

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY

Stephanie N. Lawrence, Master-in-Equity
Lower Court Case No. 2024-CP-40-05584

Appellate Case No. 2026-001485

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AUG 27 2026

SC Court of Appeals

U.S. Bank Trust Company, National
Association, as Trustee for Velocity
Commercial Capital Loan Trust 2023-1,
Plaintiff/Respondent,

v.

V&M Properties of S.C., LLC;
Deshandria Cruse; V&M S.C., LLC;
Point Arcadia Horizontal Property
Regime, Inc.; Palmetto Citizens Federal
Credit Union; & Nancy Cooper fka Nancy
Vance Ashmore,
Defendants,
Ex Parte: Dr. Michael A. Addison,
Appellant.

**MOTION FOR LEAVE TO FILE SUPPLEMENTAL MEMORANDUM
OF CONTROLLING AUTHORITIES AND SUPPLEMENTAL MEMORANDUM
IN SUPPORT OF RULE 221 PETITION FOR REHEARING**

MOTION FOR LEAVE

Appellant Dr. Michael A. Addison, appearing pro se, respectfully moves under Rule 240, SCACR, for leave to file the supplemental memorandum set forth below in support of his timely pending Petition for Rehearing under Rule 221, SCACR. The public appellate docket continues to identify the case status as "Petition for Rehearing Pending," and no remittitur is shown.

The proposed memorandum does not raise a claim concerning Unit B107. Appellant seeks no ownership, possessory, or injunctive relief concerning B107. That unit appears only because the Court's July 21, 2026 dismissal order identified B107, while the certified transcript establishes that Appellant appeared for Unit Q-190 and a different occupant appeared for B107. This filing concerns only 6905 Cleaton Road, Unit Q-190, Columbia, South Carolina 29206, TMS No. 16952-02-02.

Leave is warranted because two published South Carolina decisions bear directly on issues already preserved in the rehearing petition: *Maybank 2754, LLC v. Zurlo*, Opinion No. 6081 (S.C. Ct. App. filed Aug. 7, 2024), concerning the effect of a foreclosure judgment on an unserved nonparty over whom the foreclosure court lacked personal jurisdiction; and *Skydive Myrtle Beach, Inc. v. Horry County*, 428 S.C. 638, 837 S.E.2d 485 (2020), concerning whether forced ejectment makes an appeal moot when reversal can restore possession. The authorities support the existing nonparty-jurisdiction, mootness, intervention, and practical-relief issues; they do not ask the Court to adjudicate final title on the present record.

Appellant therefore requests that the Court grant leave, accept the proposed supplemental memorandum, and consider it together with the Rule 221 petition. This motion may be decided without oral argument under Rule 240(h), SCACR.

SUPPLEMENTAL MEMORANDUM

I. MAYBANK CONFIRMS THAT A FORECLOSURE JUDGMENT CANNOT BIND AN UNSERVED NONPARTY'S INDEPENDENT CLAIM WITHOUT PERSONAL JURISDICTION.

In *Maybank 2754, LLC v. Zurlo*, the Court of Appeals held that a foreclosure order did not bind Maybank because Maybank was not named or served and the master therefore lacked personal jurisdiction over it. The Court relied on *Sheffield v. Grieg*, 105 S.C. 219, 226, 89 S.E. 664, 666 (1916), which held a foreclosure judgment was not binding on persons who were not parties, and *BB&T v. Taylor*, 369 S.C. 548, 551, 633 S.E.2d 501, 503 (2006), which states that a judgment is void when a court acts without personal jurisdiction. Maybank further explained that actual notice to an associated individual did not confer personal jurisdiction over the separate unserved entity or bind that entity to the foreclosure order.

The July 21 dismissal order expressly states that Addison “was not a party to the foreclosure action.” That fact should not be used simultaneously to fault him for failing to appeal

the foreclosure decree as though he were a named party. A nonparty ordinarily must seek intervention before obtaining appellate review. Addison did so when Respondent sought a writ directly authorizing his physical removal; the Master denied intervention, and Addison appealed the later orders affecting him.

Maybank does not establish that Addison conclusively owns Q-190 or that his alleged interest has priority over Respondent's mortgage. It does establish that the completed foreclosure did not itself adjudicate or extinguish an independent interest belonging to Addison if the court never acquired personal jurisdiction over him. The existence, timing, nature, enforceability, and priority of his claimed interest are merits questions that remain adjudicated.

The current record presents a colorable claim requiring adjudication: Addison and Angela T. Franks occupied Q-190 before the foreclosure complaint was filed; the May 2024 lease identified Addison as an adult occupant; Franks later executed a purchase agreement for Q-190; and Franks swore that she and Addison were pursuing the purchase together, made payments, performed repairs, and maintained the property. The lower court treated the purchase claim as a separate matter rather than deciding it, yet used the foreclosure writ to dispossess Addison. Under Maybank, the foreclosure judgment cannot be presumed to have resolved a claim belonging to an unserved nonparty.

II. SKYDIVE HOLDS THAT FORCED EJECTMENT DOES NOT MOOT AN APPEAL WHEN REVERSAL CAN RESTORE POSSESSION.

In Skydive Myrtle Beach, Inc. v. Horry County, the Supreme Court reversed a Court of Appeals decision dismissing an ejectment appeal as moot. Skydive had already been removed from the premises after the lower court denied a stay, but the Supreme Court held the appeal remained live because reversal could have the practical effect of returning Skydive to possession. The Court distinguished voluntary surrender from removal under court and law-enforcement

authority and emphasized that delay did not eliminate the judiciary's power to grant effectual relief.

The mootness posture here is materially analogous. Addison did not voluntarily relinquish his claim to Q-190. He opposed the writ, moved to intervene, sought a plenary hearing, filed Rule 59(e) relief, requested a stay and statutory undertaking, filed a notice of appeal, and petitioned for rehearing. The writ authorized forcible removal by the Sheriff. Addison has consistently sought restoration of possession if the challenged orders are reversed.

Skydive is controlling on the threshold mootness issue even though Skydive ultimately lost on the merits of its right to occupy. That distinction is decisive. The Supreme Court first required the appellate courts to decide the merits because restoration of possession was legally possible; only then did it hold Skydive lacked a continuing contractual right. The same sequence is required here. Whether Addison's alleged interest is valid is a merits question, not a reason to dismiss the appeal before review.

Practical relief remains available without undoing the foreclosure sale. The Court may reverse the denial of intervention; vacate or limit the writ as applied to Addison; remand for a plenary hearing on the alleged independent interest; review the Rule 59(e), stay, and undertaking rulings; or, if Addison prevails on the merits, order relief affecting possession. Under Skydive, the availability of any such effectual relief defeats mootness.

III. READ TOGETHER, MAYBANK AND SKYDIVE REQUIRE MERITS REVIEW OF THE POST-FORECLOSURE ORDERS AFFECTING ADDISON.

Maybank answers the jurisdictional premise: a foreclosure judgment cannot automatically bind an unserved nonparty's independent claim. Skydive answers the mootness premise: forced loss of possession does not eliminate an appeal when a favorable ruling could

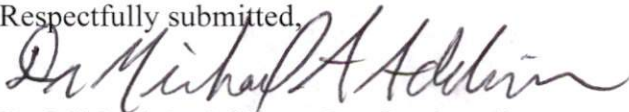
restore possession. Together, the cases undermine the conclusion that no practical relief is possible merely because the sale was completed and Addison was not a foreclosure party.

Addison does not seek relief concerning B107 and does not ask this Court in the rehearing proceeding to declare final title to Q-190. He asks the Court to correct the property identification, withdraw the mootness dismissal, reinstate the appeal, and permit merits review of whether the Master properly denied intervention and used a writ of assistance against a nonparty whose alleged independent possessory and equitable interest was never adjudicated.

RELIEF REQUESTED

1. grant this Motion for Leave and deem the Supplemental Memorandum filed;
2. grant rehearing and withdraw or vacate the July 21, 2026 dismissal order;
3. correct the record to identify the property at issue as 6905 Cleaton Road, Unit Q-190, Columbia, South Carolina 29206, TMS No. 16952-02-02, and clarify that Appellant asserts no claim concerning B107;
4. reinstate the appeal for merits briefing and review of the denial of intervention, writ of assistance, Rule 59(e) ruling, and stay/undertaking ruling;
5. vacate or limit the writ as applied to Addison, or remand for a plenary determination of his alleged independent possessory and equitable interest and any appropriate interim or restorative relief; and
6. grant such other relief as is necessary to preserve meaningful appellate review.

Respectfully submitted,



Dr. Michael A. Addison, Pro Se, Appellant

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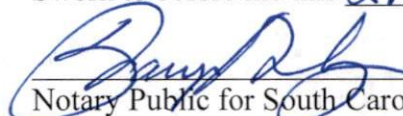
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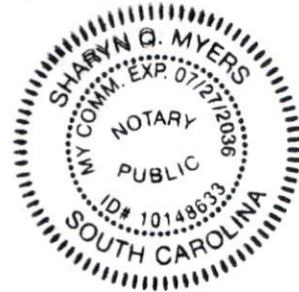
VERIFICATION

I, Dr. Michael A. Addison, declare under oath that the factual statements in the foregoing motion concerning my continuing claim to Unit Q-190, my opposition to the writ, my efforts to obtain appellate review, and my nonvoluntary loss of possession are true and correct to the best of my personal knowledge. I do not assert any ownership or possessory claim concerning Unit B107.


Dr. Michael A. Addison

Sworn to before me this 27th day of August, 2026.


Notary Public for South Carolina
My Commission Expires: 7/27/2036



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CERTIFICATE OF SERVICE

I certify that on August 27th, 2026, I served a true and correct copy of the foregoing Motion for Leave to File Supplemental Memorandum of Controlling Authorities and Supplemental Memorandum in Support of Rule 221 Petition for Rehearing by electronic mail and by depositing a copy in the United States Mail, first-class postage prepaid, addressed to counsel of record for Respondent as follows:

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s/ Dr. Michael A. Addison

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