOX ABBOTT DRIVE IN CAYCE.

[REDACTED] ADVISED THAT THE VICTIMS TOOK OVER THE ACCOUNTS FOR THE WATER AND POWER AT THE RESIDENCE AND WERE THREATENING TO TURN THEM OFF TO FORCE THEM TO LEAVE. I AGAIN ADVISED THAT THE ISSUE WAS A CIVIL MATTER THAT WOULD HAVE TO BE RESOLVED BY THE MAGISTRATE.

ALL UNITS CLEARED FROM THE SCENE WITHOUT FURTHER INCIDENT.

LATER IN THE EVENING, I WAS ADVISED BY DISPATCH THAT [REDACTED] AGREED TO PAY [REDACTED] DOLLARS FOR THE IMPROVEMENTS THAT HE MADE TO THE PROPERTY IN EXCHANGE FOR HIM AGREEING TO VACATE THE RESIDENCE.

NARRATIVE

Exhibit B -



wd: missing certified letter
message

Shaneeka Stroman <shaneekastroman8@gmail.com>
From: "info@calhouncountylibrary.org" <info@calhouncountylibrary.org>

Mon, Jun 26, 2023 at 2:04 PM

----- Forwarded message -----

From: Millie Irick <millie.s.irkick@usps.gov>
Date: Mon, Jun 26, 2023, 11:24 AM
Subject: missing certified letter
To: shaneekastroman8@gmail.com <shaneekastroman8@gmail.com>

This is Millie Irick with Saint Matthews post office, the certified mail was sent back due to the fact the home is vacant letter should be return to sender.

Case # 2023-CP-0900098

Affidavit / Non-Service

This is to certify that Carol
B Fischer was served with
complaint and summons and
her home is vacant at her
primary address.

Shaneeka Stroman

Exhibit C

Hon. Kathryn Strickland Brown
902 FR Huff Drive
St. Matthews, SC 29135



Phone: 803-874-3514
Fax: 803-874-1942
afogle@calhouncounty.sc.gov

Calhoun County Probate Court

June 22, 2023

RE: Carol B. Fischer

PLEASE NOTE THAT CALHOUN COUNTY PROBATE DOES NOT HAVE AN ESTATE ON RECORD FOR CAROL FISCHER.

Kathryn Strickland Brown

Calhoun County Judge of Probate

Exhibit D

2023-CP-09-00171

FILED

2023 SEP 29 AM 11:40

Calhoun County Sheriffs Office

LAARIE L. FISHER
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEWS, SC

THOMAS S. SUMMERS, JR.

2811 Old Belleville Road

St. Matthews, SC 29135

Plaintiff: SHANEEKA STROMAN

Defendant: CAROL B FISCHER

KENNETH HASTY
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEWS, SC

2023 AUG 28 PM 1:46

FILED

Affidavit Of Non-Service

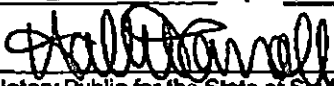
Civil Number: 2023-CP-09-00098		Civil Type: SUMMONS AND COMPLAINT			
Court Division: COMMON PLEAS		Court Location:		Court Date:	Court Time:
Attorney:		Attorney Address:			
Incident Number:	File Number:	DSS Number:	County: Calhoun	Date Issued: 06/14/2023	Date Returned: 08/25/2023
Attempted Service To: CAROL B FISCHER		Home Address: 307 CHURCH STREET, St. Matthews. SC 29135			

The undersigned, being duly sworn, states that after several attempts to serve the above captioned case on the defendant, he/she was unable to complete service in accordance with applicable statutes and the Rules of Civil Procedures in effect. Service could not be completed for the following reason: PROPERTY IS ABANDONED

Notary Statement

Sworn to and subscribed before me this

25 day of AUGUST, 2023


Notary Public for the State of South Carolina

My Commission expires: 5/4/26

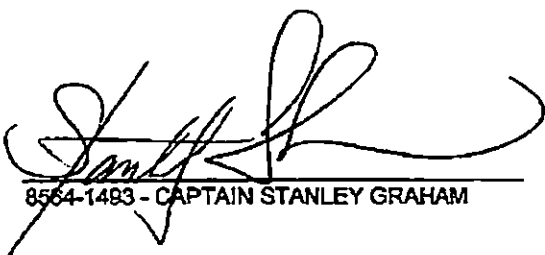

8564-1483 - CAPTAIN STANLEY GRAHAM

Exhibit I

Shaneeeka Stroman
335 Horses Neck Rd
Swansea SC, 29160

CERTIFIED MAIL



RDC 99

29135

7021 2720 0002 4418 4330

Carol Fischer
307 Church St,
St. M 111-2111 C
2913

Vicat

RETURN TO SENDER
NO SUCH ADDRESSEE
UNABLE TO FORWARD

NSS

BC: 29160976535

*2554-00946-15-39

29160-112207

Exhibit ~~II~~ I

Record on Appeal 0072

Written
Instrument

Notice of Adverse Claim 2023 SEP 29 AM 11:41

Affidavit

LAKEISHA L. GREER
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEWS, SCKENNETH HASTY
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEWS, SC

2023 JUN 14 PM 1:05

FILED

State of South Carolina

County of Calhoun

To the Republic, United States of America

Before Me, the undersigned authority on this day personally appeared

(affiant), who being by me duly sworn made the following statements and sworn that they are and were true in god we trust

My name is Shaneeka Stroman and I exercise my right to occupy, claim possession that I reside at 307 Church St. St. Matthews in the county of Calhoun am of sound mind and Physical capable of making this affidavit. "I am personally acquainted with the facts here in stated concerning the open use open occupation and apparent ownership of the land lot

And improvement located at. Legal Description TMS: # 18-16-44-002

Map Decal more commonly known as

I heard by swear and affirm that I will continuously adversely possess the above the described property for the state of South Carolina section title 15 code 15-67-10, 15-67-20 15-67-30 law state appear to be to all the exdusion of all other.

My claim is based upon my actual visible appropriation and possession of the above-mentioned property here by being open and Notorious and peaceful possessing it due to abandonment, neglect or those who personal represented have vacate the above described property also whereby I intend to continue to enjoy and make further improvement as this is my personal dwelling by adverse possession.

I will be paying taxes of the county of Calhoun with the above described property while the property is in my possession.

This affidavit is given to notify all and any heirs, minors, party or parties lien holder, That I have and will take adverse possession and I am claiming ownership of the above described property at PEACE PEACEBLY.

In regards of this "possession claim" I strongly recommend no force removal and treat that will be violate the law. You will need to find legal advice to even try to redeem or reclaim your vacant, neglect abandon empty and in distress left behind residence or inheritance, investment property located at:

307 Church Street, St. Matthews SC, 29135
This is now a civil matter that should be held in the court of law in the state of South Carolina, county of Calhoun, St Matthews SC, 29135

Affiant:

Shaneeka Stroman

This affidavit is given to notify all and any heirs, minors, party or parties lien holder, That have and will take adverse possession and I am claiming ownership of the above described property at PEACE PEACEBLY.

In regards of this "possession claim" I strongly recommend no force removal and treat that will be violate the law. You will need to find legal advice to even try to redeem or reclaim your vacant, neglect abandon empty and in distress left behind residence or inheritance, investment property located at:

Subscribed and sworn to and before me by the above name affiant on:

Seal to certify which witness m" hand and official seal

Nota-..

Witness#1LuhRQ \$(11G0f)

Witness#

Lakeisha Moore



AGENCY I.D.
00090200

ST. MATTHEWS POLICE DEPARTMENT
INCIDENT REPORT

CASE NUMBER

23 - 261

NCIC

INO. ENTD

INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM	
1. 23H - LARCENY - ALL OTHER		☒ YES ☐ NO	☐ YES ☐ NO	20		☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Orgn. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.	
2.		☐ YES ☐ NO	☐ YES ☐ NO				
3.		☐ YES ☐ NO	☐ YES ☐ NO				
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)				ZIP CODE		WEAPON TYPE	
307 CHURCH ST., ST. MATTHEWS SC				29135			
INCIDENT DATE		24 HR. CLOCK		TO DATE		24 HR. CLOCK	
09/23/2023		1800		09/26/2023		1010	
DISPATCH DATE		DISPATCH TIME		TIME ARRIVED		DEPART. TIME	
09/26/2023		1020		1023		1107	
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE
STROMAN, SHANEKA MONET		OK		J	S	O	U
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.	
335 HORSES NECK RD		SWANSEA		SC	29160-9765		
VICTIM'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE
STROMAN, SHANEKA MONET		OK		J	S	O	U
HEIGHT		WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.		
5-6		199	BLK	BRO			
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.	
335 HORSES NECK RD		SWANSEA		SC	29160-9765		
VISIBLE INJURY (VICT. 1) ☐ YES ☒ NO EXPLAIN -							
VICTIM (NO. 1) USING: ALCOHOL ☐ YES ☒ NO ☐ UNK. DRUGS: ☐ YES ☒ NO ☐ UNK.							
☐ TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/SPLASMT. ☐ OTHER ☐ ALONE ☐ ASSISTED J - This Jurisdiction S - State O - Out of State U - Unknown							
☒ SUSPECT		SUBJECT NAME (LAST, FIRST, MIDDLE)		RACE	SEX	AGE	ETH
☐ RUNAWAY		PERSON, UNKNOWN/UNTRACKED		U	U	00	U
☐ WANTED		FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.					
☐ WARRANT		ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.
☐ ARREST							
☐ JAIL		SUBJECT (NO. 1) USING ALCOHOL: ☐ YES ☐ NO ☒ UNK.		ARRESTED NEAR OFFENSE SCENE ☐ YES ☐ NO		DATE/TIME OF OFFENSE	
☐ SUMMONS		DRUGS ☐ YES ☐ NO ☒ UNK. TYPE:		TOTAL # ARRESTED 0		09/23/2023 1800	

Offenses:
LARCENY - ALL OTHER

ON SEPTEMBER 26, 2023 AT 1020 HRS CHIEF SMALLS WAS DISPATCHED TO 307 CHURCH ST. ST. MATTHEWS SC. ON A CALL FOR LARCENY. ONCE ON SCEN CHIEF SMALLS SPOKE WITH THE COMPLAINANT / VICTIM MS. STROMAN. DURING THEIR CONVERSATION MS. STROMAN ADVISED CHIEF SMALLS THAT SHE HAD SEVERAL ITEMS STOLEN FROM THE PROPERTY OF 307 CHURCH ST. ST. MATTHEWS SC. THE COMPLAINANT / VICTIM MS. STROMAN GAVE CHIEF SMALLS A LIST OF ITEMS TAKEN DURING THE INCIDENT. THE ITEMS ARE LISTED AS FOLLOWS.

1. MAMIE CAST IRON NEGRO STATUE VALUE \$ 350
2. ONE METAL RAKE VALUE \$ 50
3. THREE CAST IRON NEGROS STATUE \$ 350 EACH
4. FIVE NO TRESPASSING SIGNS VALUE \$ 3 EACH.

THIS INCIDENT TOOK PLACE IN THE TOWN OF ST. MATTHEWS IN THE JURISDICTION OF THE ST. MATTHEWS POLICE DEPT.

Exhibit L Pg 1

Print Date: 09/27/2023 12:43:36 PM		JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY		
P	TYPE (GROUP)	71-Metals,			TOTAL VALUE	
R	Burned					
O	Count/Forged					
P	Dest/Damaged					
E	Recovered					
R	Seized					
T	Stolen	1450.00			1450.00	
Y	Unknown					
A	SUBJECT IDENTIFIED		SUBJECT LOCATED		☒ ACTIVE ☐ ADM CLOSED	
D	☐ YES ☒ NO		☐ YES ☒ NO		☐ ARRESTED UNDER 18 ☐ EX-CLEAR UNDER 18	
M	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY				☐ ARRESTED 18 AND OVER ☐ EX-CLEAR 18 AND OVER	
I	REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
N	CHIEF MICHAEL SMALLS	10/26/2023	1	CHIEF MICHAEL SMALLS	10/27/2023	1
I	FOLLOW-UP INVESTIGATION OFFICER					
S	Record on Appeal 0075					

ENCY I.D.
0090200

ST. MATTHEWS POLICE DEPARTMENT
INCIDENT REPORT

CASE NUMBER

23 - 260

NCIC

INQ. ENTD.

INCIDENT TYPE		COMPLETED		FORCED ENTRY		PREMISE TYPE		UNITS ENTERED		TYPE VICTIM	
1. 90J - TRESPASS OF REAL PROPERTY		☒ YES ☐ NO		☐ YES ☐ NO		20				☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Org. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.	
2. 2023 SEP 29 AM 11:41		☐ YES ☐ NO		☐ YES ☐ NO							
3.		☐ YES ☐ NO		☐ YES ☐ NO							
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)						ZIP CODE		WEAPON TYPE			
307 CHURCH STREET, ST. MATTHEWS SC						29135					
INCIDENT DATE		24 HR. CLOCK		TO		DATE		DISPATCH DATE/TIME 24 HR. CLOCK		LOCATION NO.	
09/23/2023		1130				09/25/2023		1130		1210	
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)						RELATIONSHIP TO SUBJECT		RESIDENT		RACE	
FISCHER-BUNKER, EMILY MARIE						ST		J		O U W F	
ADDRESS						CITY		STATE		ZIP CODE	
738 FINLAY LN						COTTAGEVILLE		SC		29435-3668	
VICTIM'S NAME (LAST, FIRST, MIDDLE)						RELATIONSHIP TO SUBJECT		RESIDENT		RACE	
FISCHER-BUNKER, EMILY MARIE								J		O U W F	
HEIGHT		WEIGHT		HAIR		EYES		FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.			
5-2		127		BRO		BRO					
ADDRESS						CITY		STATE		ZIP CODE	
738 FINLAY LN						COTTAGEVILLE		SC		29435-3668	
VISIBLE INJURY (VICT. 1) ☐ YES ☒ NO EXPLAIN --											
VICTIM (NO. 1) USING ALCOHOL: ☐ YES ☒ NO ☐ UNK. DRUGS: ☐ YES ☒ NO ☐ UNK.											
☐ TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/SPLASMT. ☐ OTHER ☐ ALONE ☐ ASSISTED ☒ J - This Jurisdiction S - State O - Out of State U - Unknown											
☒ SUSPECT		SUBJECT NAME (LAST, FIRST, MIDDLE)						RACE		SEX	
☐ RUNAWAY		STROMAN, SHANEKA MONET						B		F	
☐ WANTED		FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.						AGE		ETH.	
☐ WARRANT								37		N	
☐ ARREST		ADDRESS						CITY		STATE	
☐ JAIL		335 HORSES NECK RD						SWANSEA		SC	
☐ SUMMONS		SUBJECT (NO. 1) USING ALCOHOL: ☐ YES ☐ NO ☒ UNK						DATE/TIME OF OFFENSE		DATE/TIME OF ARREST	
DRUGS: ☐ YES ☐ NO ☒ UNK. TYPE:						ARRESTED NEAR OFFENSE SCENE ☐ YES ☒ NO		09/23/2023		1130	
TOTAL # ARRESTED						0					

Offenses:

TRESPASS OF REAL PROPERTY

ON ABOVE DATE AND TIME THIS R/O WAS AT THE POLICE DEPARTMENT AND A WALK IN ADVISE THAT SHE NEEDED A REPORT IN REFERENCE TO A TRESPASSING. THE VICTIM STATED THAT A FEMALE FILED PAPERWORK WITH THE CLERK OF COURT OFFICE IN REFERENCE TO CLAIM AND DELIVERY AND POSSESSION OF THE PROPERTY DUE TO IT BEING ABANDONED. THE PAPERWORK WAS FILED BACK IN JUNE 14, 2023 AT 01:05PM. THE VICTIM FISCHER-BUNKER IS ALSO POWER OF ATTORNEY OVER THE PROPERTY AND GIVE NO ONE THE RIGHTS TO THE PROPERTY. FISCHER-BUNKER IS GOING TO SPEAK WITH HER ATTORNEY IN REFERENCE TO THE REBUTTAL TO THE PAPER WORK WHICH WAS FILED WITH THE COURT ABOUT HER MOTHER PROPERTY. THIS AGENCY'S WILL ADDED THE RESIDENTS TO THE PROPERTY CHECK LISTED SO THAT THE PROPERTY WILL BE CHECKED AND LOOK FOR STROMAN SUBJECT ON THE PROPERTY SO THAT SHE CAN BE SERVED WITH A TRSPASSING NOTICE FOR THR PROPERTY. SEE CASE FOLDER FOR PAPERWORK CIVIL CASE NUMBER. NOTHING FURTHER AT THIS TIME

Exhibit M pg 1

Print Date: 09/27/2023 01:06:56 PM				JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY				JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY			
TYPE (GROUP)										TOTAL VALUE	
Burned											
Count/Forged											
Dest./Damaged											
Recovered											
Seized											
Stolen											
Unknown											
SUBJECT IDENTIFIED		SUBJECT LOCATED		☒ ACTIVE ☐ ADM. CLOSED		☐ ARRESTED UNDER 18		☐ EX-CLEAR UNDER 18			
☒ YES ☐ NO		☐ YES ☒ NO		☐ UNFOUNDED		☐ ARRESTED 18 AND OVER		☐ EX-CLEAR 18 AND OVER			
REASON FOR EXCEPTIONAL CLEARANCE: 1 ☐ OFFENDER DEATH 2 ☐ NO PROSECUTION 3 ☐ EXTRADITION DENIED 4 ☐ VICTIM DECLINES COOPERATION 5 ☐ JUVENILE - NO CUSTODY											
REPORTING OFFICER(S)		DATE		UNIT NUMBER		APPROVING OFFICER		DATE		UNIT NUMBER	
CAPT WILLIE T BRITT		09/25/2023		61		CHIEF MICHAEL SMALLS		09/25/2023		1	
FOLLOW-UP INVESTIGATION OFFICER		DATE		UNIT NUMBER		FOLLOW-UP INVESTIGATION OFFICER		DATE		UNIT NUMBER	
Recorded by: Appellate		09/25/2023		61		Recorded by: Appellate		09/25/2023		61	

INCIDENT REPORT SUPPLEMENTAL

Page #: 1

Case Number: 23-260

icer:SMALLS SMALLS, MICHAEL Date Entered/Changed: 09/26/2023 Reviewer: Review Date:

MAILED STATEMENT OF INVESTIGATION: ON SEPTEMBER 26, 2023 AT 1000 HRS. CHIEF SMALLS WAS DISPATCHED TO 307 CHURCH ST. THE TOWN OF ST.MATTHEWS SC ON A CALL ABOUT THIEF FROM THE ABOVE INCIDENT LOCATION. ONCE AT THE ABOVE LOCATION CHIEF SMALLS SEVERED A TRESPASS NOTICED ON ONE MS. SHANEEKA M. STROMAN OF 335 HORSES NECK RD SWANSEA SC. MR. & MS. STROMAN ADVISED BY CHIEF SMALLS NOT TO RETURN TO THE ABOVE INCIDENT LOCATION. MR. STROMAN TOLD CHIEF SMALLS THAT HE HAD A N MORE ON THE PROPERTY AND NEED TO COME BACK FOR IT AT A LATER DATE. CHIEF SMALLS ADVISED MR. STROMAN TO CALL THE ICE DEPT. WHEN HE WAS IN THE AREA AND AN OFFICER WILL ESCORT HIM ON THE PROPERTY TO OBTAIN HIS ITEMS. MR. 7 MS. STROMAN WAS ADVISED THAT IF THEY ARE FOUND ON THE PROPERTY OF 307 CHURCH ST. THEY WOULD BE ARRESTED, AND CHARGED WITH SPASSING.

Record on Appeal 0077

Pg 2

A

B

C

D

I - 2 exhibit I's

O

L

M

STATE OF SOUTH CAROLINA)
COUNTY OF CALHOUN)

IN THE COURT OF COMMON PLEAS

Shaneeeka Stroman,)
Plaintiff,)

CASE NO.: 2023-CP-09-00171

vs.)

**NOTICE OF MOTION AND MOTION TO
DISMISS PURSUANT TO RULE 12(b)(4), (5),
AND (6), SCRPC**

Carol B. Fisher, et al, Emily Marie)
Fischer Bunker, Attorney for Carol)
B. Fischer (Banks Neumeister,)
Attorneys At Law, Town of St.)
Matthews, (Chief Executive Officer))
Helen Carson-Peterson, and St.)
Matthews Police Department (Chief))
Michael Smalls,)
Defendants.)

**TO: THE HON. LAKEISHA MOORER, SHANEEKA STROMAN, THE
PLAINTIFF, AND THE ABOVE-NAMED DEFENDANTS:**

YOU WILL PLEASE TAKE NOTICE that the Defendants, Town of St. Matthews,
(Chief Executive Officer) Helen Carson-Peterson, and St. Matthews Police Department (Chief)
Michael Smalls, by and through their counsel of record, John G. Felder, Sr., Esq. and Bates N.
Felder, Esq. of The Felder Firm, LLP, in the foregoing matter, will move before this Honorable
Court on the _____ day of _____, at _____ o'clock ____ m., at the Calhoun County
Courthouse, St. Matthews, South Carolina, for an order dismissing the Plaintiff's Complaint with
prejudice pursuant to Rule 12(b)(4), (5), and (6). The basis for this Motion is as follows:

1. As to Rule 12(b)4, there was insufficient process in this case as the content of the
Summons was insufficient and improper.
2. As to Rule 12(b)5, the service of the pleadings was insufficient in several respects.
More particularly, no one authorized by the Defendants, Town of St. Matthews,

(Chief Executive Officer) Helen Carson-Peterson, and St. Matthews Police

Department (Chief) Michael Smalls, to accept service of a case/complaint was served with said pleadings.

3. As to Rule 12(b)6, the complaint submitted by the Plaintiff fails to state a claim upon which relief can be granted. After accepting all allegations in the complaint as true and drawing all reasonable factual inferences from those facts in the Plaintiff's favor, the Plaintiff cannot prove any set of facts in support of her claims entitling her to relief.
4. As to the rules cited above, Plaintiff shall also rely on any relevant statutory and caselaw and other evidence and testimony presented at the hearing on said Motion.

WHEREFORE, Defendants, Town of St. Matthews, (Chief Executive Officer) Helen Carson-Peterson, and St. Matthews Police Department (Chief) Michael Smalls, pray that the Complaint of the Plaintiff be dismissed with prejudice, that the Court order the Plaintiff to reimburse the Town of Saint Matthews, (Chief Executive Officer) Helen Carson-Peterson, and St. Matthews Police Department (Chief) Michael Smalls for any attorney fees and costs expended in defense of this action, and grant the Defendants, Town of St. Matthews, (Chief Executive Officer) Helen Carson-Peterson, and St. Matthews Police Department (Chief) Michael Smalls, any other and further relief that the Court deems just and proper.

[SIGNATURE PAGE TO FOLLOW]

Dated this 17th day of October, 2023.

Respectfully submitted,

s/John G. Felder, Sr.

John G. Felder, Sr., Esquire
Bates N. Felder, Esquire
The Felder Firm, LLP
614 N. F. R. Huff
PO Box 346
St Matthews, SC 29135
Tel: 803-874-1430
Fax: 803-655-7167

STATE OF SOUTH CAROLINA
1stDistrict

COURT OF COMMON PLEAS
CALHOUN COUNTY

FILED

SHANEEKA STROMAN

2023 OCT 26, PM 1:19

Case No.: 2023-CP-09-00171

Plaintiff,

LAW OFFICE
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEWS, SC

v.

)

)

CAROL B FISCHER,

EMILY MARIE FISCHER BUNKER,

BANKS&NEUMEISTER ATTY AT LAW,LLP

TOWN OF ST.MATTHEWS ET,AL

THE FELDER LAW FIRM LLP,

FELDER, BATES N.

FELDER, JOHN G. SR.

ST.MATTHEWS POLICE DEPARTMENT ET,AL

Defendant (s)

)

**PLAINTIFF'S RESPONSE IN OPPOSITION TO
DEFENDANT'S MOTION TO DISMISS
PLAINTIFF'S AMENDED COMPLAINT**

Plaintiff, [Shaneeke Stroman], on this [25] day of [10]
[2023], respectfully asks this Honorable Court to deny
"[dismissMotion]" (hereinafter "That Motion").

Key Points:

A.) Grounds Sufficient Facts. Plausible Culpability.

B.) Precedence This Court regularly denies similar motions.

Record on Appeal 0082

Table of Contents:

Context	2 nd Page
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Certificates	12 th Page
Exhibits	13 th Page
Affidavit	15 th Page

Background: Plaintiff sued Defendants UNDER RULE 42 USC 1983/Violating Constitutional rights.14th Amendment, and 8th Amendment, Using forceful entry and detainer

Problem: The defendant moved to dismiss the case on a customary ground

Request: This Court denies the Defendant's motion

Rule 8 | Fed. R. Civ. P. | General Rules of Pleadings | (highlights added)

"(a) *CLAIM FOR RELIEF*. A pleading that states a claim for relief must contain: (1) ... (2) a short and plain statement... and (3) a demand for the relief sought..."

Rule 12 | Fed. R. Civ. P. | Defenses and Objections...

"(b) *HOW TO PRESENT DEFENSES*. Every defense to a claim for relief in any pleading must be asserted in the responsive pleading if one is required. But a party may assert the following defenses by motion: ...

Precedence

- 2:17-cv-00009-JES-NPM - USFLMD (10/7/21)
- 2:20-cv-00108-SPC-NPM - USFLMD (6/4/21)
- 2:20-cv-00468-SPC-MRM - USFLMD (12/22/20)
- 2:20-cv-00497-SPC-NPM - USFLMD (1/27/21)
- 2:20-cv-00660-JLB-NPM - USFLMD (11/19/21)
- 2:20-cv-00590-JLB-NPM - USFLMD (6/22/21)
- 2:20-cv-00635-JES-MRM - USFLMD (5/17/21)
- 2:20-cv-00981-SPC-MRM - USFLMD (4/28/21)
- 2:21-cv-00041-SPC-MRM - USFLMD (4/27/21)
- 2:21-cv-00637-SPC-NPM - USFLMD (10/14/21)

- 3:19-cv-00384-BJD-MCR - USFLMD (3/2/21)
- 3:19-cv-00997-BJD-MCR - USFLMD (5/14/21)
- 3:20-cv-00065-MMH-JRK - USFLMD (3/5/21)
- 3:20-cv-00156-HES-JBT - USFLMD (12/8/20)
- 3:21-cv-00521-MMH-PDB - USFLMD (10/26/21)

- 8:18-cv-02941-CEH-CPT - USFLMD (3/8/21)
- 8:19-cv-02907-TPB-JSS - USFLMD (11/2/21)
- 8:20-cv-00104-CEH-CPT - USFLMD (2/26/21)
- 8:20-cv-00687-CEH-SPF - USFLMD (7/12/21)

- 8:20-cv-01517-VMC-JSS - USFLMD (6/10/21)
- 8:20-cv-02018-VMC-AAS - USFLMD (6/29/21)
- 8:20-cv-02794-TPB-SPF - USFLMD (6/17/21)
- 8:20-cv-02951-VMC-TGW - USFLMD (3/23/21)
- 8:21-cv-00210-KKM-AEP - USFLMD (10/18/21)
- 8:21-cv-01281-TPB-AAS - USFLMD (10/13/21)
- 8:21-cv-01807-VMC-CPT - USFLMD (10/19/21)
- 8:21-cv-01835-VMC-TGW - USFLMD (10/12/21)

USFLMD recently denied similar motions to dismiss.

Abbreviations

- [C###] - Paragraph ### from The Complaint²⁷
- [M###] - Page ### from That Motion
- USFLMD - US District Court, Florida, Middle District
- USFLND - US District Court, Florida, Northern District
- USFLSD - US District Court, Florida, Southern District

RESPONSE**I. Background****A. Immediate Procedural History**

1. [para001].
2. [para002].
3. [para003].
4. [para004].
5. [para005].
6. [para006].

B. Ultimate Facts

7. [para007].
8. [para008].
9. [para009].
10. [para010].
11. [para011].
12. [para012].

C. Expounded Facts

13. [para013].
14. [para014].
15. [para015].
16. [para016].
17. [para017].
18. [para018].
- 19.

II. Legal Standard

20. Defendant's motion to dismiss was filed under Rule 12(b)(6) Fed. R. Civ. P.

21. History shows that this Court has a well-established method for resolving 12(b)(6) motions to dismiss.

22. To start out, the Court's review is limited to the "four corners" of the complaint (highlights added):

"The scope of review must be limited to the [REDACTED] [REDACTED] and [REDACTED]. St. George v. Pinellas County, 285 F.3d 1334, 1337 (11th Cir. 2002)."

- Braun v TD Bank | 8:20-cv-02951 | 3/23/21

"In considering the motion, courts should limit their "consideration to the well-pleaded factual allegations, documents central to or referenced in the complaint, and [REDACTED]." La Grasta v. First Union Sec., Inc., 358 F.3d 840, 845 (11th Cir. 2004) (citation omitted)."

- Parkhurst v Hiring 4 U, Inc. | 2:19-cv-00863 | 9/29/20

23. Then, the Court looks to see if a complaint satisfies the requirements set out in Rule 8(a)(2) Fed. R. Civ. P. (highlights added):

"The Federal Rules of Civil Procedure require a complaint to contain "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). The rules also require plaintiffs to set out their claims in separate, numbered paragraphs, "each limited as far as practicable to a single set of circumstances." Fed. R. Civ. P. 10(b)."

- Parkhurst v Hiring 4 U, Inc. | 2:19-cv-00863 | 9/29/20

24. Third, USFLMD judges look to see if a complaint contains sufficient facts (highlights added):

"To survive a Rule 12(b)(6) motion to dismiss, a plaintiff must plead [REDACTED] to state a claim that is "plausible on its face." Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)). A plaintiff need not recite "detailed factual allegations," but must provide "more than an unadorned, the-defendant-unlawfully-harmed-me accusation." *Id.* A pleading that offers "labels and conclusions" or "a formulaic recitation of the elements of a cause of action will not do." *Id.* (quoting Twombly, 550 U.S. at 555).

- CRM Suite Corp v GM Company | 8:20-cv-00762 | 3/10/21

25. In performing this examination, the judges lend all deference to the non-movant (highlights added):

"Likewise, [REDACTED]
[REDACTED]
[REDACTED]. Pielage v. McConnell, 516 F.3d 1282, 1284 (11th Cir. 2008) (citation omitted). But the Court "need not accept factual claims that are internally inconsistent; facts which run counter to facts of which the court can take judicial notice;"

- Parkhurst v Hiring 4 U, Inc. | 2:19-cv-00863 | 9/29/20.

26. Importantly, the factual allegations must be "plausible"; which is defined as follows:

"A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.*""

- CRM Suite Corp v GM Company | 8:20-cv-00762 | 3/10/21

27. Plus, the Court must afford leeway to layperson litigants:

"The pleadings of pro se litigants are "liberally construed" and held to a less exacting standard as those complaints drafted by attorneys. Tannenbaum v United States, 148 F. 3d 1262, 1263 (11th Cir. 1998). "However, a pro se litigant must still meet minimal pleading standards." Pugh v Farmers Home Admin., 846 F. Supp. 60, 61 (MD Fla. 1994) (citation omitted). And the courts are not tasked with drafting or rewriting a complaint to locate a claim. Peterson v Atlanta Hous. Auth., 998 F. 2d 904 (11th Cir. 1993)"

- Daley v Florida Blue | 3:20-cv-00156 | 12/8/20

28. Similarly, this Court stresses that motions to dismiss must be confined to the legal sufficiency of the complaint (highlights added):

"[REDACTED], and is not a procedure for resolving factual questions or addressing the merits of the case." Am. Int'l Specialty Lines Ins. Co. v. Mosaic Fertilizer, LLC, 8:09-cv-1264-T-26TGW, 2009 WL 10671157, at *2. (M.D. Fla. Oct. 9, 2009) (Lazzara, J.)."

- Johnson v Nocco, et al | 8:20-cv-01370 | 2/18/21

III. Analysis

29. Altogether, a methodical review of a 12(b)(6) motion to dismiss encompasses:

- a. Looking only at the "four corners of the complaint";
- b. Checking the complaint against Rule 8(a) Fed. R. Civ. P.;
- c. Determining whether it has sufficient facts;
- d. Construing all facts as true;
- e. Concluding that the claims are plausible; and
- f. Double-checking for propriety.

a. Four Corners of the Complaint

30. Forceful entry and detainer, violations of constitutional rights, wrongful eviction, request for treble damages, and right to obtain the property, court costs, and any other damages the Courts deems JUST AND PROPER.

b. Short & Plain Statements

31. The Complaint contained short & plain statements describing Defendant's culpability:

"Broke in and barricaded doors with appliances "COLOR OF LAW." (Michael Smalls and Emily Fischer)

- [CAAA]

"Removed trespassing notices and personal property."

*(Investigation not followed up by Michael Smalls)

- [CAAB]

"Used cruel and unusual punishment threatening incarceration after trespassing." (Michael Smalls)

- [CAAC]

"This was a civil matter made criminal with excessive force. ("Emily Bunker Fischer and Michael Smalls")

- [CAAD]

"Plaintiff has a "color of title. "The plaintiff also has a utility in her name and was in full possession of the property. Before the plaintiff became the holder of the property it was listed vacant and abandoned by the sheriff's office and the United States Postal Service, with sworn affidavits/statements.*Plaintiff has (documentation)

- [CAAE]

As such, Plaintiff has satisfied element "b" for denial of That Motion.

c. Sufficient Facts

32. Defendant Baker rallied her companions- of cloth to ratify her lies and obstructions. Altogether, Defendant violated Plaintiff's rights to convey vacant and abandoned property under the Betterment Act to recover Real Property. Emily Bunker's companions/co-defendants were St. Matthews Police Department and the Town of St. Matthews. Michael Smalls also is heard saying that "The Court House said that I can't be there either" on recording.

33. The Police arrived at my address, at 307 Church Street after I called about missing personal property. Upon police arrival, he gave me a trespassing notice and I told him I was not going anywhere and ripped the trespassing notice. Defendant Smalls acted under the "color of law".

"Police said,

34. If I don't go anywhere, I'm going to Orangeburg County Detention Center. Officer Smalls was armed during the time of his excessive force. The defendant, Emily Fischer Bunker, was represented by Ernst Allen Neumeister during this time. The Town of St, Matthews is denying Stroman a right to water. However, for the record, the lights are in Stroman's/Plaintiff's name.

35. Put together, the four corners of Plaintiff's complaint and details that were sufficient to raise the inference that Defendant(yu67s) was culpable.

36. Thus, Plaintiff has satisfied element "c" in the multi-step analysis for denying That Motion.

d. Construing All Facts as True

37. For the purposes of evaluating That Motion's attempt to dismiss Plaintiff's case, this Court must accept all of The Complaint's factual allegations as true.

38. Pertinently, the following facts operate:

- a. Relief Demand \$10,000 day from September 26, 2023 per defendant each day they have the property detained.
- b.
- c. [ultimateFact003]
- d. [ultimateFact004]
- e. [ultimateFact005]

e. Plausibility

39. Now, this analysis turns to the plausibility of these facts.

40. Generally, "A claim is facially plausible when a court can draw a reasonable inference, based on facts pled, that the opposing party is liable for the alleged misconduct. See *Iqbal*, 556 U.S. at 678."

41. USFLMD, in *Strange-Gaines v Jacksonville*, 3:20-cv-00056, further set out the method for determining plausibility (highlights added):

"When applying the plausibility standard, a court should undertake a "two-pronged approach." [*Iqbal*]. First, the court should identify and disregard legal conclusions not entitled to the assumption of truth. Id. Second, the court should identify and assume the truth of well-pleaded factual allegations and determine whether they plausibly give rise to an entitlement to relief." Id. An example of a legal conclusion is, "the defendant was negligent." An example of a factual allegation is, "the defendant was driving 90 m.p.h. on a road with a speed limit of 45 m.p.h.""

42. First, this Court must discard any legal conclusions masquerading as facts. Plaintiff hereby states that none of the operating facts are anything other than stone-cold facts (§37, *supra*).

43. Thus, Plaintiff has satisfied the first prong in the two-pronged plausibility test.

44. Next, this Court should determine whether Plaintiff's well-pleaded facts rise to an entitlement of relief. The examples that this Court gave fit nicely with Plaintiff's circumstances.

*"An example of a [plausible fact entitled to relief],
"the defendant was driving 90 m.p.h. on a road with a
speed limit of 45 m.p.h.""*

- Strange-Gaines v Jacksonville | 3:20-cv-00056 | 1/26/21

45. As previously detailed, Defendant [didSomethingUnlawfulToPlaintiff].

46. Thus, with this match in tow, Plaintiff has passed the second prong in the plausibility test. And as such, he has satisfied element "e" in the overarching analysis for denying That Motion.

f. Double-Check for Propriety

47. Lastly, the analysis must safeguard against injecting impropriety into the review (highlights added):

"The [REDACTED] should not be confused with the [REDACTED]; detailing all evidence in a pleading or attaching evidence to a pleading could run afoul of the "short and plain statement" requirement. Presenting arguments and all evidence in a complaint generally is [REDACTED]."

- Strange-Gaines v Jacksonville | 3:20-cv-00056 | 1/26/21

48. This Court has deemed it improper for a motion to dismiss to apply an evidentiary standard. Which, unfortunately, is what That Motion tried to do:

"Plaintiff failed to state a claim upon which relief can be granted"

- [M007]

49. [arg001]

50. Thus, Defendant is wrong: Plaintiff does not need to meet an evidentiary burden at the motion-to-dismiss stage. Evidentiary determinations are the exclusive province of the fact finder (ie, the jury - in this case).

51. Instead, as the controlling law in Twombly holds, the four corners of Plaintiff's complaint need only raise the inference that discovery will reveal evidence:

"While the facts need not be detailed, they must "raise a reasonable expectation that discovery will reveal evidence" for the plaintiff's claim. Twombly, 550 US at 556"

- Cooper v Murphy, et al | 2:18-cv-00675 | 11/6/20

52. Thus, upon double-checking for impropriety, Plaintiff has placed the final piece of the 12(b)(6) review standard squarely onto the pile for motion denials.

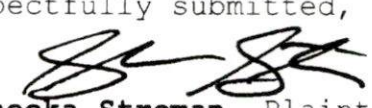
CONCLUSION

WHEREFORE, Plaintiff respectfully asks this Honorable Court to deny "[dismissMotion]", because Plaintiff has submitted a well-pled set of factual elements pointing to Defendant's unlawful conduct, worthy of a jury's deliberations.

Dated this 26 day of October 2023.

Respectfully submitted,

/s/

 10/26/23
Shaneeka Stroman, Plaintiff

335 Horses neck Rd, Swansea Sc, 29160

P: [plfPhn]

E: Shaneekastroman8@gmail.com

Get **Booked Up** on Justice!

CERTIFICATE OF COMPLIANCE

I certify that the size and style of type used in this document is Times New Roman 14-point Font (caption) and Courier New 12-point Font (contents); thus complying with the font requirements of this Court.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26 day of October 2023, I filed the foregoing with the Clerk of Courts by using its online filing page. I also emailed it to the attached service list.

/s/Shaneeka Stroman

Endnotes:

How-To Guide: (interactive)

TextBookDiscrimination.com/Guides/Responses/Dismiss-Federal-12b6.html

THE FELDER LAW FIRM LLP,

FELDER, BATES N.

FELDER, JOHN G. SR.

BANKS&NEUMEISTER ATTY AT LAW,LLP

ERNST ALAN NEUMEISTER

SERVICE LIST

(defendant's trial lawyers)

EXHIBIT A

[short title]

PLAINTIFF'S AFFIDAVIT

STATE OF SOUTH CAROLINA
CALHOUN COUNTY,

FILED

1ST DISTRICT
COURT OF COMMON PLEASE

Shaneeka Stroman

2023 OCT 26 PM 1:20

Case No 2023-CP-09-00171

Plaintiff

LARSEN FISCHER
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEWS, SC

v. CAROL B FISCHER,

EMILY MARIE FISCHER BUNKER,

BANKS&NEUMEISTER ATTY AT
LAW,LLP

TOWN OF ST.MATTHEWS ET,AL

THE FELDER LAW FIRM LLP,)

FELDER, BATES N.

FELDER, JOHN G. SR.

ST.MATTHEWS POLICE DEPARTMENT
ET,AL

Defendant (s))

**PLAINTIFF'S AFFIDAVIT IN SUPPORT OF
PLAINTIFF'S RESPONSE IN OPPOSITION TO
DEFENDANT'S MOTION TO DISMISS**

The affiant, Shaneeka Stroman, swears or affirms as follows:

Background

1. I am over the age of eighteen (18).
2. I am a plaintiff in the above-captioned case.
3. This affidavit is made in good faith.

Familiarity

4. I have read the Local Rules of Court, the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and the Middle District's Discovery Handbook.

5. The information in this affidavit is based on my own personal knowledge.

Facts

6. Plaintiff did not force her way in 307 Church St. St. Matthews, SC, 29135

7. Carol B Fischer the apparent owner of the property is disabled or incompetent and does not reside at the residence confirmed by defendants.
8. Emily Bunker Fischer is "supposedly" Carol B Fischer's personal representative. However, no records can be obtained in Calhoun County Probate Court with Judge Kathy Brown.
9. Emily Fischer Bunker does not live at, 307 Church Street. Leaving the incompetent person's dwelling abandoned, vacant, open, distressed, with bird nests and continuously unchecked mail. (Evidence exist)
10. Lis Pendens was filed and still exists. A Notice of Publication was filed to locate Defendant Carol B Fischer exc., and there was no response.

Verification Under Oath Pursuant to 28 USC §1746

I declare under penalty of perjury that the foregoing is true and correct.
Executed on this 26th day of October 2023.

UNITED STATES OF AMERICA



October 26, 2023/Shaneeka Stroman

Plaintiff/Affiant

STATE OF SOUTH CAROLINA

COUNTY OF Calhoun

FILED

IN THE COURT OF COMMON PLEAS
1st JUDICIAL CIRCUIT

2023 DEC 28

PHASE NO.: 2023-CP-09-00

171

Shaneeka Stroman

Plaintiff

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

vs.

Carol B Fischer et al
St. Matthews Police Department
Michael Smalls, Helen Carson

Emily B. Fischer
Town of St. Matthews

Defendant

Plaintiff's Attorney:

_____, Bar No. _____

Address: _____

Phone: _____ Fax _____

E-mail: _____ Other: _____

Defendant's Attorney:

John Felder Sr.

Alan Neumelster

Bates N Felder

_____, 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: _____

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

12/28/2023
Date submitted

SECTION III: Motion Fee

☒ PAID - AMOUNT: \$ 25.00

☐ 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, SCRCP)

☐ 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: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____

☐ MOTION FEE COLLECTED: \$ _____

☐ CONTESTED - AMOUNT DUE: \$ _____

FILED

COUNTY OF CALHOUN 2023 DEC 28 PM 3: 31 1st JUDICIAL CIRCUIT

Shaneeka Stroman

Plaintiff,

CLERK OF COURT
CALHOUN COUNTY
SOUTH CAROLINA

Case#2023-CP-09-00 171

Memorandum

Facts

This case shows that Plaintiff Stroman had the right to occupy vacant and abandoned property. The plaintiff occupied 307 Church Street in St. Matthews, South Carolina 29135. The plaintiff secured the property by adding locks to the property. The plaintiff also cleaned debris and ensured the property could not be apprehended. The plaintiff created a "color of title" to the real property and had it notarized, making it a legal document. Upon the written instrument, the plaintiff was no longer a trespasser and had the right to occupy.

This is the Law

Section Ann Code 15-67-20 (2022)

HISTORY: 1962 Code Section 10-2402; 1952 Code Section 10-2402; 1942 Code Section 374; 1932 Code Section 374; Civ. P. '22 Section 317; Civ. P. '12 Section 123; Civ. P. '02 Section 98; 1879 (17) 76; 1913 (27) 36; 1988 Act No. 553, Section 2.

Section Ann Code 15-67-20

HISTORY: 1962 Code Section 10-2402; 1952 Code Section 10-2402; 1942 Code Section 374; 1932 Code Section 374; Civ. P. '22 Section 317; Civ. P. '12 Section 123; Civ. P. '02 Section 98; 1879 (17) 76; 1913 (27) 36; 1988 Act No. 553, Section 2.

Section Ann Code 15-67-220

HISTORY: 1962 Code Section 10-2422; 1952 Code Section 10-2422; 1942 Code Section 378; 1932 Code Section 378; Civ. P. '22 Section 321; Civ. P. '12 Section 127; Civ. P. '02 Section 102; 1870 (14) 445 Section 105; 1873 (15) 496.

SECTION 15-67-250

HISTORY: 1962 Code Section 10-2425; 1952 Code Section 10-2425; 1942 Code Section 381; 1932 Code Section 381; Civ. P. '22 Section 324; Civ. P. '12 Section 130; Civ. P. '02 Section 105; 1870 (14) 446 Section 108.

ARTICLE 5

SECTION 15-67-410.

HISTORY: 1962 Code Section 10-2431; 1952 Code Section 10-2431; 1942 Code Section 889; 1932 Code Section 889; Civ. P. '22 Section 837; Civ. C. '12 Section 4068; Civ. C. '02 Section 2967; G. S. 2294; R. S. 2427; 1712 (2) 445.

SECTION 15-67-420.

HISTORY: 1962 Code Section 10-2432; 1952 Code Section 10-2432; 1942 Code Section 890; 1932 Code Section 890; Civ. P. '22 Section 838; Civ. C. '12 Section 4069; Civ. C. '02 Section 2968; G. S. 2295; R. S. 2428; 1712 (2) 445.

SECTION 15-67-430.

HISTORY: 1962 Code Section 10-2433; 1952 Code Section 10-2433; 1942 Code Section 886; 1932 Code Section 886; Civ. P. '22 Section 834; Civ. C. '12 Section 4065; Civ. C. '02 Section 2964; G. S. 2291; R. S. 2424; 8 H 6 c. 9; 1712 (2) 444; 1972 (57) 2535.

SECTION 15-67-440.

HISTORY: 1962 Code Section 10-2434; 1952 Code Section 10-2434; 1942 Code Section 892; 1932 Code Section 892; Civ. P. '22 Section 840; Civ. C. '12 Section 4071; Civ. C. '02 Section 2970; G. S. 2297; R. S. 2430; 21 J. 1 c. 15; 1712 (2) 445; 1972 (57) 2535.

SECTION 15-67-460.

HISTORY: 1962 Code Section 10-2436; 1952 Code Section 10-2436; 1942 Code Section 887; 1932 Code Section 887; Civ. P. '22 Section 835; Civ. C. '12 Section 4066; Civ. C. '02 Section 2965; G. S. 2292; R. S. 2425; 1712 (2) 444; 1972 (57) 2536.

SECTION 15-67-470.

HISTORY: 1962 Code Section 10-2437; 1952 Code Section 10-2437; 1942 Code Section 891; 1932 Code Section 891; Civ. P. '22 Section 839; Civ. C. '12 Section 4070; Civ. C. '02 Section 2969; G. S. 2296; R. S. 2429; 1829 (6) 338; 1972 (57) 2557.

SECTION 15-67-760.

HISTORY: 1962 Code Section 10-2456; 1952 Code Section 10-2456; 1942 Code Section 875; 1932 Code Section 875; Civ. P. '22 Section 823; Civ. C. '12 Section 4061; Civ. C. '02 Section 2960; G. S. 2280; R. S. 2420; 1712 (2) 563.

SECTION 15-67-770.

HISTORY: 1962 Code Section 10-2457; 1952 Code Section 10-2457; 1942 Code Section 876; 1932 Code Section 876; Civ. P. '22 Section 824; Civ. C. '12 Section 4062; Civ. C. '02 Section 2961; G. S. 2281; R. S. 2421; 1712 (2) 563; 1956 (49) 1601.

14TH Amendment -Section 1/United States Constitution

Defendants Argument

Even if the defendant argues that I am not the apparent owner of the property, I will still win the possession claim because the property was vacant and abandoned with no trespassing signs. Even if the defendants argue that the owner paid taxes on the property, I will still win the case because I am claiming squatters' rights. Defendants removed the Plaintiff without the magistrate's court involvement to give notice to vacate the property. The defendant applied for self-help, which is illegal in South Carolina, and failed to provide the plaintiff with due process; therefore, the Plaintiff violated state laws and is requesting all damages listed in the summary judgment pleadings.

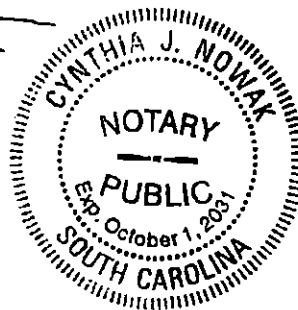
Therefore, I'm asking the courts to grant summary judgement for the plaintiff and execute on the judgement.

Shaneeeka Stroman

335 Horses Neck Rd,

Swansea SC, 29160

Shaneeekastroman8@gmail.com



Cynthia J Nowak
Cynthia J. Nowak
Notary Public
Exp. Oct. 1, 2031

1 STATE OF SOUTH CAROLINA)
2) IN THE COURT OF
3 COUNTY OF CALHOUN) COMMON PLEAS
4
5 SHANEEKA STROMAN,)
6 Plaintiff,)
7 Vs)CASE NO. 2023-CP-09-00171
8 CAROL B. FISCHER, ET AL,)
9 Defendants)

10 NOVEMBER 30, 2023
11 ST. MATTHEWS, SOUTH CAROLINA
12 HONORABLE HEATH P. TAYLOR, JUDGE
13

14 A P P E A R A N C E S:

15 The Plaintiff appeared pro se
16

17 BY: E. ALLEN NEUMEISTER, JR, ESQUIRE

18 MARTIN BANKS, ESQUIRE

19 Attorneys for Defendants Carol Fisher &
20 Emily Fischer-Bunker

21 BY: JOHN G. FELDER, SR, ESQUIRE

22 St. Matthews Police Dept & Town of St.
23 Matthews

24 KATHERINE A. SPIRES

25 REGISTERED PROFESSIONAL REPORTER

1 THE CLERK: Here is case
2 2023-CP-09-00171, Shaneeka Stroman verses Carol B.
3 Fischer, Defendant, et al. Banks & Neumeister,
4 Attorney At Law, Defendant's motion to dismiss.

5 THE COURT: All right. So I see we got
6 three on that. I guess the first one filed was
7 Mr. Neumeister. And you're Ms. Stroman?

8 MS. STROMAN: Yes, sir, I am. Good
9 morning.

10 THE COURT: Good morning. All right.
11 Mr. Neumeister and Mr. Banks, I think the first
12 motion is yours. Happy to hear from you.

13 MR. BANKS: And, Your Honor, Mark Banks
14 on behalf of Allen Neumeister and our firm as, if
15 it applies, I will just say that. Yes, we filed
16 the motion. The first motion in this case was a
17 motion for a special appearance and to extend the
18 time to answer. And, essentially, my motion, if I
19 can hand one up.

20 THE COURT: Yeah, I have the motion for
21 dismissal on the pleadings.

22 MR. BANKS: Correct. Basically, the
23 Plaintiff sued some people and in her case caption,
24 she called it -- she started -- she mentioned the
25 law firm with a parentheses. Basically, it's in --

1 I believe it should have been in like parentheses
2 right after the name of -- without a comma, I might
3 add, so she's got -- if you look at the case
4 caption, she's got -- she's sued Carol B. Fischer,
5 Emily Marie Fischer-Bunker, attorney for Carol B.
6 Fischer, then parentheses, Banks Neumeister,
7 Attorneys At Law and then, et al, basically.

8 And I believe -- a couple of things, I
9 believe the use of -- she's mentioned an unnamed
10 attorney. Then she mentions our law firm which I
11 believe was in parentheses as a parenthetical
12 expression. So I think she was just trying to
13 cover her bases in trying to sue Mr. -- the
14 attorney for Ms. Fischer.

15 MS. STROMAN: No, sir, I object to
16 that.

17 THE COURT: You'll have your
18 opportunity to talk, ma'am.

19 MS. STROMAN: Okay. Thank you.

20 THE COURT: I'll recognize you when
21 he's done with his arguments.

22 MR. BANKS: So, first of all, there's
23 an issue with what she's -- who she's trying to sue
24 in the case caption. Then you get to the cause of
25 action and that's really the most intriguing thing

1 about this. And, by the way, Your Honor, I'm going
2 to be a little less clear than I might normally be
3 because every time we filed a response, she's
4 amended and included our thoughts and our legal
5 knowledge into her response or to her next motion
6 or to her amended complaint. She's amended her
7 complaint three times -- I'm sorry, two additional
8 times. Yeah, and so --

9 THE COURT: Yeah, I think the latest
10 was October 18th.

11 MR. BANKS: That's right. And so her
12 first cause of actions were forcible entry and
13 detainer. So if she's trying to sue Allen
14 Neumeister and/or our attorney, she's trying to sue
15 him for forcible entry and detainer which as a
16 concept can't apply to Mr. Neumeister. Add to
17 that, that she didn't allege anything that he did.
18 I mean, he's never had an interaction with the lady
19 and she's admitted that. It's quite peculiar.

20 And in addition to that, she tries to
21 then link -- to cover her bases in her amendment,
22 she tries to link Mr. Neumeister, and, again, I'm
23 saying possibly our law firm because I don't know
24 if she sued our law firm yet, but she's trying to
25 link him through the police as his agent or through

1 our client. And, again, I'm speculating, I think,
2 because trying to read this is speculation.

3 In fact, to be honest with Your Honor,
4 the filings, this case so far -- and, Your Honor,
5 first motion, this case so far can be best
6 described as a cluster filing. It is just
7 absolutely nonsense. So she's originally sued us
8 -- or sued Mr. -- we think, unnamed attorney,
9 Mr. Neumeister and parenthetical expression,
10 possibly our law firm which leaves off the LLC part
11 -- the LLP part of the law firm.

12 Then she retracts or regroups and adds
13 the agency issues with the police who clearly
14 cannot be an agent of Mr. Neumeister or our law
15 firm. That would be ridiculous. And if anybody's
16 an agent of Ms. Fischer, we are. But, Ms. Fischer
17 did some things and she's saying that Ms. Fischer
18 is our agent. Or I think, it's very confusing to
19 be honest with you.

20 So we have problems with the styling.
21 We have problems with the unnamed attorney, but
22 then she amends. Okay. Then she comes to her
23 first amendment and she took all the information
24 that was provided in our motion and corrected or
25 tried to correct her case caption, but she never

1 could correct the facts because the facts are not
2 there. She has some general allegation, she never
3 names Mr. Neumeister as a person who did anything.
4 And, certainly, our law firm did nothing but
5 represent a client in a case -- by the way, the
6 previous case was 23-CP-09-98 and she filed that
7 case and dismissed it and that's where we were
8 hired and didn't have to do anything as she
9 dismissed the case.

10 And I've got that filing here where she
11 basically sued Ms. Fischer and not the Bunker for
12 -- it's hard to decide what she sued her for to be
13 honest with you. But she's made some allegations,
14 in that other suit that are contrary to the
15 allegations in this suit and I think they need to
16 take judicial notice of the discrepancies and the
17 truth that applied in that case.

18 I'll give you the briefing of the
19 complaint of the '98 case. She says, "I am going
20 to recover the property and possess the property as
21 a new owner." And that's filed June 14th. So she
22 submitted in her previous filing -- she's trying to
23 adversely -- well, I don't want to say too much,
24 she's trying to steal some property from Ms.
25 Fischer and Ms. Bunker, that's what she's trying to

1 do. And she just basically tried to move in and
2 the cops threw her out and as a trespasser.

3 So she sued the cops. She sued the
4 town. She even served Alan Wilson in this case and
5 he's not even a named party. And she should know
6 better because she's filed two cases in Lexington
7 County where she sued Alan Wilson, the governor,
8 the police, in similar facts. And, of course, she
9 got shot down and they got all those folks
10 dismissed out of that case because they have
11 nothing to do with an eviction or a trespass or
12 anything that a police officer did. So anyway, she
13 should have learned her lesson then and she hasn't
14 clearly. She's going around trying to steal
15 property in the most problematic way for her and
16 for the others.

17 Let me continue, Your Honor, I'm sorry
18 this is longer than I anticipated, but I'm a little
19 angered by this because the problem is in a case
20 like this where you've got this cluster filing, if
21 I'm representing Mr. Neumeister and maybe my law
22 firm, again, that's yet to be determined, I hope
23 you can determine that for me. If I'm
24 representing, I have to read everything that she
25 files. And the first filing had Exhibits A through

1 N that were absolutely nonsense. Nonsense. Pieces
2 of law, cases from other jurisdictions, some
3 LexisNexis stuff, I mean, just thrown in with no
4 description. So I've got to read all that stuff
5 and it takes a lot of time to even try to decide at
6 this point whether or not my law firm has been sued
7 in some way for detainer, you know, craziness.

8 So anyway, getting back to it. She
9 amends -- she amends her complaint after she
10 learned some things from our filings. And the last
11 -- the last amended complaint lists -- she just
12 basically lists a bunch of causes of action and
13 none didn't apply to our law firm. But here's the
14 list, unlawfully eviction, constructive eviction,
15 negligent infliction of emotional distress,
16 negligence, intentional infliction of emotional
17 distress of covenant of good faith, breach of
18 covenant of quiet enjoyment of premises,
19 negligence, trespass, wrongful to seize and
20 nuisance. And, again, basically it's the same
21 general facts that she didn't -- she didn't in fact
22 plead at all. That's the problem here. She didn't
23 in fact plead at all. She's just basing it on
24 well, everybody's an agent of that police officer
25 who threw me out of the house. The town, the cops,

1 the mayor, Alan Wilson, and our law firm who's
2 never had an interaction with her. Never.

3 And what we're asking you today, a
4 number of things. In fact, before she says another
5 word in this courtroom, I want you to swear her
6 because she's self-represented and she has made a
7 very convoluted -- if you look at all the cases
8 she's filed in less than a year or so, she says one
9 -- she said in this case she lives here and she
10 lives in Lexington County. She's just all over the
11 place and I want her sworn because I want you to
12 ask her two things. I want you to ask her if Alan
13 Wilson -- I mean, well, Alan Wilson or Allen
14 Neumeister, either one has ever had an interaction
15 with her in this case.

16 THE COURT: Well, Mr. Banks, we're just
17 here for motions on the pleadings.

18 MR. BANKS: I realize that, but if it's
19 going to assist the court in us being dismissed
20 without ever being sued -- I'm worried about
21 liability insurance. If somehow this goes forward
22 from today, that's on her and not on us. We
23 haven't done anything.

24 So what we're asking the court today is
25 that you, A, obviously grant this special

1 appearance and find there's no subject matter or
2 personal jurisdiction over either our law firm or
3 Mr. Neumeister. I want you to dismiss her suit
4 against us with prejudice. I want you to, if you
5 can, quash and dismiss -- quash the summons. And
6 if you deny our relief, then I would ask that you
7 that you extend the time for us to answer.

8 And I want to read you one thing. This
9 is Judge Keasley. And you're very familiar with
10 Judge Keasley. I love Judge Keasley. This is one
11 of the cases in Lexington County, Case No.
12 2018-CP-32-4154. And this is -- you think this
13 case has got a lot of filings in a short period of
14 time, that case had more filings than I've seen
15 almost in any place. And this is an order. It's
16 called an order on motions. Judge Keasley found in
17 the very first page, he said this, they're very
18 similar circumstances in this case: The motions
19 for change of venue and protective order are
20 denied. The court encourages the Plaintiff to seek
21 assistance of an advocacy group, including ones
22 that assist people with mental illness issues, he's
23 talking about the Plaintiff here, and the South
24 Carolina bar. If the Plaintiff has any mental
25 health condition that requires appointment of a

1 guardian ad litem, she and those close to her are
2 encouraged to make that request. That's Judge
3 Keasley, if you'd like to see it. And that was
4 filed March 21, 2019. So she's been basically
5 doing this -- case caption is 2018, she's been
6 doing this in repeatedly for five years -- five and
7 a half years.

8 Your Honor, I can pick apart the fact
9 that she's made, you know, just numerous filings
10 and if almost every single one of them is either
11 confusing or unnecessary. Like -- and she's filed
12 in probate court documents. Probate court
13 documents for requests for publication and
14 affidavits and she's already been told in this
15 other cases, don't do it, it's not applicable.

16 Anyway, this has been very frustrating
17 and I'm going to finish with this. Your Honor --

18 THE COURT: Now, y'all also though have
19 a 12(b) motion on the Defendants?

20 MR. BANKS: Yes, and Allen's arguing
21 that on Fischer and Bunker, yeah. So I'm going to
22 wrap up with this. I'm going to hand up my
23 attorney's fees affidavit. Your Honor, I've had to
24 read every bit of this stuff in trying to figure
25 out even if we've even been sued. And every time

1 she files something --

2 THE COURT: Did you give Ms. Stroman a
3 copy?

4 MR. BANKS: Yeah, I'm about to.

5 MS. STROMAN: Thank you.

6 MR. BANKS: So we're asking for
7 attorney's fees in addition to dismissing us from
8 this lawsuit as both the subject matter and
9 personal jurisdiction.

10 THE COURT: All right. Ms. Stroman,
11 happy to hear from you on Mr. Banks' motion with
12 regard to dismissal of their law firm.

13 MS. STROMAN: Yes, sir. No problem,
14 Your Honor. First of all, I would like to
15 apologize to Mr. Banks for any inconvenience, for
16 any misunderstandings that you have with the case.
17 It most likely wasn't done intentionally. I have
18 been -- I have other cases besides your case and I
19 just want to let you know, and I always -- I was
20 raised on trial and error and I always try to
21 correct myself as I heard you say. However, I was
22 not trying to sue the law firm with Mr. Banks. The
23 parentheses were meant to separate the Defendants
24 from the attorney's office. Due to lack of
25 knowledge, I could be wrong, I was just trying to

1 separate the Defendants and that's of course why I
2 put it in parentheses and I also listed the
3 attorney for the Defendants, you know, to try to
4 make it more clear.

5 This -- today I'm asking for a summary
6 judgement --

7 THE COURT: Well, we're going to get to
8 that in a minute.

9 MS. STROMAN: You want me to clarify
10 everything --

11 THE COURT: Yeah, we have a bunch of
12 motions before me today and I want to take them all
13 one at the time.

14 MS. STROMAN: Yes, sir.

15 THE COURT: So am I hearing you correct
16 that you're -- that you agree to dismiss the
17 attorneys from the caption of the case? Because I
18 don't read anything in the complaint where you --
19 and I see you've added the Felder's as well, I
20 don't see anything in the complaint where allege
21 that the lawyers themselves have done anything
22 wrong.

23 MS. STROMAN: They haven't.

24 MR. BANKS: Your Honor, please swear
25 her.

1 THE COURT: No.

2 MS. STROMAN: They haven't done
3 anything. And like I said, I was trying to
4 separate them from the Defendants and that's why
5 the parentheses were put there. And I apologize to
6 the courts and also to Mr. Banks and any other
7 attorneys that misinterpreted what I was trying to
8 say. But just to make it clear, I was not suing
9 the attorneys personally.

10 THE COURT: Okay. So you agree that I
11 can go ahead and issue an order dismissing -- I'm
12 looking at your amended complaint and it has Banks
13 & Neumeister, Attorneys At Law, LLP and I'm sure
14 the Felder firm feels the same way. We'll do that
15 one sua sponte and do you agree that we can go
16 ahead and dismiss them from the lawsuit?

17 MS. STROMAN: Yes, sir, I agree.

18 THE COURT: All right. So we'll issue
19 -- we'll do a Form 4 on that. So that takes care
20 of No. 1. All right. The next one on the roster
21 is the 12(b)(6) or 12(b) motion rather and that's
22 one you're going to argue, Mr. Neumeister?

23 MR. NEUMEISTER: Yes, Your Honor. I'll
24 be representing Carol Fischer and Emily Marie
25 Fischer-Bunker today.

1 THE COURT: Okay.

2 MR. NEUMEISTER: If I may have Ms.
3 Fischer and Ms. Bunker come and sit behind me,
4 please. Thank you, Your Honor.

5 Once again, this Plaintiff fails to
6 state a cause off action upon which relief can be
7 granted pursuant to Rule 8. We're making a Rule 12
8 motion to dismiss. And, quite frankly, no facts
9 have been stated supporting the following causes of
10 action or even reference to various causes of
11 action. To repeat Mr. Banks, those are unlawful
12 eviction, constructive eviction, negligent
13 infliction of emotional distress, negligence,
14 intentional infliction of emotional distress,
15 breach of the covenant of quiet enjoyment, trespass
16 and nuisance.

17 I would ask that we look at the six
18 allegations that are in the amended complaint that
19 was presented by the Plaintiff. The first is Ms.
20 Stroman in her complaint alleges that she's a
21 resident of Calhoun County. This is patently
22 false. Ms. Stroman repeatedly lists her address as
23 335 Horses Neck Road in Swansea, South Carolina,
24 Zip Code, 29160. This is a Lexington address. And
25 I'd ask the court to take note of the civil action

1 cover sheet.

2 THE COURT: Well, now, are you sure
3 about that? Because there's -- out in that area
4 the county lines move all around. I see she signed
5 the pleading as that being her address. But there
6 are areas of Calhoun County and Lexington County
7 that it's actually the horse's neck.

8 MR. NEUMEISTER: That's correct. The
9 Zip Code itself specifically lists it as Lexington
10 County.

11 THE COURT: Well, mine is listed as
12 29053 which is Gaston, but I live in Calhoun
13 County.

14 MR. NEUMEISTER: Okay. We can move on
15 from that then, Your Honor.

16 THE COURT: Okay.

17 MR. NEUMEISTER: The next point for
18 paragraph 2 is Ms. Stroman alleges that Carol
19 Fischer is the owner of property located at 307
20 Church Street. We will admit to that.

21 Paragraph 3 alleges that Ms. Stroman
22 alleges this court has jurisdiction. We will agree
23 that she has jurisdiction over these Defendants.

24 However, paragraph 4, Plaintiff, Ms.
25 Stroman, alleges that she has color and title to

1 307 Church Street. Ms. Stroman has failed to
2 provide any evidence or state any facts whatsoever
3 as to claim as to how she has any claim over the
4 title of this piece of real estate. A mere claim
5 without any supporting facts or documentation is
6 not enough.

7 Her fifth paragraph, Ms. Stroman
8 alleges that the Defendants are each other's
9 agents. To repeat what Mr. Banks says reiterated,
10 the police at no point can be anybody's agent.
11 They are not an entity that could be hired for
12 something of this nature.

13 In terms of my clients, Ms. Emily
14 Fischer-Bunker, does have agency over her mother,
15 Ms. Carol Fischer. Ms. Carol Fischer is disabled.
16 She suffers from sever dementia. Furthermore, in
17 her allegation in paragraph No. 6, this is rather
18 convoluted, but I've tried to paraphrase it, Ms.
19 Stroman claims to have lawfully possessed the
20 premises aforementioned mentioned, she claims that
21 the Defendants wrongfully entered the home and Ms.
22 Stroman further alleges wrongful eviction.

23 Well, Ms. Stroman's allegations in this
24 paragraph infer that she's a tenant and is using
25 the Residential Landlord Tenant Act to make a

1 claim. Ms. Stroman never lawfully possessed the
2 premises. And she is certainly not a tenant or
3 holdover tenant. Ms. Fischer has had ownership for
4 several years now, well before this case came
5 forth. Ms. Stroman repeatedly claims that she was
6 evicted. Well, an eviction is a legal action by a
7 landlord and removes -- in which the landlord
8 removes a tenant from the original property. Since
9 Ms. Stroman specifically alleges wrongful eviction,
10 she must provide facts supporting her tenancy.

11 Lastly, to repeat what Mr. Banks has
12 said, I have note that she makes vague and
13 inconsistent references to adverse possession. The
14 Plaintiff has failed to state any facts supporting
15 adverse possession. The Plaintiff has not occupied
16 the property for 10 years and any supposed
17 occupancy has not been exclusive.

18 With that in mind, I would ask the
19 court dismiss this matter with prejudice, award
20 attorney's fees and costs and any further such
21 relief as the court would grant. I do have an
22 affidavit of attorney costs. I've listed the hours
23 involved and this would be for a total of \$2,225.
24 A breakdown of those hours and costs are included
25 in this affidavit. May I pass that to the deputy

1 clerk?

2 THE COURT: Yes, sir. Did you give Ms.
3 Stroman a copy?

4 MR. NEUMEISTER: I have a copy for her
5 as well.

6 THE COURT: All right.

7 MS. STROMAN: Thank you.

8 THE COURT: All right. Ms. Stroman,
9 they have filed a motion to dismiss Ms. Fischer and
10 Ms. Fischer-Bunker. Now, I'm happy to hear your
11 response to that.

12 MS. STROMAN: Well, I object to that,
13 Your Honor. First and foremost, I would like to
14 clarify a few things. 307 Church Street is vacant.
15 It was vacant when I found out the information on
16 it. It was also abandoned. Which I have
17 documentation to clarify that it was vacant and
18 abandoned. Just to prove the good faith part of
19 entering the property, St. Matthews police was
20 called out and I will swear on this, I will put my
21 right hand up, if need be.

22 THE COURT: If you'd like to that would
23 be fine.

24 MS. STROMAN: Yes, sir.

25 (WHEREUPON, SHANEEKA STROMAN was sworn

1 in.)

2 MS. STROMAN: All right. So St.
3 Matthews Police Department was called out once I
4 took interest in the property. I did not go on the
5 property. The property was open. The windows were
6 open. The doors were open. Upon calling St.
7 Matthews Police Department out, I actually wanted
8 more information on the property.

9 Upon speaking with the police officer,
10 Mr. Michael Smalls, he -- I actually had someone
11 else with me as well because we were both -- well,
12 I was, but he was with me, but he clarified that
13 the house has been vacant and abandoned for 10
14 years. And he also clarified that there was an
15 older lady that used to stay there. He did not
16 clarify her name, but I'm assuming it was Carol
17 Fischer. He said that she had been cited several
18 times because of kittens, eight kittens in her home
19 in that she -- her daughter came to get her and it
20 took her a while to leave and that that was 10
21 years or longer.

22 And so I said, well, is it okay for me
23 to go in? And so, you know, I just want to clarify
24 that I'm not a criminal. I admit no, you know, I
25 didn't try to go in, you know, without consent and

1 find out more information about the property.
2 However, the police okayed for me to go in. And he
3 also mentioned that if he were me, he will take big
4 man, those are his words, quote/unquote, which is
5 the fellow in the audience, that I should take
6 someone with me, you know, just to be safe and
7 found. But he did clarify that he said it's open,
8 the lady hasn't been there 10 some odd years and
9 there's no trespassing signs. So with that being
10 said, that's how I ended up entering the premises.

11 And, you know, Carol Fischer wasn't
12 there. And, you know, and so I even went on to go
13 to the tax assessor's office. I spoke with them in
14 reference to the property. They said that Carol
15 Fischer had no updated address on file. Okay. I
16 also showed in good faith, mailed because they said
17 that that was her physical residence. I also
18 mailed a letter, certified mailing, which I have
19 documentation of just to see if there was going to
20 be any response. It was returned back to sender
21 which is me, and it was marked vacant. And not
22 only by the post office, but I also had Calhoun
23 County Sheriff's Department go out and serve Carol
24 Fischer because they have that as her physical
25 residence. And so upon them doing that, I also

1 have documentation that they actually said the home
2 was abandoned.

3 After certain evidence, I even went to
4 probate court, which I spoke with Ms. Brown. She's
5 downstairs in this courthouse.

6 THE COURT: I'm familiar with Ms.
7 Brown.

8 MS. STROMAN: And I requested, you
9 know, to find out more information, you know, that
10 I received this vacant and abandoned documentation
11 to see if there was a personal representative on
12 file. Upon her looking it up, she actually gave me
13 documentation stating that there was no personal
14 representative. And after that, you know, I
15 actually went as far as doing publication, you
16 know, just to see if anyone would respond.

17 Upon doing publication, it's supposed
18 to be three weeks for the State of South Carolina,
19 however, I was a little bit more lenient and gave
20 her four weeks to respond which I understand that I
21 had 30 day to wait for her response after the weeks
22 that it's put in the paper because that's the South
23 Carolina state law. However, there was no
24 response. I actually went on ahead because the
25 previous case as they were mentioning was adverse

1 possession claim. And so I said, well, you have to
2 be there 10 years. I don't want to look like a
3 liar. You know, I really do follow the rules. And
4 so I want to pull this case out of this court and
5 I'm going to go ahead and finish possessing the
6 property because you have to be there 10 years
7 which in my affidavit saying that I would
8 continuously be there.

9 THE COURT: But you agree you haven't
10 been there 10 years?

11 MS. STROMAN: I haven't been there 10
12 years, no, sir. In my affidavit, I have that I
13 will continuously occupy it and I will occupy it
14 and I will take adverse possession, you know,
15 comparing it to the 10 years. So this affidavit
16 states just that. I hate to mention this, but I
17 have to for the record, there's someone working in
18 the courts, her name is Ms. Mitchell, she works at
19 the Register of Deeds. You know, I go in Register
20 of Deeds and she says, did you speak to Mr. Banks
21 about that property? I think you need to talk to
22 Mr. Banks. So with that being said, come to find
23 out, Mr. Banks is not the owner of the home. I'm
24 clarifying that Carol Fischer -- Carol B. Fischer
25 is the owner of the home, so I had no idea, why

1 would I be talking to Mr. Banks in reference of the
2 home, you know, before I continue filing my court
3 filings?

4 So, you know, that was a question. And
5 so when the officer came out --

6 THE COURT: Let me stop you there. So
7 you acknowledge that Ms. Fischer owns this home?

8 MS. STROMAN: Yes, sir, I do. I do
9 acknowledge that Ms. Fischer is the owner and I
10 actually have that in my previous complaint before
11 I amended it because they were saying that
12 something frivolous and I don't want to be
13 frivolous. So, yes, I am aware that Ms. Carol B.
14 Fischer is the owner of the home.

15 Now, after Ms. Mitchell mentioned
16 Mr. Banks, what I did was I said, well, wow, this
17 is crazy, you know, he's not the owner of the home.
18 And so I end up going, I have video, I went raking
19 the yard. No one bothered me for two months, like
20 for the record. I actually took possession of the
21 home on June 14th. So I have this documentation
22 here, you know, just to have on file in case
23 anybody comes and question me about it. So this
24 here this day, June 14th was 2023, so that's not 10
25 years. That's also clarified that I'm not claiming

1 the full adverse possession.

2 I went to the home, raked the yard.
3 There were vines around the home. Pulled vines
4 down. I actually -- the doors were open, I went
5 and bought keys to secure the property. I actually
6 purchased five or six no trespassing signs because
7 there were none. I placed them in the front of the
8 property, on both sides of the property, and in the
9 back of the property because that's sufficient to
10 South Carolina state law. You have to put all
11 those no trespassing signs around the home so that
12 no one can occupy it and no one trespasses.

13 After all of this, that's when St.
14 Matthews police officer came at the residence and
15 he actually came because I called. I called the
16 police department because my personal property was
17 gone. I have left some statutes there, my no
18 trespassing signs were gone, everything that I had
19 put into the home was gone except for the lawnmower
20 which is still there as of this day. He wrote me a
21 report, okay, for larceny. He did write me a
22 report. I have that report here for documentation.

23 Upon that report, he had given me a
24 report. And this report was from Emily
25 Fischer-Bunker. Okay. I am aware I was

1 trespassing. Okay, Your Honor. I know that Carol
2 B. Fischer is the owner. And I also am aware that
3 I was trespassing. And she -- I don't know Carol
4 B. Fischer and Carol B. Fischer doesn't know me.
5 However, there's a process in the State of South
6 Carolina where if someone is on the property and
7 that the owner or personal representative,
8 quote/unquote, they have to evict you from the
9 property. That's just from my understanding. I
10 don't know how, you know, 100 percent thorough I
11 am, but to make a long story short, I listened to
12 the police. I left the property. I haven't been
13 back on the property. And, you know, because I
14 know that this was a civil matter and that I would
15 be coming to court to discuss this situation
16 further.

17 Now, there is a complaint on me for
18 trespassing and I was told not to go back on the
19 property and I didn't. And so with that being
20 said, this is where we end up today. Like I said,
21 I made improvements which is in my affidavit and in
22 my affidavit states that I have possession of the
23 property. Like I said, the post office had no new
24 address for Carol B. Fischer. It was actually
25 listed by everyone that she actually lives there,

1 which she doesn't.

2 So with that being said, you know, with
3 respect to the court, anything that I had done
4 wrong, I can vouch for it and I most definitely
5 apologize. However, I don't think that I was doing
6 anything wrong as a squatter, you know. South
7 Carolina does have squatter laws.

8 Upon them putting me out, I was using
9 335 Horses Neck Road because that's where I went
10 back to until we figure out what was going to be
11 today. You know, I would be receiving mail there
12 until after today. Until I find out and come up
13 with a conclusion because I did not want to go back
14 on the property and be arrested.

15 And, currently right now, I'm in law
16 school. I do, I attend law school, Regent
17 University, so I'm learning. You know, it takes
18 time to learn. It's a lot of laws. Different
19 states, I mean, it's a whole lot to learn, so I'm
20 my best to try to explain myself as best as I can.
21 However, if I'm not doing that correctly, I most
22 certainly apologize and, you know, stand behind
23 everything that I say.

24 THE COURT: Okay. Well, tell me this,
25 you say, you acknowledge that you took possession

1 of the home on June 14th of 2023?

2 MS. STROMAN: Yes, sir.

3 THE COURT: Under what authority did
4 you take possession?

5 MS. STROMAN: Well --

6 THE COURT: I mean, under what you're
7 saying to me because I'm not at my house right now,
8 you can go take possession of my house and I
9 probably wouldn't be too happy about that.

10 MS. STROMAN: Well, Your Honor, like I
11 said, I tried to find the owner. That was my first
12 -- my first thing and foremost. And then --

13 THE COURT: Well, and I think you were
14 taking the right steps to begin with, I certainly
15 commend you for that. You found a house you may
16 want to purchase or whatever and you went through
17 all the right steps in the beginning trying to find
18 the owner and went to the assessor and went through
19 the Register of Deeds and those are all the proper
20 steps, but I don't think you get to just move in,
21 do you?

22 MS. STROMAN: Well, if you can find a
23 law for me, I'm trying to find it, it says in South
24 Carolina that squatters can move in vacant and
25 abandoned property. And it has to be vacant and

1 abandoned. It says that. It has to be vacant and
2 abandoned. And also I have --

3 THE COURT: I'm happy to hear or look
4 at anything you have with regard to that. But it
5 doesn't sound like this property -- it may have
6 been vacant, but it doesn't sound like it was
7 abandoned.

8 MS. STROMAN: Now I have documentation
9 of that as well. And I can give that to you. And
10 this is actually from Calhoun County Sheriff's
11 Department. As a matter of fact, he let me know
12 once I spoke to him, Officer Graham, he said -- I
13 said, well, I called to see if he went to the home
14 and he said, well, you know, that house is
15 abandoned. I'm sure you knew that. Which I did
16 know it was abandoned, but I wanted verification
17 from the sheriff's department.

18 THE COURT: Okay. Anything else?

19 MS. STROMAN: What I would like to ask
20 is, you know, that I have possession of the
21 property --

22 THE COURT: Hold on a second. I'm just
23 dealing -- we'll get to your motion in a minute.
24 I'm dealing specifically with Mr. Neumeister's
25 motion to dismiss against Ms. Fischer and Ms.

1 Fischer-Bunker that you have not pled sufficient
2 facts in your complaint to support a cause of
3 action under Rule 12. That's all I'm dealing with
4 right now. I'll listen to anything you want to
5 tell me in a minute about your motion.

6 MS. STROMAN: Well, to my knowledge,
7 Your Honor, you know, I feel that I've stated
8 enough information. I don't know if I have or
9 haven't, but I feel that I stated enough
10 information to have his request objected to.

11 THE COURT: Okay. All right. Well,
12 I'll take that one under advisement as well. All
13 right. And I think next -- all right.
14 Mr. Neumeister, I'm sorry, do you have anything
15 else to add?

16 MR. NEUMEISTER: If I may, I would like
17 to note that this residence was not abandoned, that
18 my client had regularly gone to the property. She
19 does live, I believe, in the low country where she
20 takes care of her mother, but she did come up here
21 and check on the property. Furthermore, taxes have
22 been paid. Things of that nature have been
23 accomplished to take care of the property in the
24 legal sense of taxation.

25 And just to go back to an earlier

1 statement I made about paragraph 1.. The court
2 noted that sometimes Zip Codes may straddle lines.
3 Mr. Banks was so gracious to provide his computer,
4 we used GIS mapping to see if this was an address
5 in Calhoun County, it is not.

6 THE COURT: Okay.

7 MS. STROMAN: And, Your Honor, if you
8 don't mind, I have this documentation here if I can
9 present it to you for the property being stated as
10 abandoned. And this here comes from Calhoun County
11 Sheriff's Office, Thomas Summers, and I also have
12 this original certified mailing being returned to
13 sender because the property, it was vacant.

14 THE COURT: Was that attached to any of
15 your filings?

16 MS. STROMAN: Yes, sir, I did. I put
17 that in my filings.

18 THE COURT: Was that in your original
19 complaint?

20 MS. STROMAN: I believe so, Your Honor.

21 THE COURT: What you got there? What's
22 it called?

23 MS. STROMAN: This is a piece of mail
24 that was returned to me. This is documentation
25 that the county -- Calhoun County recognized the

1 property as being abandoned. And this here is --

2 THE COURT: Was that Exhibit I to your
3 -- yeah, okay, I see what you're talking about.

4 MS. STROMAN: And this here comes from
5 probate, it's Exhibit D stating that Carol B.
6 Fischer has no personal representative.

7 THE COURT: Okay.

8 MS. STROMAN: And I don't know if
9 you've seen this, Your Honor, but I did bring a
10 case to try to compare it to having possession of
11 the home. It's *State verses Bates*. It's a Supreme
12 Court case. And if you need the citation to it, I
13 can let you see it because there's some good stuff
14 there about having possession of something
15 regardless of who is the true owner or who has the
16 original title and if there is original title
17 that's available.

18 THE COURT: Yeah, what's the cite on
19 that?

20 MS. STROMAN: It's *State verses Bates*,
21 Supreme Court South Carolina, February 22, 1911
22 decided, 7778.

23 THE COURT: All right. We'll take a
24 look at that. All right. Anything else on the
25 motion to dismiss Ms. Fischer and Ms.

1 Bunker-Fischer (verbatim)?

2 MS. STROMAN: Just I want to -- just
3 for the record, there's a larceny charge here.
4 When the no trespassing signs were removed, all of
5 my personal property was removed. It does have the
6 value at -- listed as \$1,450. And I was told by
7 the police officer that the owners went and removed
8 everything. I had a key to the door for the two
9 months that I was there. They went and broke in
10 and they put some furniture in front of it so they
11 did break the locks that I purchased and took the
12 personal belongings. So I do have this police
13 report.

14 THE COURT: Okay. I think it was
15 attached to one of them as well, wasn't it?

16 MS. STROMAN: Come again, I didn't hear
17 you?

18 THE COURT: I believe it was attached
19 as well, wasn't it?

20 MS. STROMAN: Yes, sir, it was.

21 THE COURT: It was Exhibit L?

22 MS. STROMAN: That's right.

23 THE COURT: Okay. I saw it. Anything
24 else?

25 MS. STROMAN: No, sir.

1 THE COURT: Mr. Neumeister?

2 MR. NEUMEISTER: I would like to just
3 reiterate that none of the pleadings that were
4 provided by this Plaintiff including much of the
5 information that she's provided today; furthermore,
6 even the information she's provided today does not
7 support these causes of actions. Therefore, I
8 reiterate my request that this be dismissed.

9 THE COURT: Okay.

10 MS. STROMAN: And, Your Honor, if I
11 could just approach the courts one more time.
12 Hopefully, you see this, if not, I can show you a
13 copy, but I have an affidavit of due diligence as
14 well. Reaching every avenue to try to reach the
15 official owner. And like I said, there was no
16 personal representative listed, so I didn't know
17 about Emily Bunker. But I do have an affidavit of
18 due diligence so that I can remain in possession of
19 the home that was abandoned and vacant.

20 THE COURT: Okay. Anything else on
21 that?

22 MS. STROMAN: No, sir.

23 THE COURT: All right. All right. So
24 now we have -- next we have Ms. Stroman's motion
25 for summary judgement. Okay. Ms. Stroman, I'm

1 happy to hear from you.

2 MS. STROMAN: All right. Well, with
3 the evidence that I have to present, I'm asking for
4 a summary judgement on the documentation that I
5 have to provide to the courts to get back
6 possession of the property and to have them -- I
7 will, you know, I don't mind leaving the property,
8 but I'm requesting that they do it lawfully.
9 Because the way that they did it to my knowledge
10 was unlawfully.

11 I was there for two months fixing up
12 everything, you know, making things better. I have
13 a before and after picture and I also have videos
14 of work that I had did to the property. So with
15 that being said, on the affidavits and
16 documentation that I have provided that the court
17 has, if you see in -- offer this affidavit of the
18 color title that he was referencing to was
19 documentation saying that I was going to have
20 possession of the property. It was vacant and
21 abandoned and that I will be cleaning it up and
22 fixing it up under the Betterment Act, you know,
23 making it better and making it a home, actually,
24 because it wasn't being taken care of and it was
25 wide open. So off of the facts of the case and

1 acknowledging that it was vacant and abandoned and
2 I took possession of it, just asking that based off
3 of the facts that I get possession of the property
4 back and that's why I submitted the summary
5 judgement.

6 Just for the record, I had did a motion
7 for interlocutory before this court date, I had did
8 a motion for that because of the things that were
9 -- was going on within the courts. I had people
10 telling me that there's no need for me to put in
11 any documentation and they were going to put
12 documentation behind it saying that, you know, it
13 wasn't going to be recognized and being told that I
14 have to speak to Banks before, you know, just
15 people interfering in the trial process to simply I
16 think try to hinder me from moving forward and
17 possessing the property. I had asked for
18 interlocutory requests on that motion and I don't
19 know how you would take that, Your Honor, but I
20 just wanted to bring that up. So that it can be
21 reviewed in the statements that were being made
22 prior to today to be taken into consideration.

23 THE COURT: Okay. Is that all you have
24 on your motion?

25 MS. STROMAN: Yes, sir.

1 THE COURT: Okay. And I'm still back
2 to the issue of under what authority because the
3 issue is basically the same in the other motion
4 under what authority you took possession of the
5 home?

6 MS. STROMAN: I think it's 15-67-10, if
7 I'm not mistaken. 15-67-10 and 15-67-20 and
8 15-67-30, if I'm not mistaken. These are some
9 things that I listed into the affidavit. If you
10 can look at those laws. And also you can put in
11 there 27-18-30 and 27-18-60. It's 27-18-170.

12 THE COURT: Okay. Anything else?

13 MS. STROMAN: No, sir.

14 THE COURT: All right. Anyone else
15 want to be heard on the motion for summary
16 judgement?

17 MR. FELDER: Your Honor, on behalf of
18 the town, we have a pending motion to dismiss. We
19 haven't even fully pled this matter yet, so we feel
20 like from the town's standpoint at least the
21 summary judgement motion may be getting the cart
22 before the horse. So we'd ask that -- I mean, to
23 be dismissed without prejudice as far as the town
24 is concerned.

25 THE COURT: Okay.

1 MS. STROMAN: Well, Your Honor, I
2 object to that as well. Because the town has to be
3 served when a police officer is involved.

4 THE COURT: Why?

5 MS. STROMAN: From my understanding,
6 the town had to be served. If it was involving the
7 police officer or anybody --

8 THE COURT: Well, yeah, if you were
9 suing the town, yeah, they do. But what he's just
10 saying is summary judgement is not appropriate
11 against the town at this juncture in your favor.
12 Okay?

13 MS. STROMAN: Okay.

14 THE COURT: All right. Mr. Neumeister,
15 on behalf of your client?

16 MR. NEUMEISTER: We would also dispute
17 the allegations for summary judgement. I believe
18 that we have stated the facts that clearly
19 contradict the ownership of this property by the
20 Plaintiff. And if this were to go forward and this
21 would not to be dismissed with prejudice, we would
22 like to be able to have the opportunity to plead
23 those facts and show that my client and her mother
24 have owned this property and taken care of it and
25 it has not been abandoned.

1 And I do apologize, Your Honor, I would
2 like to reiterate the request for attorney fees
3 both specific to our pleadings and our response to
4 the motion for summary judgement.

5 THE COURT: All right. Anything else,
6 Ms. Stroman?

7 MS. STROMAN: Yes, sir. I would like
8 to also reiterate attorney fees and anything that
9 the courts deem just and proper because I did spend
10 some money, you know, on this case.

11 THE COURT: You don't have an attorney?

12 MS. STROMAN: No, sir. Well --

13 THE COURT: I think it would be
14 improper for me --

15 MS. STROMAN: Self-litigant pro se
16 fees?

17 THE COURT: No, ma'am.

18 MS. STROMAN: Okay.

19 THE COURT: Good try though. All
20 right. Anything else on the motion for summary
21 judgement?

22 MS. STROMAN: No, sir.

23 THE COURT: All right. All right.

24 Looks like lastly we have the town's and the
25 mayor's motion to be dismissed. Mr. Felder?

1 MR. FELDER: Yes, sir. Please the
2 Court, Your Honor?

3 THE COURT: Yes, sir.

4 MR. FELDER: I've been practicing 54
5 years and it's an honor to be in front of you for
6 the first time.

7 THE COURT: Appreciate that.

8 MR. FELDER: Your Honor, I'm going to
9 be very brief, I promise you because it's been
10 likely said. First of all, the police chief went
11 around there on the no trespass. He's just simply
12 doing what he's required to do. And, No. 2, the
13 rightful owner of this property as far as the
14 records in Calhoun County show the tax record and
15 everything is Ms. Fischer and apparently she
16 talking to Mr. Neumeister she has a person that
17 stands instead for her by legitimate power of
18 attorney. So that's one thing.

19 No. 2, the mayor, Helen Carson
20 Peterson, couldn't identify Ms. Stroman in a
21 lineup. She doesn't know her. That's not to put
22 down either one of them. It's just a fact. And so
23 the town now has been sued. There's no -- if you
24 read this, there's no complaint under 12(b)(6) and
25 that's why we did that. And what we would ask is

1 it be dismissed, if not, we would ask that the town
2 be dismissed and the chief be dismissed and the
3 mayor be dismissed because there -- this is a
4 dispute if there is one and I'm not conceding there
5 is one. That would be up to you, Your Honor,
6 whatever you rule is certainly what we're going to
7 abide by.

8 But if there is a dispute, it's between
9 Ms. Stroman and Ms. Fischer. And we -- the town
10 has nothing to do with this. We just enforcing the
11 law and doing what any normal municipality would
12 do. And I've told her that. Ms. Stroman has been
13 to my office at least two or three times. I hope
14 I've treated you fine. You were respectful to me
15 and I appreciate that.

16 MS. STROMAN: Yes, sir. I thank you.

17 MR. FELDER: And I'm not getting into,
18 you know, any of that. It doesn't state the cause
19 of action of 12(b)(6).

20 THE COURT: Okay. Ms. Stroman?

21 MS. STROMAN: Yes, sir.

22 THE COURT: Your response? Because --
23 and I'll tell you where I'm a little hung up. You
24 acknowledge to me under oath that you were
25 trespassing?

1 MS. STROMAN: Yes, sir, I understand
2 that.

3 THE COURT: And the town has the
4 obligation to enforce the laws.

5 MS. STROMAN: Yes, sir.

6 THE COURT: And as Mr. Felder is
7 saying, I think, they don't really have a dog in
8 the fight between you and Ms. Fischer. They were
9 just doing what they were asked to do.

10 MS. STROMAN: Yes, sir. Well, Your
11 Honor, that I took possession of the property, the
12 police officer, I asked him, I said, you know, do
13 you want to see the law? That the owners of the
14 property, you know, they have to evict me. Because
15 I had things there and I had done work there. And
16 so legally, I think that -- I mean -- no, I know
17 that I was suppose to be maybe evicted. I mean, I
18 had utilities on in my name and those were --
19 someone had turned the utilities back off and put
20 it back in someone else's name. So the utility
21 company allowed me to get lights. However, the
22 town of St. Matthews wouldn't allow me to get
23 water. And so that was the dilemma. Me not being
24 able to obtain water, but obtain lights. Because
25 the utility company did admit that there was

1 someone over the lights, but no one lived there.

2 THE COURT: Okay. But I'm just asking
3 you, what, if anything, the town or in your
4 complaint you allege the town or the chief or the
5 mayor has done wrong?

6 MS. STROMAN: Well, the police officer,
7 first of all, he told me to leave and don't come
8 back.' I feel like I had, you know, the right to be
9 there because I had my documentation, you know, and
10 I was improving the place. You know, I did know
11 that if the owner came and told me, you know, gave
12 me eviction notice that, you know, I would have to
13 leave. But I'm not aware of them making me leave
14 and saying if I come back that, you know, I would
15 be on trespassing. And I never got to see the
16 owner. No one ever approached me. The owner never
17 approached me. Carol B. Fischer from my
18 understanding is incompetent. So, you know, I just
19 didn't think that I needed -- I was trespassing,
20 but I thought that it probably be another way they
21 would go about it as far as like eviction process
22 and so forth.

23 And so with him being the person that
24 came and gave me the trespassing and told me that
25 if I come back that I would go to jail. He was

1 armed. I didn't know, you know, I was in fear,
2 that's why I never went back. And so that's, you
3 know, I just feel like he was a part of it. Not a
4 part of Emily Bunker-Fischer, but a part of making
5 me leave without giving me the proper, I guess,
6 procedurally.

7 THE COURT: Okay. Anything else,
8 Mr. Felder?

9 MR. FELDER: Nothing from us.

10 THE COURT: Okay. Anything else you
11 want to tell me, Ms. Stroman?

12 MS. STROMAN: Yes, just one more time.
13 I was refused water on the property, but I received
14 lights. I did have utility in my name. And as of
15 this day I do. Like I said, I don't know who took
16 the lights back out of my name, but that's what
17 happened. And from my understanding, I had to sue
18 the town because the police officer works for the
19 town. And if they did, I guess, intervene, that
20 they were a part of it too. Because that's the
21 same officer that told me I can go in the premises.
22 It's no trespassing signs. It is abandoned, and so
23 forth, so that's the same officer that put me on
24 trespassing. So it was very confusing.

25 THE COURT: Okay. Anything else?

1 MR. NEUMEISTER: We would also ask that
2 if the court finds for the town and you do find
3 that the police acted within the scope of their
4 duties, that these other actions be dismissed as
5 they hinge upon the police's involvement in the
6 supposed eviction or wrongful eviction.

7 THE COURT: All right.

8 MS. STROMAN: And, Your Honor, the only
9 reason I used forced entry was because I did have
10 keys to the property. The locks were broke. They
11 went in and they moved big refrigerators in front
12 of the place. So after they went in and did all of
13 this, the property still wasn't secured and I had
14 secured the property. And I actually had no
15 trespassing signs up. So if you could take that
16 into consideration whoever did all of this and took
17 my items down and as of today the property is still
18 probably open. So, if you can take that into
19 consideration, I would appreciate it.

20 THE COURT: I'll take them advisement
21 and let y'all know something.

22 MS. STROMAN: Thank you, Your Honor.

23 THE COURT: All right.

24 - - -END OF REQUESTED TRANSCRIPT OF RECORD- - -

25

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF CALHOUN)

I, KATHERINE A. SPIRES, Registered Professional Reporter for the First Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Orangeburg County, South Carolina, on the 30th of November, 2023.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

August 23, 2024

Katherine A. Spires

Katherine A. Spires

Registered Professional Reporter