

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

APPEAL FROM JASPER COUNTY
COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
Civil Action No.: 2025-CP-27-00385

(Subsuming Interlocutory & Cross-Docket Contempt Directives in Case No. 2023-CP-27-00428)

TONY WILLIAMS,
Plaintiff-Appellant,

v.

HEARTHSTONE LAKES HOA; JOHN T. BUDROW, Individually;
KEVAN SHEPPS, Individually;
McANGUS, GOUDELOCK & COURIE, LLC (MG&C); and
MUTTERER LAW FIRM, LLC,
Defendants-Respondents.

109502

EXPEDITED APPELLATE NOTICE OF APPEAL, STATEMENT OF ISSUES ON APPEAL, AND
DESIGNATION OF JURISDICTIONAL,
PROCEDURAL, RULE 54(b), AND PARTY-CAPACITY DEFECTS
(PURSUANT TO RULES 201, 203, 204, & 205, SCACR; RULES 11(a), 15(a), 17(b), 40(c),
54(b), 55, 58, 60(b)(4), SCRCP; & S.C. CONST. ART. I, §§ 3, 9, 22)

TO: THE CLERK OF THE SOUTH CAROLINA COURT OF APPEALS; THE CLERK OF
COURT FOR JASPER COUNTY; THOMAS E. LYDON, III, ESQ. (COUNSEL FOR
HEARTHSTONE LAKES HOA, BUDROW, SHEPPS, & MG&C); AND ANDREW N. PLATTE,
ESQ. (COUNSEL FOR MUTTERER LAW FIRM, LLC):

PLEASE TAKE NOTICE that the Plaintiff-Appellant, Tony Williams Pro Se, an honorably
discharged, 100% service-connected permanently disabled veteran of the United States Armed
Forces suffering from combat-related PTSD and severe anxiety, hereby formally appeals to the
South Carolina Court of Appeals from the final written Order of the Honorable Marvin H. Dukes,
III, presiding Judge of the Fourteenth Judicial Circuit, electronically signed on September 21,
2026, at 3:26:05 PM, and clocked/entered into the public index of the Jasper County Court of
Common Pleas on September 24, 2026, at 11:30:23 AM (Case No. 2025-CP-27-00385), which:

(1) Denied Appellant's Motion for Mandatory Judicial Recusal directed at Judge Marvin H.
Dukes, III;

(2) Subsumed, ratified, and left unadjudicated the threshold Motion for Mandatory Judicial Recusal inherited from the Honorable Robert J. Bonds (clocked January 14, 2026, at 16:47);

(3) Denied Appellant's Omnibus Motion for Entry of Default Judgment against all natural and institutional defendants;

(4) Denied Appellant's Motion to Vacate Void Orders Pursuant to Rule 60(b)(4), SCRCP;

(5) Violated Rule 54(b), SCRCP, by entering an administrative terminal dismissal per Rule 12(b) without disposing of eight distinct causes of action and the HOA's \$5,494.75 Counterclaim, and without an express determination that there is no just reason for delay;

(6) Affirmatively confirmed on Pages 6–7 that Defendants Hearthstone Lakes HOA, John T. Budrow, and Kevan Shepps were never dismissed, yet marked the entire civil action terminated on the public index;

(7) Erroneously held under Rule 15(a), SCRCP, that Appellant's August 12, 2025 Amended Complaint required leave of court, despite being filed as a matter of right within five days of the HOA's responsive Counterclaim;

(8) Granted affirmative Rule 12(b)(6) dismissal relief to Defendant McAngus, Goudelock & Courie, LLC (MG&C) despite the South Carolina Judicial Branch's public index (CMSWeb 7.2) officially recording MG&C as an "(Inactive)" entity on November 5, 2025, stripping it of standing and legal capacity under Chet Adams Co.;

(9) Awarded substantive dismissal relief to "ghost defendants" (MG&C, Budrow, and Shepps) who never filed a Notice of Appearance under Rule 11(a), SCRCP, were never published on any motions roster under Rule 40(c), SCRCP, and never had a hearing conducted on their behalf;

(10) Judicially validated an extrajudicial physical courthouse banishment, bad-faith police arrest under unsigned warrants, and "mail-only" filing restriction while penalizing Appellant for alleged "non-appearance";

(11) Disregarded Judge Bonds's explicit written admissions on the March 9, 2026 Form 4 Order certifying that the public index was in error conflating MGC with the HOA, that the January 14 recusal motion was concealed from the roster, and that the order explicitly "does not end the case"; and

(12) Ratified cross-docket contempt sanctions from Case No. 2023-CP-27-00428 rooted in an unexecuted, unsigned Form 4 order, alongside all prior interlocutory, non-final, and unexecuted Form 4 orders subsumed therein.

TABLE OF AUTHORITIES

CONSTITUTIONAL PROVISIONS & STATUTES:

U.S. Const. amend. I (Right to Petition & Court Access)

U.S. Const. amend. IV (Unsigned, Void Warrants & Unlawful Seizure)

U.S. Const. amend. XIV, § 1 (Due Process & Equal Protection)

S.C. Const. art. I, § 3 (Due Process of Law)

S.C. Const. art. I, § 9 (Courts Shall Be Public, Open, and Administer Justice Without Denial)

S.C. Const. art. I, § 22 (Remedy by Due Course of Law)

28 U.S.C. § 1651(a) (The All Writs Act)

42 U.S.C. §§ 1983, 1985(3) (Civil Rights Conspiracy & Denial of Equal Access)

S.C. Code Ann. § 14-1-140 (Freedom from Civil/Retaliatory Arrest During Court Attendance)

S.C. Code Ann. § 14-3-330(1) (Appellate Jurisdiction Over Final Orders & Subsumed Interlocutory Rulings)

S.C. Code Ann. § 14-5-320 (Inherent Contempt Powers of Circuit Court)

S.C. Code Ann. § 14-17-30 (Clerk's Statutory Oath & Ministerial Bond)

S.C. Code Ann. § 15-36-100(B) (Expert Affidavit Statute)

S.C. Code Ann. § 17-13-60 (Immunity from Unlawful Arrest in Courts of Record)

S.C. Code Ann. § 33-31-302 (Ultra Vires Conduct of Corporate Agents)

SOUTH CAROLINA SUPREME COURT & COURT OF APPEALS JURISPRUDENCE:

Argoe v. Three Rivers Behavioral Ctr. & Psychiatric Solutions, 388 S.C. 394, 697 S.E.2d 551 (2010)

Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991)

Barnes v. State, 433 S.C. 594, 859 S.E.2d 646 (2021)

BB&T v. Taylor, 369 S.C. 548, 633 S.E.2d 501 (2006)

Bowers v. Robinson, 311 S.C. 412, 429 S.E.2d 799 (1993)

Bramlette v. Charter-Medical-Columbia, 302 S.C. 68, 393 S.E.2d 914 (1990)

Chet Adams Co. v. James F. Pedersen Co., 307 S.C. 33, 413 S.E.2d 827 (1992)

Coward Hund Constr. Co. v. Ball Corp., 336 S.C. 1, 518 S.E.2d 56 (Ct. App. 1999)

Curlee v. Howle, 277 S.C. 377, 287 S.E.2d 915 (1982)

Ex parte Morgan, 244 S.C. 160, 135 S.E.2d 859 (1964)

Floyd v. Floyd, 365 S.C. 56, 615 S.E.2d 465 (Ct. App. 2005)

Food Lion, Inc. v. United Food & Commercial Workers Int'l Union, 351 S.C. 65, 567 S.E.2d 251 (Ct. App. 2002)

Gaar v. North Myrtle Beach Realty Co., 287 S.C. 525, 339 S.E.2d 887 (Ct. App. 1986)

Hagy v. Pruitt, 339 S.C. 425, 529 S.E.2d 714 (2000)

Howard v. Holiday Inns, Inc., 271 S.C. 238, 246 S.E.2d 880 (1978)

Kurschner v. City of Camden Planning Comm'n, 376 S.C. 165, 656 S.E.2d 346 (2008)

Miller v. Miller, 375 S.C. 443, 652 S.E.2d 754 (Ct. App. 2007)

Patel v. Casales, 359 S.C. 515, 597 S.E.2d 840 (Ct. App. 2004)

Poston v. Poston, 331 S.C. 106, 502 S.E.2d 86 (1998)

Rogers v. Wilkins, 275 S.C. 517, 273 S.E.2d 525 (1980)

Schaefer v. Miller, 322 S.C. 267, 470 S.E.2d 378 (Ct. App. 1996)

State v. Guinyard, 343 S.C. 240, 539 S.E.2d 722 (Ct. App. 2000)

State ex rel. McLeod v. Hite, 272 S.C. 303, 251 S.E.2d 746 (1979)

Stark Truss Co. v. Superior Construction Corp., 360 S.C. 503, 602 S.E.2d 99 (Ct. App. 2004)

Sundown Operating Co. v. Intedge Indus., Inc., 383 S.C. 601, 681 S.E.2d 885 (2009)

Therwell v. Cochran, 349 S.C. 81, 562 S.E.2d 326 (2002)

Thomas & Howard Co. v. Marion Lumber Co., 232 S.C. 145, 101 S.E.2d 448 (1957)

Thynes v. Lloyd, 294 S.C. 152, 363 S.E.2d 122 (Ct. App. 1987)

Thynes v. Lloyd, 342 S.C. 331, 536 S.E.2d 403 (Ct. App. 2000)

Transp. Ins. Co. & Flagstar Corp. v. S.C. Second Injury Fund, 389 S.C. 422, 699 S.E.2d 687 (2010)

Upchurch v. Upchurch, 367 S.C. 16, 624 S.E.2d 443 (2006)

Widman v. Widman, 348 S.C. 97, 557 S.E.2d 693 (Ct. App. 2001)

CONTROLLING FEDERAL & CONSTITUTIONAL PRECEDENT:

Dennis v. Sparks, 449 U.S. 24 (1980) (Civil Rights Conspiracy & Deprivation of Judicial Standing)

Elrod v. Burns, 427 U.S. 347 (1976) (Per Se Irreparable Harm of Constitutional Infringement)

Groh v. Ramirez, 540 U.S. 551 (2004) (Facial Invalidation of Warrants Lacking Execution/Seal)

Huminski v. Corsones, 396 F.3d 53 (2d Cir. 2005) (Courthouse Trespass Banishment Violates Due Process)

Logan v. Zimmerman Brush Co., 455 U.S. 422 (1982) (Due Process Forfeiture of Accrued Causes of Action)

Malley v. Briggs, 475 U.S. 335 (1986) (Strict Liability for Unsigned/Baseless Warrants)

McCray v. Maryland, 456 F.2d 1 (4th Cir. 1972) (No Immunity for Clerks Refusing or Tampering with Dockets)

SOUTH CAROLINA RULES OF CIVIL PROCEDURE:

Rules 4, 6(e), 11(a), 12(a), 12(b)(6), 12(f), 15(a), 17(b), 40(c), 52(a), 54(b), 55(a)-(c), 58(a), 59(e), 60(b)(4), SCRCR.

RULES OF APPELLATE PROCEDURE & JUDICIAL CONDUCT:

Rules 201, 203, 204, 205, SCACR; Rule 501, SCACR (Canon 3(E), Code of Judicial Conduct); Rule 407, SCACR (Rules of Professional Conduct, Rules 1.7 & 3.7).

I. JURISDICTIONAL BASIS & PROCEDURAL SUMMARY

This appeal invokes the mandatory supervisory and corrective appellate jurisdiction of the South Carolina Court of Appeals pursuant to S.C. Code Ann. § 14-3-330(1), Rules 201, 203, and 205, SCACR, and Article I, Sections 3, 9, and 22 of the South Carolina Constitution.

Appellant appeals from the final written Order of the Honorable Marvin H. Dukes, III, electronically entered on September 24, 2026. Pursuant to § 14-3-330(1) and Rule 201, SCACR, an appeal from this final decree directly brings up for review all prior interlocutory orders, rulings, unadjudicated recusal motions, and party-capacity defects subsumed within the record.

The record reflects an unprecedented structural failure of due process, party capacity, and civil procedure:

1. ADJUDICATING CLAIMS FOR "GHOST PARTIES" (RULES 11(a) & 40(c), SCRCP): The official CMSWeb 7.2 Actions ledger establishes that Defendants John T. Budrow, Kevan Shepps, and McAngus, Goudelock & Courie, LLC (MG&C) never filed a Notice of Appearance under Rule 11(a), SCRCP, never filed an Answer, and were never published on any motions roster under Rule 40(c), SCRCP. Attorney Thomas E. Lydon, III filed pleadings and appearances exclusively under the party caption "Hearthstone Lakes Hoa." No attorney of record ever appeared or was heard on behalf of Budrow, Shepps, or MG&C. The Circuit Court committed reversible error by granting affirmative dismissals to unrepresented ghost parties who never lawfully appeared before the bench.

2. SUA SPONTE DEFAULT RESCUES IN DEFIANCE OF STARK TRUSS, HOWARD, AND SUNDOWN: The lower court committed plain error of law on Pages 3, 6, and 7 by ruling that defaulted parties may appear without restriction and excusing their defaults sua sponte. Appellant's verified Affidavits of Default were clocked on January 29, 2026, effecting entry of default as an automatic ministerial duty under Stark Truss Co. v. Superior Construction Corp., 360 S.C. 503 (Ct. App. 2004), and Thynes v. Lloyd, 294 S.C. 152 (Ct. App. 1987). For nearly eight (8) full months, neither MG&C, Budrow, Shepps, nor MLF ever filed a verified motion under Rule 55(c), SCRCP, showing good cause. Under Sundown Operating Co. v. Intedge Industries, Inc., 383 S.C. 601 (2009), and Howard v. Holiday Inns, Inc., 271 S.C. 238 (1978), a defaulted defendant is out of court on liability, and the court possesses zero authority to excuse a default sua sponte.

3. JUDICIAL HYPOCRISY OF COURTHOUSE BANISHMENT & "NON-APPEARANCE": The Circuit Court committed reversible error and violated constitutional due process by penalizing Appellant for alleged "non-appearance" and failure to prosecute, where:

a. Appellant attended both hearings via remote WebEx despite severe technical disruptions, combat-related PTSD, and physical exclusion;

b. The Circuit Court explicitly admitted on Page 5 and Footnote 1 that Appellant was physically banished from the Jasper County Courthouse and restricted to "mail-only" filings under threat of arrest;

c. Deputy Clerk Laura Malphrus specifically confirmed in writing that the Clerk's Office was instructed to refuse filings from Appellant in direct violation of the ministerial "blind intake" mandate of *Barnes v. State*, 433 S.C. 594 (2021); and

d. The Court created an impossible, unconstitutional Catch-22 under *Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982), by barring Appellant from the physical courthouse, sabotaging his filings, and then penalizing him for failing to be physically present.

4. WRITTEN JUDICIAL ADMISSIONS ON MARCH 9, 2026 FORM 4: Judge Robert J. Bonds entered binding judicial admissions directly onto the official Form 4 Judgment Sheet (signed March 6, clocked March 9, 2026), certifying in black and white:

a. "This resulted from an error in the public index where filings by MGC are listed as filed by the HOA"—proving administrative corruption and misrepresentation of parties on the public docket;

b. "The 1/14/26 recusal motion was filed the day prior to the 1/15/26 hearing and was unknown to the Court and was not on the 1/15/26 roster"—proving that the Clerk's Office suppressed Appellant's timely recusal motion, and that Judge Bonds adjudicated dismissals without deciding recusal, violating *Rogers v. Wilkins*, 275 S.C. 517; and

c. "This order [] ends [✓] does not end the case"—confirming on its face that the lawsuit was never terminated, rendering subsequent terminal dismissals void under Rule 54(b), SCRPC.

5. THE NULLITY RULE & VOID AMENDMENTS: Under *Thomas & Howard Co. v. Marion Lumber Co.*, 232 S.C. 145 (1957), and *State ex rel. McLeod v. Hite*, 272 S.C. 303 (1979), a void order is legal nothingness that cannot be amended, cured, or rehabilitated. Because Judge Bonds proceeded while disqualified under an unadjudicated recusal motion, his January 16 Form 4 was void ab initio, rendering his March 6 attempt to retroactively amend it to dismiss MGC equally void.

6. CONFIRMATION OF UNDISMISSED PARTIES & COUNTERCLAIM: The appealed Order explicitly confirms on Pages 6 and 7 that Defendant Hearthstone Lakes HOA answered, remains active, and was never dismissed; that natural Defendants John T. Budrow and Kevan Shepps were sued in their individual capacities, never answered, and were never dismissed; and that the HOA's active \$5,494.75 Counterclaim was never tried or adjudicated. Under Rule

54(b), SCRPC, and BB&T v. Taylor, 369 S.C. 548 (2006), the administrative terminal dismissal is a legal nullity.

7. RULE 15(a) AS-OF-RIGHT TIMING DEFECT: The Circuit Court committed plain error of law on Page 6 by holding that Appellant filed his August 12, 2025 Amended Complaint "without leave of the Court." Because the HOA served its Answer and Counterclaim on August 7, 2025, Appellant possessed an absolute statutory right under Rule 15(a), SCRPC, to amend once as a matter of course within thirty days without judicial leave. Under Hagy v. Pruitt, 339 S.C. 425 (2000), said pleading became legally operative upon delivery.

8. AFFIRMATIVE RELIEF TO AN INACTIVE ENTITY (CHET ADAMS CO.): The official CMSWeb 7.2 public index confirms under "Case Parties" that Defendant McAngus, Goudelock & Courie, LLC (MG&C) was formally designated by the Clerk's Office as "(Inactive)" on November 5, 2025. Under Chet Adams Co. v. James F. Pedersen Co., 307 S.C. 33, 413 S.E.2d 827 (1992), an inactive entity lacks legal standing and party capacity to seek or receive affirmative judicial relief.

9. DUAL RECUSAL VIOLATIONS (ROGERS V. WILKINS): Judge Dukes inherited a void record from Judge Bonds and compounded the defect by conducting an off-roster hearing on August 6, 2026, while Appellant's August 4, 2026 Recusal Motion against Judge Dukes remained uncompleted, absent from the motions roster, and blank on CMSWeb 7.2, violating Canon 3(E) and Patel v. Casales, 359 S.C. 515.

10. PUBLIC INDEX CONTRADICTION: Judge Dukes denied his own recusal by asserting under judicial signature on Page 2 that a February 3 contempt order in Case No. 2023-CP-27-00428 "if such an Order exists, is not accessible through the public index." That assertion is flatly contradicted by CMSWeb 7.2 and the signed record: Judge Dukes himself electronically signed that exact Amended Order of Contempt on February 3, 2026, at 12:12 PM, and it was clocked onto the public index at 1:25 PM with an official electronic filing barcode.

11. THE UNSIGNED SANCTIONS ORDER (UPCHURCH V. UPCHURCH): The cross-docket contempt apparatus in Case 00428 is void ab initio under Upchurch v. Upchurch, 367 S.C. 16 (2006), and Widman v. Widman, 348 S.C. 97 (Ct. App. 2001), because the underlying March 31, 2025 sanctions order by Judge Newman was never signed, sealed, or executed on an official Form 4 Judgment Sheet.

12. MINISTERIAL VIOLATIONS & OFF-LEDGER SUPPRESSION: The Clerk's Office violated Barnes v. State by holding Appellant's January 21 counter filings and \$100.00 cash off-ledger for eight days, pre-staging a 09:44 AM false notation, and entering an unauthorized 46-day premature completion keystroke on August 6, 2026, forty-six days before Judge Dukes signed an order.

II. STATEMENT OF ISSUES ON APPEAL (EXHAUSTIVELY DETAILED WITH EXPLICIT "IF/THEN" GROUNDS)

1. STRUCTURAL VIOLATION OF RULES 11(a) & 40(c), SCRCP (ADJUDICATING CLAIMS FOR "GHOST DEFENDANTS" WHO NEVER FILED AN APPEARANCE, WERE NEVER ROSTERED, AND NEVER PARTICIPATED IN A HEARING):

Did the Circuit Court commit reversible structural error of law and violate procedural due process under Article I, Section 22 of the South Carolina Constitution by entering substantive dismissals on the merits in favor of Defendants John T. Budrow, Kevan Shepps, and McAngus, Goudelock & Courie, LLC (MG&C), where the official CMSWeb 7.2 Actions ledger establishes that none of these defendants ever filed a Notice of Appearance or pleading under Rule 11(a), SCRCP, were never published on any motions roster under Rule 40(c), SCRCP, and where no attorney of record ever appeared or argued on their behalf before the bench?

- IF Rule 11(a), SCRCP, mandates that every pleading, motion, or paper of a party must be signed by an attorney of record in his individual name stating whom he represents,
 - THEN how could the Circuit Court treat appearances made by Thomas E. Lydon, III exclusively on behalf of "Hearthstone Lakes HOA" as legal representation for three unrepresented, discrete defendants (Budrow, Shepps, and MG&C)?
- IF Rule 40(c), SCRCP, explicitly provides that "No motion shall be heard unless it has been placed upon the motion calendar," and neither Budrow, Shepps, nor MG&C was EVER published on any motion roster across the entire docket history,
 - THEN by what lawful authority could the Circuit Court hold that motions to dismiss were heard on their behalf?
- IF the Clerk's Office attempted to create an administrative smokescreen by padding the "Notice of Motions Roster Publication" entries with defense attorney names while zero Notices of Appearance were filed under Rule 11(a),
 - THEN does not that administrative keystroke padding fail as a matter of law to confer jurisdiction over unrepresented parties?
- IF Defendants Budrow, Shepps, and MG&C never appeared, never answered, and never participated in any hearing,
 - THEN did they not concede liability as a matter of law under Howard v. Holiday Inns, Inc., 271 S.C. 238 (1978), rendering the Circuit Court's affirmative dismissals in their favor void ab initio?

2. UNBROKEN DEFAULTS, THE EIGHT-MONTH STATUTORY BAR, AND VIOLATIONS OF STARK TRUSS, HOWARD, AND SUNDOWN:

Did the Circuit Court commit reversible error of law by ruling on Page 3 that "[e]ven if a party or firm were in default, there is not a prohibition on allowing such a party to appear," and holding on Pages 6–7 that unvacated defaults are excused without a motion, directly defying *Howard v. Holiday Inns, Inc.*, 271 S.C. 238, 246 S.E.2d 880 (1978), *Stark Truss Co. v. Superior Construction Corp.*, 360 S.C. 503, 602 S.E.2d 99 (Ct. App. 2004), *Thynes v. Lloyd*, 294 S.C. 152, 363 S.E.2d 122 (Ct. App. 1987), and *Sundown Operating Co. v. Intedge Industries, Inc.*, 383 S.C. 601, 681 S.E.2d 885 (2009)?

- IF Judge Dukes affirmatively conceded on Page 3 that "[e]ven if a party or firm were in default, there is not a prohibition on allowing such a party to appear,"

- THEN did not the Circuit Court commit patent error of law by treating an appearance on unliquidated damages under *Howard v. Holiday Inns, Inc.* as an unbridled license to argue substantive liability and grant Rule 12(b)(6) dismissals on the merits?

- IF *Howard v. Holiday Inns, Inc.* strictly holds that a defaulted defendant's sole right to "appear" is limited to cross-examining witnesses on the amount of unliquidated damages, and that default completely terminates the right to participate on liability,

- THEN how could the Circuit Court allow defaulted defendants to evade answering the complaint and instead award them complete dismissals of eight well-pled causes of action?

- IF *Stark Truss Co.* and *Thynes v. Lloyd* mandate that the entry of default is an automatic, purely ministerial act upon the filing of an affidavit under Rule 55(a), SCRCP,

- THEN Defendants John T. Budrow, Kevan Shepps, McAngus, Goudelock & Courie, LLC, and Mutterer Law Firm, LLC enter into a formal, binding state of procedural default on liability upon the docketing of Appellant's verified Affidavits of Default?

- IF for nearly eight (8) full months following the January 29, 2026 docketing of default, not one of these institutional defendants or counsel ever filed a verified Motion to Set Aside Entry of Default under Rule 55(c), SCRCP, demonstrating "good cause" and a meritorious defense supported by sworn evidence,

- THEN by what lawful authority could the Circuit Court sua sponte relieve them from default on September 24, 2026?

- IF Sundown Operating Co. establishes that the exclusive procedural vehicle to relieve an entry of default is an evidentiary motion under Rule 55(c), SCRCP, and that the defaulting party alone bears the burden of establishing good cause under oath,

- THEN did not the Circuit Court commit reversible error by acting as private defense counsel to fabricate an unrequested defense to shield these defendants?
- IF individual natural Defendants John T. Budrow and Kevan Shepps were sued in their personal capacities under Count IV for independent intentional torts, and never filed an individual Answer, a Notice of Appearance, or a Rule 55(c) motion,
- THEN does not the Circuit Court's failure to enter default judgment against them constitute a total breakdown of civil procedure?

3. JUDICIAL HYPOCRISY, COURTHOUSE BANISHMENT, AND RETALIATORY NON-APPEARANCE RULINGS:

Did the Circuit Court commit reversible structural error and violate procedural due process, Article I, Section 9 of the South Carolina Constitution, and S.C. Code Ann. § 14-1-140 by penalizing Appellant for alleged "non-appearance" and failure to prosecute, where Appellant attended both hearings via remote WebEx, where the Court's own Order explicitly admits in Footnote 1 and Page 5 that Appellant was physically banished from the Jasper County Courthouse and restricted to "mail-only" filings under threat of police arrest, and where Deputy Clerk Laura Malphrus specifically confirmed in writing that the Clerk's Office was instructed to refuse and reject Appellant's pleadings?

- IF the Circuit Court and Clerk Keith Horton physically banished Appellant from the public courthouse under threat of police arrest and restricted him to "mail-only" filings,
- THEN how can the Circuit Court penalize Appellant for failing to be physically present at the courthouse?
- IF Appellant attended both scheduled motion hearings via remote WebEx despite acute technical interruptions, severe combat-related PTSD, and physical exclusion,
- THEN by what lawful standard could the Circuit Court hold that Appellant "willfully failed to appear" or failed to prosecute his claims?
- IF the Clerk of Court possesses only ministerial duties under *Barnes v. State*, 433 S.C. 594 (2021), and has zero statutory authority to refuse filings,
- THEN did not the Clerk's written directive refusing Appellant's pleadings constitute an ultra vires denial of open court access under Article I, Section 9 of the South Carolina Constitution?
- IF the State created impossible physical and procedural barriers preventing in-person filing and intercepting mail,

- THEN does not the dismissal of Appellant's claims for alleged failure to prosecute constitute a per se forfeiture of property rights in violation of Logan v. Zimmerman Brush Co., 455 U.S. 422 (1982)?

4. WRITTEN JUDICIAL ADMISSIONS ON MARCH 9, 2026 FORM 4 & INHERITED RECUSAL DEFECT:

Did the Circuit Court commit reversible error in refusing to vacate all prior orders as void ab initio, where Judge Robert J. Bonds entered written judicial admissions on the March 9, 2026 Form 4 Order certifying that the public index was in error conflating MGC filings with the HOA, that Appellant's January 14, 2026 recusal motion was suppressed from the hearing roster, and that the Form 4 explicitly certified "does not end the case"?

- IF Judge Bonds explicitly certified on an official Form 4 that the public index contained systemic errors conflating MGC's filings with the HOA's,
- THEN does not that written admission prove that the public docket was corrupted and that MGC obtained dismissals without proper filings of record?
- IF Judge Bonds admitted on March 6 that Appellant's January 14, 2026 Motion for Mandatory Judicial Recusal was filed prior to the January 15 hearing but was "unknown to the Court and was not on the roster,"
- THEN does not that admission prove the Clerk suppressed the filing in violation of Barnes v. State?
- IF Rogers v. Wilkins, 275 S.C. 517 (1980), and Patel v. Casales, 359 S.C. 515 (Ct. App. 2004), mandate that an unadjudicated recusal motion freezes a judge's authority to make substantive rulings,
- THEN were not all rulings made by Judge Bonds on January 15 and 16 void ab initio for lack of clean judicial authority?

5. THE NULLITY RULE: A VOID ORDER CANNOT BE AMENDED OR REHABILITATED:

Did the Circuit Court commit reversible error of law by holding that Judge Bonds's March 6, 2026 order could retroactively "amend" the January 16, 2026 Form 4 to grant dismissal to Defendant MGC, where the underlying proceeding was void ab initio under Rogers v. Wilkins, and where South Carolina law bars the resuscitation of a void judicial act?

- IF an order entered by a disqualified judge is void ab initio under Rogers v. Wilkins and Patel v. Casales,

- THEN under *Thomas & Howard Co. v. Marion Lumber Co.*, 232 S.C. 145 (1957), and *State ex rel. McLeod v. Hite*, 272 S.C. 303 (1979), is it not a legal nullity from which no rights can be divested or obtained?
- IF a void order has zero legal existence,
- THEN how can a subsequent order caption itself an "amendment" to breathe legal life into a non-existent decree?
- IF *Ex parte Morgan*, 244 S.C. 160 (1964), establishes that a nunc pro tunc or amended order cannot be used to supply omitted judicial action or retroactively manufacture jurisdiction,
- THEN was not Judge Bonds's March 6 Form 4 attempt to dismiss MGC a legal nullity?

6. STRUCTURAL VIOLATION OF RULE 54(b), SCRPC & UNADJUDICATED PARTIES/CLAIMS:

Did the Circuit Court commit reversible structural error by entering an administrative terminal dismissal of the action under Rule 12(b), where the Court failed to make an express written determination that "there is no just reason for delay" and failed to adjudicate or lawfully dispose of the eight distinct, well-pled causes of action asserted in Appellant's August 11, 2025 Amended Complaint, to wit:

- COUNT I (Breach of Contract / CC&Rs): Asserted against Hearthstone Lakes HOA, Budrow, and Shepps for arbitrary targeting, denial of procedural due process hearings, and unlawful assessments—never adjudicated as to defaulted individual officers Budrow and Shepps;
- COUNT II (Violation of the South Carolina Homeowners Association Act): Asserted against all Defendants for statutory violations, illegal fine structures, and unenforceable encumbrances—completely unadjudicated on the merits;
- COUNT III (Fraud and Deceit): Asserted against all Defendants for intentional misrepresentation and fabrication of debt amounts on ledgers—admitted upon procedural default under *Howard v. Holiday Inns, Inc.*, yet never addressed;
- COUNT IV (Harassment, Stalking, and Retaliation): Asserted individually against natural tortfeasors John T. Budrow and Kevan Shepps for bad-faith drive-by surveillance, photographing real property, and intimidation—independent intentional torts for which neither Budrow nor Shepps ever answered or moved to vacate default;
- COUNT V (Abuse of Process): Asserted against all Defendants for improper deployment of legal process to coerce payment of unsubstantiated debt—unadjudicated;

f. COUNT VI (Fraud on the Court): Asserted specifically against attorney defendants McAngus, Goudelock & Courie, LLC (MG&C) and Mutterer Law Firm, LLC (MLF) for knowingly submitting falsified, contradictory financial ledgers—dismissed under Rule 12(b)(6) despite both law firms being in active default without a Rule 55(c) motion;

g. COUNT VII (Unfair or Deceptive Trade Practices / SC Consumer Protection Code): Asserted against all Defendants and collection agents for abusive debt collection and predatory fee compounding—completely unadjudicated;

h. COUNT VIII (Lack of Authority / Void Lien): Asserted against Hearthstone Lakes HOA, Budrow, and Shepps for asserting an encumbrance in direct violation of mandatory covenant conditions precedent—never adjudicated on an evidentiary record; and where Defendant Hearthstone Lakes HOA's active \$5,494.75 Counterclaim was never tried, withdrawn, or resolved on an evidentiary judgment roll, and where both the January 16 and March 9 Form 4 Orders explicitly certified on their face: "This order [] ends [✓] does not end the case"?

- IF the Circuit Court properly recognized on Page 6 that "HOA timely filed their Answer and Counterclaim,"

- THEN why does the appealed Order enter a blanket administrative dismissal of the entire action without resolving, trying, or disposing of that pending \$5,494.75 Counterclaim?

- IF an active Counterclaim remained pending between Appellant and the HOA,

- THEN how could the Clerk of Court or the Circuit Court designate the disposition of the action as "Dismissed per Rule 12(b)" without violating the plain terms of Rule 54(b), SCRCP?

- IF the Circuit Court confirmed on Page 6 that the HOA was never dismissed because it answered, and completely omitted individual tortfeasors Budrow and Shepps from dismissal,

- THEN how could the Court terminate the entire action without violating the jurisdictional bar of Rule 54(b), SCRCP?

7. THE RULE 15(a) AS-OF-RIGHT AMENDMENT ERROR & PROCEDURAL PARADOX:

Did the Circuit Court commit reversible error of law by holding on Page 6 that Appellant filed his August 12, 2025 Amended Complaint "without leave of the Court," where the record confirms that Defendant Hearthstone Lakes HOA served its Answer and Counterclaim on August 7, 2025, triggering Appellant's absolute statutory right under Rule 15(a), SCRCP, to amend once as a matter of course within thirty days without court leave or adverse consent?

- IF Rule 15(a), SCRCP, explicitly provides that a party may amend once as a matter of course "at any time before or within 30 days after a responsive pleading or other response under Rule 12 is served,"

- THEN was not Appellant's August 12, 2025 Amended Complaint—filed just five (5) days after Defendant HOA served its August 7, 2025 Answer and Counterclaim—legally effective upon filing without leave of court or adverse party consent?

- IF Defendant HOA's Answer and Counterclaim served on August 7, 2025, constituted a responsive pleading under Rule 12, SCRCP,

- THEN did not Appellant have an absolute statutory right under Hagy v. Pruitt, 339 S.C. 425 (2000), to file his August 12, 2025 Amended Complaint as a matter of right, rendering Defendant Dukes's assertion on Page 6 that it was filed "without leave" a patent error of law?

- IF the Circuit Court determined that the August 12, 2025 Amended Complaint was an unauthorized nullity,

- THEN by what procedural authority could the Court entertain, adjudicate, and grant affirmative Rule 12(b)(6) dismissals on the merits in favor of MLF and MG&C in January 2026? A court cannot lack jurisdiction over an "imaginary" pleading while simultaneously exercising substantive jurisdiction to dismiss the claims within it with prejudice.

8. LEGAL INCAPACITY & AFFIRMATIVE RELIEF TO AN INACTIVE LAW FIRM DEFENDANT:

Did the Circuit Court commit reversible error of law under Rule 17(b), SCRCP, and Chet Adams Co. v. James F. Pedersen Co., 307 S.C. 33, 413 S.E.2d 827 (1992), by awarding an affirmative Rule 12(b)(6) dismissal on the merits to Defendant McAngus, Goudelock & Courie, LLC (MG&C) on January 21, 2026, where the South Carolina Judicial Branch's official CMSWeb 7.2 public index confirms MG&C was formally designated on the party roster as "(Inactive)" on November 5, 2025, thereby stripping it of standing, party capacity, and the right to seek affirmative judicial relief?

- IF Defendant McAngus, Goudelock & Courie, LLC was officially categorized as "(Inactive)" on the court's public ledger on November 5, 2025,

- THEN by what procedural authority could the Circuit Court enter an affirmative Rule 12(b)(6) dismissal on the merits in favor of an inactive entity more than two months later on January 21, 2026?

- IF an entity designated as "(Inactive)" lacks the recognized party capacity to participate in affirmative proceedings under Rule 17(b), SCRCP, and Chet Adams Co.,

- THEN how could defense counsel Thomas Lydon (a partner in that very firm) submit proposed orders seeking affirmative relief for his own inactive partnership without first moving to restore the firm's active capacity on the docket?
- IF the formal corporate defendant named in Appellant's Summons and Complaint and listed in the Order's caption is "McAngus, Goudelock & Courie, LLC,"
- THEN who is "MCG," and by what authority did the Circuit Court purport to adjudicate rights and grant dismissals on Page 6 for an unserved acronym that appears nowhere in the caption or on the Secretary of State's corporate registry?
- IF the Circuit Court asserted on Page 7 that "MLF and MGC are not parties in this case, and the Court cannot entertain a motion seeking entry of default against a non-party,"
- THEN by what legal alchemy could the Court simultaneously hold that those very same "non-parties" were entitled to a binding judicial decree of dismissal on the merits?

9. PROCEEDING IN DEFIANCE OF UNRESOLVED RECUSAL MOTION (JUDGE DUKES):

Did the Circuit Court commit reversible error of law when Judge Dukes proceeded to conduct an off-roster hearing on August 6, 2026, and entered substantive rulings against Appellant on September 21, 2026, while Appellant's verified Motion for Mandatory Judicial Recusal filed on August 4, 2026, at 14:01 remained unadjudicated, absent from the roster, and completely blank/uncompleted on the CMSWeb 7.2 public index, in violation of Canon 3(E) of the South Carolina Code of Judicial Conduct and *Rogers v. Wilkins*?

- IF Appellant filed a timely, verified Motion for Mandatory Judicial Recusal against Judge Dukes on August 4, 2026,
- THEN did not *Rogers v. Wilkins* and *Patel v. Casales* require that motion to be formally heard and adjudicated on the record before any further substantive rulings could be rendered?
- IF the August 4 recusal motion was completely omitted from the roster and left blank on CMSWeb 7.2,
- THEN did not Judge Dukes lack clean judicial authority to preside over the August 6 hearing and sign the September 21 Order?

10. CONTRADICTION REGARDING ACCESSIBILITY OF FEBRUARY 3 CONTEMPT ORDER:

Did the Circuit Court commit patent error of fact and law by asserting on Page 2 of the September 24 Order that the February 3 Contempt Order in Case No. 2023-CP-27-00428 "if such an Order exists, is not accessible through the public index," when official CMSWeb 7.2

exports and the actual signed order prove that Judge Marvin H. Dukes, III himself electronically signed that exact Amended Order of Contempt on February 3, 2026, at 12:12 PM, and it was clocked onto the public index at 1:25 PM with an official electronic filing barcode?

- IF Judge Marvin H. Dukes, III personally signed the Amended Order of Contempt on February 3, 2026, at 12:12 PM, and the Clerk clocked it onto CMSWeb 7.2 at 1:25 PM with a filing barcode,

- THEN how could Judge Dukes state under judicial signature on Page 2 that said order "if such an Order exists, is not accessible through the public index"?

- IF the presiding Judge's justification for denying recusal rests on a factually refuted premise regarding public index accessibility,

- THEN is not the recusal denial arbitrary, capricious, and an abuse of discretion?

11. PROCEEDING ON AN UNSIGNED SANCTIONS ORDER (UPCHURCH V. UPCHURCH):

Did the Circuit Court commit reversible error in sustaining contempt and filing restrictions against Appellant in Case No. 2023-CP-27-00428, when the underlying March 31, 2025 sanctions order by Judge Newman was never signed, sealed, or executed on an official Form 4 Judgment Sheet, rendering the sanctions order an inchoate nullity that cannot legally support contempt under Upchurch v. Upchurch, 367 S.C. 16 (2006), and Widman v. Widman, 348 S.C. 97 (Ct. App. 2001)?

- IF Judge Newman's March 31, 2025 sanctions order was never executed on an official Form 4 Judgment Sheet as required by Rule 58, SCRCP, and Upchurch v. Upchurch,

- THEN did it not remain an inchoate, unenforceable nullity?

- IF the underlying sanctions order had no lawful existence as an executed judgment,

- THEN how could the Circuit Court deploy contempt powers and civil arrest threats against Appellant for non-payment of an inchoate sum?

12. CLERICAL HOLDING OF FILINGS & VIOLATION OF BARNES V. STATE:

Did the Circuit Court commit reversible error of law in refusing to vacate as void ab initio all orders procured while the Jasper County Clerk's Office was holding Appellant's timely counter filings and \$100.00 statutory cash fees off-ledger for eight days (January 21–29, 2026), filtering pleading titles into generic "Other" categories, and intercepting USPS Certified Mail, in direct violation of the mandatory ministerial "blind intake" rule established in Barnes v. State, 433 S.C. 594, 859 S.E.2d 646 (2021)?

- IF Barnes v. State establishes that the Clerk's intake duty is strictly ministerial and "blind," requiring immediate clocking upon receipt,

- THEN did not the Clerk's eight-day suppression of Appellant's January 21 filings and \$100.00 cash constitute unlawful interference with the judicial process?

- IF the Clerk altered and sanitized the titles of Appellant's filings from "Affidavit of Default" to "Motion/Other" on January 29, 2026,

- THEN were not all subsequent dismissals procured through extrinsic clerical fraud upon the tribunal?

13. PREMATURE 46-DAY CLERICAL COMPLETION KEYSTROKE WITHOUT FORM 4:

Did the Circuit Court err in failing to vacate the unauthorized administrative keystroke entered on CMSWeb 7.2 by Deputy Clerk Laura Malphrus on August 6, 2026, at 11:37 AM, marking Appellant's Omnibus Default Motion "completed" forty-six (46) days before any judicial order was signed on September 21, 2026, and entered without an official Form 4 Judgment Sheet in direct violation of Rule 58(a), SCRCP, and Upchurch v. Upchurch?

- IF an order of the court is legally effective only when signed by a judge and clocked by the clerk on an executed Form 4 under Rule 58(a), SCRCP,

- THEN by what authority did Deputy Clerk Malphrus terminate Appellant's motion on CMSWeb on August 6, 2026?

- IF forty-six days elapsed between the Clerk's completion keystroke and Judge Dukes's signature on September 21, 2026,

- THEN does not that temporal gap prove that ministerial staff prematurely disposed of motions without judicial decree?

14. POST-FEDERAL FILING TIMING & RUSHED ENTRY OF ORDER:

Did the Circuit Court commit reversible error and abuse its administrative authority by abruptly generating and signing the appealed Order on September 21, 2026, at 3:26 PM—the exact day Appellant filed his federal civil rights complaint in U.S. District Court—after leaving the matter adjudicated for forty-six (46) days following an unauthorized August 6 clerical completion keystroke?

- IF the Circuit Court left Appellant's motions adjudicated for forty-six days after the August 6 hearing,

- THEN why was the appealed Order hastily executed within hours of Appellant's federal civil rights filing on September 21, 2026?
- IF the sudden entry of the state court order coincided with the commencement of federal civil rights litigation,
- THEN does not that temporal proximity evidence retaliatory rush rather than deliberate judicial review?

15. PRE-STAGED 09:44 AM ADMINISTRATIVE ENTRY ON JANUARY 21, 2026:

Did the Circuit Court err in ignoring documentary proof on CMSWeb 7.2 establishing that the Clerk's Office pre-staged a false entry at 09:44 AM on January 21, 2026, recording that Appellant executed a "Decline to Sign: Proposed Order/Other," more than six hours before Appellant arrived at the courthouse and hours before adverse counsel even submitted the proposed order?

- IF the Clerk's docket entry records a "Decline to Sign" by Appellant at 09:44 AM on January 21, 2026, but Appellant did not enter the courthouse until 4:00 PM,
- THEN does not the official docket contain a pre-staged, falsified entry?
- IF the proposed order referenced in that 09:44 AM entry had not even been delivered by adverse counsel,
- THEN does not that entry demonstrate collusion between ministerial staff and defense counsel?

16. EXTRINSIC FRAUD UPON THE TRIBUNAL & UNAUTHORIZED PROPOSED ORDERS:

Did the Circuit Court err in refusing to strike the January 21 and 22, 2026 dismissal orders under Rule 60(b)(4), SCRCP, where defense counsel Thomas Lydon (partner at MG&C) committed extrinsic fraud upon the court by drafting and filing a proposed order substituting his own firm as the beneficiary of a dismissal, when the presiding Judge's Electronic Form 4 explicitly authorized an order solely for Hearthstone Lakes HOA?

- IF Judge Bonds's January 16, 2026 Form 4 explicitly stated that only "Defendant Hearthstone Lakes HOA's Motion to Dismiss... is granted,"
- THEN by what authority did defense counsel Thomas Lydon submit a proposed order dismissing his own firm, McAngus, Goudelock & Courie, LLC?
- IF the signed order of January 21 deviated from the judicial directive of the Form 4,

- THEN did not defense counsel's substitution constitute extrinsic fraud upon the court rendering the resulting order void under Rule 60(b)(4), SCRCP?

III. COMPREHENSIVE PROCEDURAL HISTORY & RELEVANT DOCKET RECORD

1. September 14, 2023: Appellant commenced Tony Williams v. Harry Brown (Case No. 2023-CP-27-00428).
2. November 6, 2023 (16:48): Appellant clocked in an official Request for Entry of Default against Defendant Harry Brown. No Rule 55(c) motion to set aside default was ever filed.
3. February 2, 2024: Judge Deadra Jefferson issued a Rule 12(b)(6) dismissal without prejudice for lack of an expert affidavit under S.C. Code Ann. § 15-36-100(B).
4. March 31, 2025: Judge Jocelyn Newman purported to issue an Order Imposing Sanctions against Appellant for \$1,031.74. However, said order was never signed, sealed, or executed on an official Form 4 Judgment Sheet, remaining a legally inert, inchoate nullity under Upchurch v. Upchurch, 367 S.C. 16 (2006).
5. July 1, 2025: Appellant commenced Tony Williams v. Hearthstone Lakes HOA, John T. Budrow, and Kevan Shepps (Case No. 2025-CP-27-00385). Service perfected on HOA on July 8, 2025.
6. July 17, 2025 (16:54): In Case 00428, Appellant clocked in a second verified Affidavit for Entry of Default against Harry Brown.
7. August 7, 2025: In Case 00385, HOA filed an Answer and Counterclaim seeking \$5,494.75. Natural defendants Budrow and Shepps filed zero individual answers.
8. August 12, 2025: In direct response to the counterclaim and homeowner ledger, Appellant filed an Amended Summons and Complaint adding Defendants MG&C and MLF, pleading fraud, abuse of process, and CC&R violations. As the amendment occurred within 5 days of the responsive pleading, it was filed as a matter of course under Rule 15(a), SCRCP.
9. August 27, 2025: HOA filed an Answer to the Amended Complaint. Defendants Budrow, Shepps, MG&C, and MLF filed zero Answers.
10. September 8 & 11, 2025: MG&C and MLF filed Rule 12(b)(6) Motions to Dismiss without filing Answers or answering fraud claims.
11. November 5, 2025: The Jasper County Clerk's Office officially updated Defendant McAngus, Goudelock & Courie, LLC as "(Inactive)" on the official CMSWeb 7.2 Case Parties roster.

12. November 13, 2025 (16:32–16:51): In Case 00428, Deputy Clerk Laura Malphrus entered unauthorized completion timestamps terminating Appellant's Motion to Vacate, Motion for Sanctions, and Motion for Damages Hearing without an underlying Form 4 signed by any judge.

13. November 17, 2025: In Case 00385, Appellant filed a Motion for Leave to Amend Complaint, Cure Defects, and Join Parties. Respondents filed zero written returns, zero objections, and zero motions to strike under Rule 12(f), SCRCP. Under *State v. Guinyard*, 343 S.C. 240, silence waived any objection.

14. December 3, 2025 (16:28): Appellant filed formal Medical Documentation on CMSWeb putting the court on notice of his 100% service-connected PTSD and disabilities.

15. January 14, 2026: Judge Dukes signed an initial Contempt Order in Case 00428 with a clerical year error ("January 14, 2025"). That same day (16:47), Appellant clocked in a Motion for Mandatory Judicial Recusal against Judge Robert J. Bonds in Case 00385.

16. January 15, 2026: Judge Bonds conducted a hearing on motions to dismiss despite the pending, unadjudicated January 14 Recusal Motion, violating the mandatory stay required by *Rogers v. Wilkins*.

17. January 16, 2026 (10:39 AM): In Case 00385, Judge Bonds clocked an Electronic Form 4 stating: "Defendant Hearthstone Lakes HOA's Motion to Dismiss... is granted. A more formal order prepared by Thomas Lydon is forthcoming." The Form 4 officially certified: "This order [] ends [✓] does not end the case."

18. January 16, 2026 (3:14 PM): Counsel Thomas Lydon filed a "Proposed Order" substituting his own firm, MG&C, as the beneficiary of the dismissal, in direct contravention of the Form 4 authorization.

19. January 21, 2026 (09:44 AM): The Clerk's Office pre-staged a false entry on CMSWeb 7.2 claiming Appellant executed a "Decline to Sign: Proposed Order/Other" hours before Appellant arrived and hours before Mutterer Law Firm submitted its proposed order.

20. January 21, 2026 (4:00 PM): Appellant appeared at the intake counter and tendered four substantive pleadings—including a Rule 59(e) Omnibus Motion to Vacate, an Affidavit of Total Procedural Default, a Notice of Interest and Identity Fraud, and a Notice of Void Consent Order—with \$100.00 cash. Clerks refused intake and called police. Appellant left the cash and papers on the counter.

21. January 21–29, 2026 (The 8-Day Hostage Window): The Clerk held Appellant's paid motions and \$100.00 cash off-ledger in direct violation of *Barnes v. State*.

22. January 24, 2026 (Saturday Night): Armed deputies executed a nighttime raid at Appellant's home under arrest warrants sworn out by Clerk Keith Horton completely lacking the signature, seal, or authorization of a neutral magistrate, followed by an administrative banishment locking Appellant out of the courthouse.

23. January 28, 2026: Adverse counsel James D. Sharpe, III sent an email confirming that the Clerk "is not to file anything further in those cases" based on an "Order of the Court."

24. January 29, 2026 (12:59 PM): Executing Sharpe's barter instructions, the Clerk clocked in the January 21 papers but scrubbed their titles, disguising the Affidavit of Default and Fraud Notices as "Motion/Other" and "Notice/Other."

25. February 3, 2026 (12:12 PM Signed / 1:25 PM Clocked): Judge Dukes signed the "AMENDED ORDER OF CONTEMPT (To Correct Clerical Error)" in Case 00428 nunc pro tunc, restricting pro se filings against Harry Brown, while imposing \$2,563.48 in fees.

26. March 6, 2026 (Signed) / March 9, 2026 (Clocked 9:21 AM): Judge Bonds entered an official Form 4 Order denying reconsideration, but admitting in writing:

- a. That the public index was in error conflating MGC filings with the HOA;
- b. That the January 14 recusal motion was omitted from the January 15 roster; and
- c. Explicitly certifying: "This order [] ends [✓] does not end the case."

27. March 26, 2026: In Case 00385, Appellant filed an Omnibus Motion for Entry of Default Judgment & Motion to Vacate Void Orders Pursuant to Rule 60(b)(4), SCRPC.

28. August 4, 2026 (2:00 PM): Appellant clocked in a Motion for Mandatory Judicial Recusal against Judge Marvin H. Dukes, III.

29. August 6, 2026 (11:37 AM): Judge Dukes conducted an off-roster hearing without deciding the August 4 Recusal Motion. Appellant appeared via WebEx despite technical interruptions. At 11:37 AM, Deputy Clerk Laura Malphrus entered an unauthorized completion keystroke on CMSWeb 7.2 marking the Omnibus Default Motion completed without a signed Form 4 order. The August 4 Recusal Motion was left blank and uncompleted on CMSWeb.

30. September 21, 2026 (Federal Court): Appellant filed his Master Verified Civil Rights Complaint in U.S. District Court for the District of South Carolina (Williams v. Jasper County et al., Case No. 9:26-cv-04178-DCN-TER).

31. September 21, 2026 (15:26:05 State Court): Following the federal filing, Judge Dukes electronically signed the Order denying recusal, default, and Rule 60(b)(4) relief.

32. September 24, 2026 (11:30 AM State Court): The Jasper County Clerk's Office entered the Order onto the public index without an official Form 4 Judgment Sheet, claiming the February 3 Contempt Order was not accessible on the public index.

IV. CONCLUSION & PRAYER FOR APPELLATE RELIEF

WHEREFORE, Plaintiff-Appellant Tony Williams Pro Se respectfully moves the South Carolina Court of Appeals to:

A. VACATE IN ITS ENTIRETY the Order of the Honorable Marvin H. Dukes, III, electronically entered on September 24, 2026, in Case No. 2025-CP-27-00385;

B. VACATE AS VOID AB INITIO pursuant to Rule 60(b)(4), SCRCP, the interlocutory dismissal orders dated January 21 and January 22, 2026, procured by an inactive law firm lacking party capacity under Chet Adams Co., without an appearance under Rule 11(a) or roster publication under Rule 40(c), while Judge Bonds was subject to an unadjudicated Motion for Mandatory Judicial Recusal under Rogers v. Wilkins;

C. VACATE AS A VOID NULLITY under Thomas & Howard Co. v. Marion Lumber Co. and State ex rel. McLeod v. Hite the March 9, 2026 Form 4 attempt to retroactively amend a void order;

D. ENFORCE THE MANDATORY DEFAULT OF ALL DEFENDANTS-RESPONDENTS pursuant to Rule 55(a), SCRCP, Howard v. Holiday Inns, Inc., Stark Truss Co. v. Superior Construction Corp., and Sundown Operating Co. v. Intedge Industries, Inc., establishing that Respondents Hearthstone Lakes HOA, John T. Budrow, Kevan Shepps, McAngus, Goudelock & Courie, LLC, and Mutterer Law Firm, LLC remain in a certified state of procedural default, having never filed an Answer nor a verified motion to set aside default under Rule 55(c);

E. VACATE AS VOID AB INITIO the Amended Order of Contempt dated February 3, 2026, in Case No. 2023-CP-27-00428, for lack of an underlying executed Form 4 Sanctions Order under Upchurch v. Upchurch, expunging all monetary sanctions and unconstitutional filing bans;

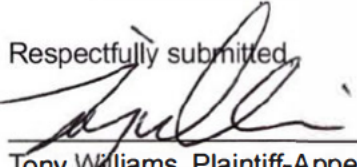
F. DECLARE that the Circuit Court's administrative dismissal violated Rule 54(b), SCRCP, leaving all eight causes of action against individual tortfeasors Budrow and Shepps and the HOA's \$5,494.75 Counterclaim completely unadjudicated;

G. REMAND this matter to the Fourteenth Judicial Circuit with mandatory instructions to:

1. Assign a neutral, untainted Circuit Judge from outside the Fourteenth Judicial Circuit;
2. Conduct an immediate hearing on damages pursuant to Rule 55(b)(2), SCRCP; and

3. Issue a binding writ compelling the Jasper County Clerk of Court to comply strictly with the ministerial "blind intake" mandate of Barnes v. State, 433 S.C. 594 (2021), expunging all unauthorized keystroke completions and docketing all filings nunc pro tunc as of their original delivery dates.

Respectfully submitted,



9/28/26

Tony Williams, Plaintiff-Appellant Pro Se

145 Fort Sullivan Drive

Ridgeland, South Carolina 29936

Email: Twtony6371@gmail.com

Telephone: (843) 263-4488

Dated: September 28, 2026

TONY WILLIAMS
145 Fort Sullivan Drive
Ridgeland, South Carolina 29936
Telephone: (843) 263-4488
Email: Twtony6371@gmail.com

September 28, 2026

VIA CERTIFIED MAIL / RETURN RECEIPT REQUESTED
Tracking No.: _____

The Honorable Clerk of Court
South Carolina Court of Appeals
Supreme Court Building
1231 Gervais Street
Post Office Box 11629
Columbia, South Carolina 29211

Re: NOTICE OF APPEAL & INTAKE TRANSMITTAL PACKAGE

Tony Williams v. Hearthstone Lakes HOA, John T. Budrow, Kevan Shepps, McAngus,
Godelock & Courie, LLC, and Mutterer Law Firm, LLC

Jasper County Court of Common Pleas (Fourteenth Judicial Circuit)

Civil Action No.: 2025-CP-27-00385

(Cross-Referencing Contempt Directives in Case No. 2023-CP-27-00428)

Appealed Order Entered: September 24, 2026 (Judge Marvin H. Dukes, III)

Dear Clerk of Court:

Enclosed for formal filing with the South Carolina Court of Appeals pursuant to Rules 201, 203, 204, and 205 of the South Carolina Appellate Court Rules (SCACR), please find the original and duplicate copy of Plaintiff-Appellant Tony Williams's Appellate Intake Package, consisting of:

1. Appellant's Expedited Notice of Appeal, Statement of Issues on Appeal, and Designation of Jurisdictional, Procedural, Rule 54(b), and Party-Capacity Defects;
2. Appellate Certificate of Service confirming service upon the Jasper County Clerk of Court and all adverse counsel of record pursuant to Rule 203(b)(1) & Rule 204, SCACR;
3. Rule 207, SCACR Transcript Request Package / Court Reporter Notice; and

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OCT 02 2026

SC Court of Appeals

4. Appellate filing fee OR Appellant's Verified Motion to Proceed In Forma Pauperis (IFP) accompanied by an executed Affidavit of Indigency.

JURISDICTIONAL & RECUSAL THRESHOLD NOTICE
(IMMEDIATE ATTENTION OF SENIOR STAFF ATTORNEYS REQUESTED)

Appellant respectfully requests that the intake department and Senior Staff Attorneys review this filing immediately upon docketing. The appealed final written Order—signed by the Honorable Marvin H. Dukes, III on September 21, 2026, and entered onto the public index on September 24, 2026—presents grave, irreconcilable jurisdictional, recusal, and structural due process defects apparent on the face of the public record:

1. Appearance of Impropriety & Direct Factual Contradiction on Recusal:

The Circuit Court denied Appellant's timely motion for mandatory judicial recusal under Canon 3(E) of the Code of Judicial Conduct by asserting under judicial signature on Page 2 of the appealed Order that a February 3, 2026 Contempt Order in Case No. 2023-CP-27-00428 "if such an Order exists, is not accessible through the public index." The official Judicial Branch CMSWeb 7.2 electronic ledger and clocked records confirm that Judge Marvin H. Dukes, III personally electronically signed that exact order at 12:12 PM on February 3, 2026, which was clocked onto the public index at 1:25 PM with an official electronic filing barcode.

2. Adjudicating Claims for "Ghost Defendants" (Rules 11(a) & 40(c), SCRCP): The official CMSWeb 7.2 Actions ledger establishes that Defendants John T. Budrow, Kevan Shepps, and McAngus, Goudelock & Courie, LLC (MG&C) never filed a Notice of Appearance under Rule 11(a), SCRCP, never filed an Answer, and were never published on any motions roster under Rule 40(c), SCRCP. Adverse counsel Thomas E. Lydon, III appeared exclusively for "Hearthstone Lakes HOA." The Circuit Court granted dismissals to ghost entities who never appeared, were never rostered, and never had a hearing conducted on their behalf.

3. Sua Sponte Excusal of an 8-Month Unbroken Default (*Stark Truss*, *Sundown*, & *Howard*):

Appellant's verified Affidavits of Default were clocked on January 29, 2026. For nearly eight (8) full months, Defendants Budrow, Shepps, MG&C, and MLF never filed a verified motion under Rule 55(c), SCRCP, to set aside default. On Page 3 of the appealed Order, the Circuit Court held that "[e]ven if a party or firm were in default, there is not a prohibition on allowing such a party to appear," and proceeded to excuse their defaults sua sponte, directly defying *Stark Truss Co. v. Superior Construction Corp.*, 360 S.C. 503 (Ct. App. 2004), *Sundown Operating Co. v. Intedge Industries, Inc.*, 383 S.C. 601 (2009), and *Howard v. Holiday Inns, Inc.*, 271 S.C. 238 (1978).

4. Judicial Admission of Physical Courthouse Banishment & "Mail-Only" Traps: The Circuit Court dismissed Appellant's claims for alleged "non-appearance" while explicitly admitting in Footnote 1 and Page 5 of its Order that Appellant was physically banished from entering the Jasper County Courthouse and restricted to "mail-only" filings under threat of police arrest. Banishment of an Eggshell, 100% disabled combat veteran from the public intake counter while penalizing him for non-appearance violates Logan v. Zimmerman Brush Co., 455 U.S. 422 (1982), and Huminski v. Corsones, 396 F.3d 53 (2d Cir. 2005).

5. Form 4 Judicial Admissions & Rule 54(b) Non-Finality: Judge Robert J. Bonds entered written judicial admissions on an official Form 4 Order (signed March 6, clocked March 9, 2026) certifying:

(a) that the public index contained systemic errors conflating MGC filings with the HOA;

(b) that Appellant's January 14, 2026 recusal motion was omitted from the hearing roster; and

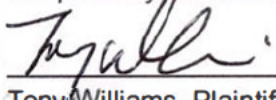
(c) that the order explicitly "does not end the case." Furthermore, the appealed September 24 Order confirms that Defendant HOA answered, was not dismissed, and that its \$5,494.75 Counterclaim was never tried, violating Rule 54(b), SCRCP.

FILING CONFIRMATION REQUEST

Please file-stamp the enclosed documents, assign an Appellate Case Number, and return the clock-stamped duplicate copy of the Notice of Appeal in the self-addressed, stamped envelope provided herewith.

Thank you in advance for your assistance and ministerial diligence in docketing this matter.

Respectfully submitted,

 9/28/26

Tony Williams, Plaintiff-Appellant Pro Se

145 Fort Sullivan Drive

Ridgeland, South Carolina 29936

Email: Twtony6371@gmail.com

Telephone: (843) 263-4488

Enclosures:

1. Expedited Notice of Appeal, Statement of Issues, and Designation of Defects
2. Appellate Certificate of Service
3. Rule 207 Transcript Request Notice
4. Filing Fee / In Forma Pauperis Application
5. Self-Addressed Stamped Envelope (SASE)

cc:

Clerk of Court for Jasper County (Certified Mail)

Thomas E. Lydon, III, Esq., Counsel for Hearthstone Lakes HOA, Budrow, Shepps, and MG&C

Andrew N. Platte, Esq., Counsel for Mutterer Law Firm, LLC

Tony Williams
145 Fort Sullivan Drive
Ridgeland SC 29936



Retail



RDC 99

RECEIVED

OCT 02 2026

SC Court of Appeals

10/1

The Honorable Clerk of Court
SC Court of Appeals
Supreme Court Building
1231 Gervais Street
PO Box 11629
Columbia SC 29211

