

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas  
R. Lawton McIntosh, Circuit Court Judge

73626

Case No.: 2011-CP-32-01010  
Appellate Case No.: 2013-002056

Glenda Renee Couram

Appellant,

v

Mr. & Mrs. Christopher Hooker, Mr. & Mrs. Carl Riebold, Legal or Equitable Right, Title, state, Lien or interest in the Property Described in the Complaint Adverse to the Plaintiff's; Cox & Dinkins, Inc., Fair Builders/Developers, Inc., J. Donald "Don" Rawls & Steve Fair in their official and individual capacities, Carolina Water Svc., (CWS), Carolina Trace Utilities, Inc., & Utilities, Inc., Corporate Offices

Defendants,

Of whom Mr. & Mrs. Christopher Hooker, Mr. & Mrs. Carl Riebold, Cox & Dinkins, Inc., Fair Builders/Developers, Inc., J. Donald "Don" Rawls<sup>1</sup> and Steve Fair<sup>2</sup> in their official and individual capacities are

Respondents.

MOTION TO RECONSIDER ORDER  
DATED SEPTEMBER 11, 2014

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SC Court of Appeals

<sup>1</sup> J. Donald "Don" Rawls is an employee of Cox and Dinkins who has been sued in his official and individual capacity

<sup>2</sup> Steve Fair is the registered agent for Fair Builders who was sued in his official and individual capacity.

NOW COMES the Appellant to request a reconsideration of this Court' Order dated September 11, 2014.

Appellant was sent a letter from the Court of Appeals renaming her caption by dropping a respondent stating that it had "come to their attention "that Fair Builders, Inc, was not served or a party to the Appeal and removed Fair Builders, Inc., from the caption. Appellant filed a Motion to Reinstate that received no response. She called the Court to find out why and had to resend the Motion. On or about September 15, 2014, after filing the Final Brief with the caption as she submitted including Fair Builders, Inc. and listing that Fair and Rawls was sued in their official and individual capacities.<sup>3</sup> The court also removed the fact that these individuals were sued in their individual and official capacities.

Of whom Mr. & Mrs. Christopher Hooker, Mr. & Mrs. Carl Riebold, Cox & Dinkins, Inc., J. Donald "Don" Rawls<sup>4</sup> and Steve Fair<sup>5</sup> are Respondents<sup>6</sup>

Appellant received the Order of this Court dated September 11, 2014, and received on September 15, 2014, that per the ruling in Renaissance Enters., Inc. v. Summit Teleservices, Inc., supra, where the Court held a non-lawyer cannot represent a corporation in circuit or appellate courts.....

Appellant filed and named Steven A. Fair, as a defendant in this matter on or about March 11, 2011, he was being sued in his individual and official capacity as the Owner of Fair Builders, Inc. Appellant went to the SC Secretary of State website and found that Fair was the Registered Agent for his company Fair Builders, Inc. Appellant served Steven A. Fair,

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<sup>3</sup> For some reason in rewriting the caption the court makes it appear that Fair and Rawls work for Cox and Dinkins. Fair was or is the owner and registered agent for Fair Builders, Inc. sued individually and officially. 2) J Donald "Don" Rawls is the employee of Cox and Dinkins sued individually and officially as an employee of Cox and Dinkins.

<sup>4</sup> J. Donald "Don" Rawls is an employee of Cox and Dinkins who has been sued in his official and individual capacity

<sup>5</sup> Steve Fair is the registered agent for Fair Builders who was sued in his official and individual capacity.

<sup>6</sup> The court will note as the caption read per the Appeals Court Steve Fair is an employee of Cox and Dinkins, Inc., and would imply that Appellant's civil conspiracy claim will fail because a corporation cannot conspire against itself.

Registered Agent and Fair Builders, Inc., via certified mail and at two addresses 153 Shirway Road, Lexington, SC 29073 and at 100 S Wrenwood Dr., Lexington, SC 29073 the company was set up in July 1994, three months after Appellant purchased her house and dissolved in June 2012, a year after filing of summon and complaint (the 153 address was listed for Fair Builders and the Registered Agent it has since been changed to the 100 S Wrenwood address).

A Registered Agent per the SC of State Office and SC Code of Laws Section 15-9-15 et seq., is “the person who is designated and authorized to accept service of process for another person or entity.”

Appellant complied with the SCRCPP where it states and via case law: Service upon a corporation may be made “by delivering a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process.” Rule 4(d)(3), SCRCPP. Rule 4 serves at least two purposes: it confers personal jurisdiction on the court and assures the defendant of reasonable notice of the action; *Roche v. Young Bros., Inc. of Florence*, 318 S.C. 207, 209, 456 S.E.2d 897, 899 (1995). Exacting compliance with the rules is not required to affect service of process. *Id.*

Appellant received an answer under Fair’s signature with the caption Steve Fair or Fair Builders, dated July 7, 2011 (ROA p 50). An answer Appellant is now being informed was an illegal one and Fair’s unauthorized practice of law if the answer is to pertain to Fair or Fair Builders, Inc., but the fact that an answer was filed is proof of service on both Fair and the corporation as Fair is the named Registered Agent.

Appellant filed Motions for Default as after this answer was made Fair nor Fair Builders, responded to the Amended Complaints or Summons nor did they respond to the Motions for Default. Appellant moved for a Motion for Default and was told by Judge McMahon to file an

Affidavit of Service, proof of service. Appellant complied and had the documents notarized.

The matter went before Judge Birch who denied the Motions for Default despite the Affidavit of Service and no responds from Fair or Fair Builders, Inc., expect the one in July 7, 2011, the Judge ruled "Plaintiff's Motion for Default Judgment denied. Answer has been filed."he did not clarify the Order or Judgment by stating that Fair Builders, Inc., could not be represented by Fair but that "Answer had been filed."<sup>7</sup>

All documents were addressed to Steve Fair, Registered Agent sent to both addresses of record 100 S. Wrenwood, Lexington, SC and 153 Shirway Road, Lexington, SC 29073. It was and is Fair's responsibility as the listed Registered agent to forward all legal documents to a licensed attorney he choose to not to do so noncompliance with the laws of this state, SCRPC, regulations of the SC Secretary of State. There is no doubt that Fair as the Registered received the summons and complaint at both address as he did respond once in answer. His caption reads Steve A Fair or Fair Builders. Inc., with his signature.

The two attorneys in this matter sit with Fair during the Trial, spoke with him during the trial, passed papers back and forth during the trial and neither reported as Officers of the Court as is their duty inform the court that Fair engaged in unauthorized practice of law. Judge McIntosh allowed Fair to represent himself and his company encouraging him to make an Opening statement cross exam witnesses. (ROA pp 76, 314, 312-322, 341, 356)

"Officer Creech, on those two days did Ms. Couram have any complaints about Steve Fair or Fair Builders."

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<sup>7</sup> "The adjudicative power of the Court carries with it the inherent power to control the order of its business to safeguard the rights of litigants." Renaissance Enters., Inc. v. Summit Teleservices, Inc., 334 S.C. 649, 651, 515 S.E.2d 257, 258 (1999)(citing Williams v. Bordon's, Inc., 274 S.C. 275, 262 S.E.2d 881 (1980)). "The goal of the prohibition against the unauthorized practice of law is to protect the public from incompetent, unethical, or irresponsible representation." Id. ..... that non-attorneys may not prepare legal documents for others to present in family court when such preparation involves the giving of advice, consultation, explanation, or recommendations on matters of law. State v. Despain, supra.

As pro se it was not very likely the Appellant would have known about the fact that Fair could not represent himself and his own Fair Builders in this matter but it was well established law and the two learned Attorneys for the Defense Brown and Howser, Judge Birch and McIntosh should have known and had to have known Fair could not represent Fair Builders but they made no objections nor did the court inform Fair of his actions as being illegal but continued to allow the unauthorized practice of law by Fair.

To remove Fair Builders, Inc., from this matter is dismissing and essential portion of Appellant's case before this Court or the Supreme Court. While this matter was not in the Magistrate Court it runs along the same pattern as the Courts ruling in *The Roof Doctor, Inc. v. Birchwood Holdings, Ltd.*, 366 S.C. 637, 622 S.E.2d 746 (Ct.App. 2005). This Court patterns its ruling on cases from the Massachusetts and North Carolina Courts:

In *Sawyer Co. v. Boyajian*, the Supreme Judicial Court of Massachusetts discussed this issue. 5 N.E.2d 348 (Mass. 1936). As we have here, the Sawyer court found it unnecessary to determine whether the alleged improper actions constituted the unauthorized practice of law and stated:

It may be assumed without decision that the alleged conduct . . . was an unauthorized practice of the law. It is the contention of the defendant, in substance and effect that the entire proceedings . . . were rendered void . . . even though there was no objection until after a finding had been made. But few authorities support this position. . . . The authorities indicate that proceedings in an action, before any objection is made . . . are not vitiated<sup>8</sup> by . . . [the unauthorized practice of law].

*Id.* at 350. The court also stated: "The case at bar is distinguishable from those wherein objection is made to further proceedings conducted by an unauthorized attorney." *Id.* In this case, although Roof Doctor raised the issue before the magistrate, Roof Doctor agreed to proceed on the merits.

In North Carolina Court of Appeals likewise assumed, without finding, that there was unauthorized practice of law. In *re Stroh Brewery Co.*, 447 S.E.2d 803, 806 (N.C. Ct. App. 1994). The court concluded that dismissal of the

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<sup>8</sup> to make imperfect, faulty, or impure; spoil; corrupt; to weaken morally; debase; pervert; to make (a contract, or other legal instrument) ineffective; invalidate

appeal on the ground of unauthorized practice of law was not “an appropriate remedy.” *Id.* The court found the issue was a collateral matter, unrelated to the merits of the appeal. *Id.* Also see *Alexander v. Robertson*, 882 F.2d 421, 425 (9th Cir. 1989).

In conclusion, the Appellant ask this court to void its Order dated September 11, 2014, and after the fact objections made by whoever finally brought this matter to its attention that Fair had illegally practiced law in its representation of Fair Builders, Inc., in the lower court.

Appellant's asserts that the lower court has erred to her detriment and prejudice as well as this court. While the court is not dismissing this matter altogether it is removing an essential component to this Appeal.

Appellant therefore prays that the Court void its Order removing Fair Builders, Inc., from this action as there is no question that Fair as the registered agent failed to procure an attorney to represent Fair Builders, Inc., as he was duty bound by the laws of South Carolina and instead sought to do so himself as represented by his question to Officer Creech.

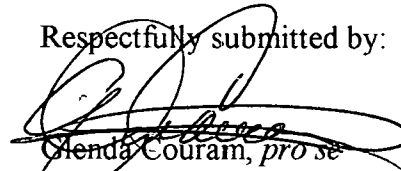
Appellant also asks this court to accept her caption as filed to include Fair Builders, Inc., and or declare the Orders of Judge Birch void and grant the Motion of Default in Appellant’s favor. Void or allow this matter to proceed to the Court of Appeals with the Appellant asking if the lower court committed reversible err or abuse of discretion by allowing Fair to represent himself and Fair Builders, Inc. during the trial and failing to explain the consequences as he was duty bound or 3) declare the Orders of Judge Birch, McIntosh and the jury as void.<sup>9</sup> Appellant as pro se is allowed to file notice on Fair and Fair Builders, Inc., which is what she did and this by law should stand. It was Fairs responsibility as a business owner and registered agent to know that he could not represent his business Far Builders, Inc., and appellant believes it was the Courts responsibility to inform Fair which they did not and Appellant should not be penalized for

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<sup>9</sup> The Supreme Court of South Carolina - Sharon Brown, Administratrix of the Estate of Ronnie Lee Brown, Appellant, v. Suzanne E. Coe, Respondent.

the lower court or Fair's<sup>10</sup> action. In the interest of justice this matter should be voided or allowed to proceed to its logical conclusion of the Appeal court justice to avert this miscarriage of justice and stain on the courts, that the Appellant feels took place with many unclean hands and motives.

Respectfully submitted by:



Glenda Couram, *pro se*  
Appellant

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Lexington, SC 29073  
(803) 896-7509  
grcouram@hotmail.com

September 21<sup>th</sup>, 2014  
Lexington, South Carolina

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<sup>10</sup> When Appellant took Fair to magistrate court for damages (not trespass) he had an attorney which he was very much aware of the necessity for an attorney to represent his Fair Builders, Inc.

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Appellate Case No.: 2013-002056

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Glenda Renee Couram

Appellant,

v

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J. Donald "Don" Rawls & Steve Fair in their official and individual capacities, Carolina Water Svc., (CWS), Carolina Trace Utilities, Inc., & Utilities, Inc., Corporate Offices

Defendants,

Of whom Mr. & Mrs. Christopher Hooker, Mr. & Mrs. Carl Riebold, Cox & Dinkins, Inc., Fair Builders/Developers, Inc., J. Donald "Don" Rawls & Steve Fair in their official and individual capacities are

Respondents.

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PROOF OF SERVICE

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I, the undersigned hereby certify that I the *pro se* Appellant personally served or hand delivered a copy of the MOTION TO RECONSIDER ORDER DATED SEPTEMBER 11, 2014 on each Respondent as listed below by causing a copy of the same to be deposited in a US postal

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service mailbox with adequate postage prepaid, addressed as follows this 21<sup>th</sup> day of September 2014:

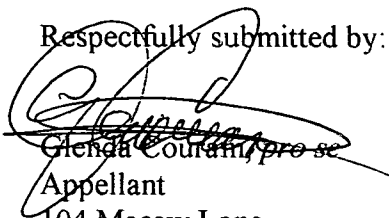
Steven A. Fair, *pro se*  
Registered Agent  
Fair Builders/Developers, Inc.  
153 Shirway Road  
Lexington, SC 29073

R. Davis Howser, Esq.  
Howser, Newman & Besley, L.L.C.  
P.O. Box 12009  
Columbia, SC 29211-2009

Law Office of Smokey Brown, PC  
PO Box 1545  
Irmo, SC 29063

Steve Fair, *pro se*  
Registered Agent  
100 S. Wrenwood Drive  
Lexington, SC 29073

Respectfully submitted by:

  
~~Glenda Couram, *pro se*~~  
Appellant  
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grcouram@hotmail.com

September 21<sup>st</sup>, 2014  
Lexington, South Carolina

September 21, 2014

Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

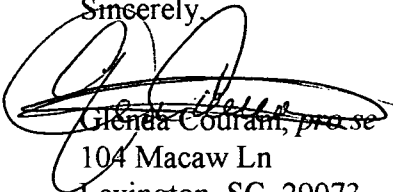
RE: Glenda Couram v Mr. & Mrs. Christopher Hooker, Mr. & Mrs. Carl Reibold, Cox & Dinkins, Inc., Fair Builders/Developers, Inc., J. Donald "Don" Rawls & Steve Fair in their official and individual capacities,  
Case No.: 2011-CP-32-01010  
Appellate Case No.: 2013-002056

Dear Ms. Kitchings:

Please find the Motion to Reconsider Order Dated September 11, 2014 from this court in regards to the above referenced matter. I have mailed to the Respondents as listed below. Also included is the failing fee if necessary.

The Appellant will file a Reply Brief that will be submitted within the 10 days as required under the SCRPC – due on or about September 23<sup>rd</sup>, 2014.

Sincerely,

  
~~Glenda Couram, pro se~~  
104 Macaw Ln  
Lexington, SC 29073  
grcouram@hotmail.com  
803 896-7509

/grc

Enc. Chk \$25.00

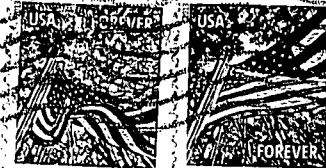
c: Steven Fair and Registered Agent for Fair Builders, *pro se*  
R. Davis Howser, Esq.  
Law Office of Smokey Brown, PC

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Glenda R. Couram  
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Lexington, SC 29073

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V. Claire Allen, Deputy Clerk  
SC Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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