

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

FEB 18 2015

**SC Court of Appeals**

75084

APPELLATE CASE NUMBER 2013-002311

Rene McMasters now known as Rene McMasters Ronaghan.....Respondent

vs.

H. Wayne Charpia a/k/a Howard W. Charpia and Jody E. Charpia.....Appellants

MOTION TO REQUIRE THE APPELLANTS TO PROPERLY PREPARE AND SERVE THE  
RECORD ON APPEAL AND FOR AN ORDER GRANTING THE RESPONDENT AN  
EXTENSION OF TIME TO FILE FINAL BRIEF

Respondent, Rene McMasters Ronaghan, hereby moves before the Court for an Order requiring the Appellants to properly prepare the Record on Appeal in accordance with Rule 210, SCACR.

The grounds for this motion are that the Respondent previously moved before this Court by motion dated December 18, 2014, requesting that the Appellants be required to serve the Record on Appeal to Respondent's counsel. By Order of Chief Justice John Cannon Few, filed January 30, 2015, the Respondent's motion was granted and the Appellants were ordered to serve the Respondent with a copy of the Record on Appeal. Respondent did serve Respondent's counsel with a copy of the Record on Appeal on February 9, 2015, a copy of which is attached as Exhibit "A".

The Record on Appeal served upon Respondent's counsel by the Appellants does not comply with Rule 210, SCACR. Particularly, the Appellants did not include in the Record on Appeal all matters designated to be included by the Respondent.

A copy of the Respondent's Designation of Matter to Be Included in the Record on

Appeal is attached as Exhibit "B".

The Appellants failed to include the following items that were designated by the Respondent:

1. Complaint filed August 10, 2009
2. Motion for Compulsory order of Reference filed September 24, 2009.
5. Order of Recusal of Judge Maite' Murphy dated April 10, 2012.
6. Order of Foreclosure and Sale dated October 29, 2012.
7. Motion to Void and Vacate Order filed October 19, 2012.
8. Motion to Reconsider filed December 3, 2012.
10. Order of Judge Dickson Denying Motion to Reconsider dated June 26, 2012
11. Order of Judge Dickson Denying Motion to Void Order

In addition, the matters contained in the Record on Appeal are not arranged in the proper order in accordance with Rule 210 (c) SCARC.

The Respondent also requests that the Respondent be granted twenty (20) days after service of the correct Record on Appeal, to serve and file her Final Brief.

CISA & DODDS, LLP



---

Frank M. Cisa  
858 Lowcountry Blvd., Suite 101  
Mt. Pleasant, SC 29464  
Phone: (843) 881-6530  
Fax: (843) 881-5433  
E-mail: [frank@cisadodds.com](mailto:frank@cisadodds.com)

Attorneys for the Respondent,  
Renee McMasters Ronaghan

This 17<sup>th</sup> day of February, 2015

CISA

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM DORCHESTER COUNTY  
COURT OF COMMON PLEAS

EDGAR W. DICKSON, FIRST CIRCUIT

Case # 2009-CP-18-2200

RENE McMASTERS (RONAGHAN).....Respondent

vs.

HOWARD W. CHARPIA and JODY E. CHARPIA.....Appellants

RECORD ON APPEAL

Howard W. Charpia, et al  
1450 Jahnz Ave.  
Summerville, SC 29485  
843-873-0976

Attorney Frank M. Cisa  
For Respondent

EXHIBIT  
"A"  
Blumberg No. 5119

# Master v. Charpia, 2009-CP-18-2200, Motion to Reconsider/Motion to Set Aside Judgment

Thursday, January 10, 2013 4:35 PM

From:

"Dickson, Edgar W. Law Clerk (Andrew C. Evans)" <edicksonlc@sccourts.org> [Add sender to Contacts](#)

To:

"charpia13@bellsouth.net" <charpia13@bellsouth.net>, "frank@cisadodds.com" <frank@cisadodds.com>

Cc:

"Dickson, Edgar W. Secretary (Peggy Smith)" <edicksonsc@sccourts.org>, "Becky Stevens (BStevens@dorchestercounty.net)" <BStevens@dorchestercounty.net>, "Ayer, Carolyn L." <cayer@dorchestercounty.net>

Gentlemen,

It has come to the Court's attention that Mr. Charpia contends that he was not notified of the hearing that took place yesterday, January 9, 2013 in Dorchester County.

The Court would like to apologize for this oversight.

It appearing that this matter is currently before the South Carolina Court of Appeals, the Court feels it no longer has the jurisdiction to hear Motions in the case. However, the Court wishes to make a ruling on Mr. Charpia's two Motions without any further argument.

The Court has taken both Motions under consideration and has consulted the Court file as well as arguments of the parties, written submissions, and its own notes from the prior hearing. The Court has found nothing therein raising grounds to alter or set aside the judgment. As such, both Motions are hereby denied.

Mr. Cisa, Judge Dickson asks that you prepare an Order and send a copy to Mr. Charpia. Please sent us a hard copy via US Mail with a self-addressed return envelope.

Thank you. Kind regards,

Drew Evans  
Andrew C. Evans  
Law Clerk, Hon. Edgar Warren Dickson  
First Judicial Circuit  
P. O. Box 1949  
Orangeburg, S. C. 29116

---

**RE: FW: FW: New Civil Action  
2009-CP-18-2200**

Thursday, January 10, 2013 2:38 PM

From:  
"Carolyn Ayer" <CAyer@dorchestercounty.net> Add sender to Contacts

To:  
"HWayne CHARPIA" charpia13@bellsouth.net

Cc: frank@cisadodds.com, "Becky Stevens" <BStevens@dorchestercounty.net>

Wayne,

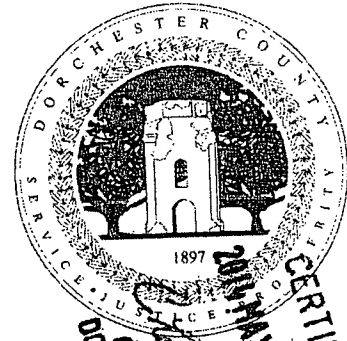
After checking, it seems we had a technical error your email was entered under your name instead of your name as pro se, and that seems to be why you didn't get notice after checking with IT Dept. I will talk to Judge Dickson and get back to you.

Carolyn Ayer  
Deputy/Civil Court Coordinator  
Dorchester County  
5200 East Jim Bilton Blvd.  
St. George, S.C. 29477

cayer@dorchestercounty.net

2

DORCHESTER COUNTY CLERK OF COURT  
Cheryl Graham, Clerk of Court  
5200 East Jim Bilton Blvd.  
St. George, SC 29477



Case No. 2009CP1802200  
McMasters vs. Charpia  
Motion: Motion for Reconsideration

CERTIFIED COPY  
MAY 12 PM 3:38  
DORCHESTER COUNTY CLERK OF COURT  
*Cheryl Graham*

*This is to acknowledge that the Clerk of Court Coordinator did not notify the defendant Jody Charpia of the hearing on January 9, 2013 on the above captioned case.*

May 12, 2014

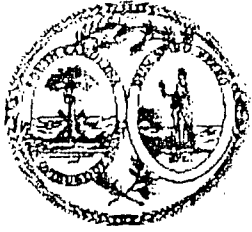
*Carolyn Ayer*  
Carolyn Ayer, Civil Court  
Coordinator  
Dorchester County

3

NOTICE OF CASE SCHEDULING

STATE OF SOUTH CAROLINA

May 23, 2012



Case 2009CP1802200 - Rene Mcmasters VS H Wayne Charpia , defendant, et al has been added to the following Court Roster:

Roster ID: 117 - Non Jury Trial Roster, July 30, 2012 Hon . Edgar Dickson, Presiding

This case has been assigned as priority 2 of 19 cases scheduled for the court period of 7/30/2012 through 7/30/2012

Attorneys: Non Jury Roster Meeting July 30, 2012 10:00 a.m. trials will begin immediately after roster meeting. Roster can be found at www.sccourts.org . Hon.Edgar Dickson Presiding, Dorchester County Courthouse 5200 East Jim Bilton Blvd., St. George, S.C. 29477 if your case has settled please notify cayer@dorchestercounty.net

Thank you,  
s/Diane S. Goodstein, Chief Adm. Judge  
Carolyn Ayer  
Civil Court Coordinator  
Dorchester County  
843-823-0108

2012 MAY 24 AM 11:38  
CLERK OF COURT  
DORCHESTER COUNTY

Mail Notice To:
H Wayne Charpia 1450 Jahnz Ave.  Summerville, SC 29485

Court Info:
Common Pleas 5200 E. Jim Bilton Blvd.  St. George, SC 29477-9477

If you have any questions regarding the scheduling of this case, please contact the courts at: 1-843-563-0108

Respectfully,

Carolyn Ayer  
Civil Court Coordinator

PO Box 234  
29477  
NO SUBJECT  
6 matter

**Dorchester County First Judicial Circuit - Roster Details**  
**Motions, July 30, 2012, Hon. Edgar Dickson, Presiding**

<b>Court Agency</b>	<b>Common Pleas</b>	<b>Judge</b>	<b>Dickson</b>	<b>Roster Id</b>	<b>109</b>
<b>Roster Type</b>	<b>Motions</b>	<b>Roster Begin Date</b>	<b>07/30/2012</b>	<b>Roster End Date</b>	<b>07/30/2012</b>

Number of motions = 18

Scheduled	#	Time	hr:mn	Description	Filing Party	Filed Date	Case	Case Sub Type	Plaintiff Attorney	Defendant Attorney	Notes
07/30/2012	1	9:30 AM	0:15	Amended Motion to Compel	Carmen Hutto-PLT	07/19/2012	2011CP1802529 Carmen Hutto , plaintiff, et al VS Casey G Carver	Wrongful Death 360	David Wesley Whittington (843) 821-9700	R Bruce Wallace (843) 577-9440	Completed-07/30/2012
07/30/2012	2	9:30 AM	0:15	Notice of Motion & Motion for order of reference	Eleanor Reynolds-PLT	03/12/2012	2010CP1802603 Eleanor Reynolds VS George W Middleton , defendant, et al	Foreclosure 420	Gregory Hyland (843) 871-7765 Andrew Shepherd (843) 871-7765	Arlathia Cherry Hayes Randall Webb Charpia (843) 261-7026 Carol Liggins Kenya Hamilton Hayes George Hayes Ralph Clayton	Completed-07/30/2012
07/30/2012	3	9:30 AM	0:15	Motion for Order of Refer to Master	First Federal Savings And Loan Association Of Charleston-PLT	11/22/2011	2011CP1801268 First Federal Savings And Loan Association Of Charleston VS Russell C Davis , defendant, et al	Foreclosure 420	Kristen Nichols Voyer ((84) 3) -577 -x2026	Tammy C Davis Russell C Davis	Completed-07/30/2012
07/30/2012	4	10:00 AM	0:15	Notice of Motion and Motion of lift Default	William D. Waltz-DEF	03/19/2012	2011CP1800466 Tommie J Dangerfield VS William D. Waltz	Personal Injury 350	David Wesley Whittington (843) 821-9700	William D Waltz John L. McDonald Jr. (843) 577-2026	Completed-08/01/2012
07/30/2012	5	2:00 PM	0:15	Def DC School Dist. 2 Motion to Dismiss/Alternatively	Dorchester County School District 2-DEF	10/26/2011	2011CP1801727 Mary Rita Watson VS Dorchester County School District 2 , defendant, et al	Breach of Cont 140	Gregg E. Meyers (843) 720-8714	Hugh Willcox Buyck (843) 377-1400 Gordon Wade Cooper (843) 577-4435 Elizabeth Palmer ((84) 3) -266- x8166	Completed-07/30/2012
07/30/2012	6	2:00 PM	0:15	Def Luther Carl Knights Motion to Dismiss/Alternative/Motion	Sheriff Dorchester County-DEF	11/16/2011	2011CP1801727 Mary Rita Watson VS Dorchester County School District 2 , defendant, et al	Breach of Cont 140	Gregg E. Meyers (843) 720-8714	Hugh Willcox Buyck (843) 377-1400 Gordon Wade Cooper (843) 577-4435 Elizabeth Palmer ((84) 3) -266- x8166	Completed-07/30/2012
07/30/2012	7	2:00 PM	0:15	Notice of Motion for Temporary Restraining Order	William Blazer-PLT	06/16/2011	2011CP1801233 William Blazer VS Jody Vavra Bentley	Contract/Other 199	Margie A Pizarro (843) 285-7100	Russell A. DeMott (843) 695-0830 Jody Vavra Bentley	Completed-04/30/2012
07/30/2012	8	2:00 PM	0:15	Motion for Protective Order/Affidavit		05/11/2012	2011CP1801632 Amber Nicole Thompson , plaintiff, et al VS Dorchester County School District 2 , defendant, et al	Personal Injury 350	David Butler Yarborough Jr. (843) 972-0150	Alice F. Paylor (843) 266-8105 James A. Stuckey Jr. (843) 577-9323	Completed-06/22/2012
07/30/2012	9	2:00 PM	0:15	Motion to reopen the Record of a PCR Hearing	Louis Sheppard-PLT	09/08/2011	2010CP1802042 Louis Sheppard VS South Carolina State Of	Post Convict Rel 500	Charles Thomas Brooks (803) 418-5708	Robert Comey (843) 734-5178	Completed-07/30/2012

**Dorchester County First Judicial Circuit - Roster Details  
Motions, July 30, 2012, Hon. Edgar Dickson, Presiding**

<b>Court Agency</b>	<b>Common Pleas</b>	<b>Judge</b>	<b>Dickson</b>	<b>Roster Id</b>	<b>109</b>
<b>Roster Type</b>	<b>Motions</b>	<b>Roster Begin Date</b>	<b>07/30/2012</b>	<b>Roster End Date</b>	<b>07/30/2012</b>
<b>Number of motions = 18</b>					

Scheduled	#	Time	hr:mn	Description	Filing Party	Filed Date	Case	Case Sub Type	Plaintiff Attorney	Defendant Attorney	Notes
07/30/2012	10	2:00 PM	0:15	Motion for Substitution of Counsel	Michael Dever-DEF	02/24/2012	2011CP1800508 514 Jump Amusements Lic VS Sarah Rangel, defendant, et al	Debt Collections 110	Louis Sheppard Paul B. Ferrara III (843) 569-5511	Michael Dever (843) 224-1503 Sarah Rangel (843) 224-1503	Completed-07/30/2012
07/30/2012	11	2:00 PM	0:15	Motion to Dismiss/Answer	Us Bank National Association-DEF	03/08/2012	2010CP1802777 Marva A HardeeThomas, plaintiff, et al VS Us Bank National Association	Real Prop/Other 499	Marva A HardeeThomas (843) 553-6363	Mark S. Wierman (704) 338-6000	Completed-07/30/2012
07/30/2012	12	2:00 PM	0:15	Motion/Damages	Beulah Bryant-PLT	02/23/2012	2011CP1800906 Beulah Bryant VS Carl L. Felder Sr.	Personal Injury 350	Matthew Douglas (843) 821-9700	Carl L. Felder Sr.	Completed-07/30/2012
07/30/2012	13	3:00 PM	0:15	Motion for Reconsider	Michael Dever-DEF	02/24/2012	2011CP1800508 514 Jump Amusements Lic VS Sarah Rangel, defendant, et al	Debt Collections 110	Paul B. Ferrara III (843) 569-5511	Michael Dever (843) 224-1503 Sarah Rangel (843) 224-1503	Completed-07/30/2012
07/30/2012	14	3:00 PM	0:15	Motion for Dismissal	Michael Dever-DEF	02/24/2012	2011CP1800508 514 Jump Amusements Lic VS Sarah Rangel, defendant, et al	Debt Collections 110	Paul B. Ferrara III (843) 569-5511	Michael Dever (843) 224-1503 Sarah Rangel (843) 224-1503	Completed-07/30/2012
07/30/2012	15	3:00 PM	0:15	Motion/Dismiss of defendant Christiane E McNeal	Christiane E McNeal-DEF	05/16/2012	2012CP1800895 Taunya Lou Stephens Jeter, plaintiff, et al VS Department Of Corrections South Carolina, defendant, et al	Wrongful Death 360	C. Carter Elliott Jr. (843) 546-0650	James Edward Scott IV (843) 577-4000 Michael C. Tanner (803) 245-9153 James C. Parham Jr. (803) 749-8555 Randolph L. Lee (919) 439-2221 Jonathan Hopkins Dunlap ((80) 3) - 446- x5606 Donald Jay Davis Jr. (843) 577-4000 David H. Batten (919) 439-2221	Completed-07/26/2012
07/30/2012	16	3:00 PM	0:15	Motion to Dismiss/Answer to Amended Complaint	Trident Medical Center, LLC-DEF	05/14/2012	2012CP1800895 Taunya Lou Stephens Jeter, plaintiff, et al VS Department Of Corrections South Carolina, defendant, et al	Wrongful Death 360	C. Carter Elliott Jr. (843) 546-0650	James Edward Scott IV (843) 577-4000 Michael C. Tanner (803) 245-9153 James C. Parham Jr. (803) 749-8555 Randolph L. Lee (919) 439-2221 Jonathan Hopkins	Completed-07/26/2012

**Dorchester County First Judicial Circuit - Roster Details**  
**Motions, July 30, 2012, Hon. Edgar Dickson, Presiding**

<b>Court Agency</b>	Common Pleas	<b>Judge</b>	Dickson	<b>Roster Id</b>	109
<b>Roster Type</b>	Motions	<b>Roster Begin Date</b>	07/30/2012	<b>Roster End Date</b>	07/30/2012
<b>Number of motions = 18</b>					

Scheduled	#	Time	hr:mn	Description	Filing Party	Filed Date	Case	Case Sub Type	Plaintiff Attorney	Defendant Attorney	Notes
										Dunlap: ((80) 3)-446- x5606 Donald Jay Davis Jr. (843) 577-4000 David H. Batten (919) 439-2221	
07/30/2012	17	3:00 PM	0:15	Motion for Summary Judgment	AAA Plumbing LLC -DEF	02/09/2012	2011CP1801400 John Philip Garber , plaintiff, et al VS Keystone Builders Resource Group , defendant, et al	Constructions 100	Ivon Keith McCarty (843) 793-1272	Patrick T. Morrissey (843) 577-2026 S Ross Shealy J David Banner (843) 669-8787 David Starr Cobb (843) 576-2803 Edward Glenn Elliott (843) 669-8787 Roopal Ruparelia Samuels (803) 779-3080	Completed-07/12/2012
07/30/2012	18	3:00 PM	0:15	Motion/Quash deposition	Thomas Quinn-DEF	06/27/2012	2009CP1802698 Boyle Plantation Hoa Assn inc VS: Thomas Quinn , defendant, et al	Relief 820	Peter Brandt Shelbourne (843) 871-2210 Melanie Anne Maes ((84) 3) -871- x2210	George Hamlin O'Kelley III (843) 856-4488	Completed-07/09/2012

9

STATE OF SOUTH CAROLINA )  
COUNTY OF DORCHESTER )  
RENE MCMASTERS now known )  
as RENE MCMASTERS )  
RONAGHAN )

Plaintiff,

H. WAYNE CHARPIA a/k/a )  
HOWARD W. CHARPIA )  
and JODY E. CHARPIA )

Defendants.

FILED COPY

IN THE COURT OF COMMON PLEAS  
FIRST JUDICIAL CIRCUIT  
CASE NO.: 2009-CP-18-2200

April 28, 2010

ORDER GRANTING COMPULSORY  
ORDER OF REFERENCE

APR 28 2010  
CLERK OF COURT  
DORCHESTER COUNTY

The above case came before me on March 23, 2010 in Dorchester County, pursuant to the Plaintiff's Motion for a Compulsory Order of Reference. Present at the hearing was the attorney for the Plaintiff, Frank M. Cisa, and the Defendant, H. Wayne Charpia.

After careful consideration of the pleadings filed herein and the arguments of Plaintiff's attorney and the Defendant, I find that this action is properly referred to the Master-in-Equity in accordance to Rule 71, SCRPC.

This action was commenced on August 10, 2009. The Plaintiff seeks foreclosure of a judgment lien which attached to certain real estate located in Dorchester County. Rule 71 SCRPC states in part that "actions to foreclose liens shall be tried by the Court, and shall ordinarily be referred to a master pursuant to Rule 53."

The Plaintiff in this action seeks to foreclose a judgment lien which is properly referable to the Master-in-Equity for Dorchester County. In addition, this action is currently pending on the non jury docket for Dorchester County.


#102  
*[Signature]*

10

Based upon the foregoing it is hereby;

ORDERED, that the above captioned action is hereby referred to the Master-in-Equity for  
Dorchester County for purposes of conducting a hearing, making findings of facts and  
conclusions of law and to render a final decree with direct appeal to the South Carolina Court of  
Appeals in accordance with Section 14-11-85 Code of Laws of South Carolina, 1976, as  
amended.

AND IT IS SO ORDERED!



Edgar Warren Dickson, Presiding Judge  
First Judicial Circuit

This 27<sup>th</sup> day of April, 2010

Orangeburg, S.C.

NEVER HEARD !

1 County. I'm going to order that the case be heard by the  
2 Master-In-Equity, unless -- unless he, for some reason,  
3 believes that he has some conflict and should not hear  
4 that.

5 At which time, if y'all cannot agree on a special  
6 referee, I will appoint someone to be the special referee.

7 But assuming he has no conflict, this case is going to be  
8 referred to the Master-In-Equity, and he's going to hear  
9 it.

10 MR. CHARPIA: Yes, sir.

11 THE COURT: Okay. Thank you, sir.

12 MR. CISA: Thank you, Your Honor.

13 THE COURT: And Mr. Cisa, if you'd prepare me that  
14 order --

15 MR. CISA: Yes, sir.

16 THE COURT: -- I'll be happy to sign it.

17 MR. CISA: I will. Judge, if I prepare the order, I  
18 mail it to your Orangeburg office, correct?

19 THE COURT: Yes, sir.

20 MR. CISA: Do you return the order to me and then I  
21 file it with the Clerk? Some judges will -- will try to  
22 get it to the Clerk themselves, but most judges send them  
23 back to ---

24 THE COURT: Yeah. I will probably send it back to you  
25 ---

NEVER  
DONE

To: Dorchester County Clerk of Court  
Judge Edgar Dickson  
Judge Diane Goodstein  
5200 East Jim Bilton Blvd.  
St. George , SC 29477

8-28-14

From: Howard W. Charpia , et al  
1450 Jahnz Ave.  
Summerville , SC 29485

Re: Case # 2009-CP-18-2200  
McMasters v. Charpia

CERTIFIED COPY  
2014 AUG 29 PM 2:11  
RECORD  
2014 AUG 29 PM 2:05  
CHERYL BARRHAM  
CLERK OF COURT  
DORCHESTER COUNTY  
DORCHESTER COUNTY

Court ,

**An Order Granting Compulsory Order of Reference**

was signed by Judge Dickson on April 29 , 2010 ; referring this action to the Master-in- Equity for purposes of conducting a hearing , making findings of facts and conclusions of law and *to render a final decree* with direct appeal to the Supreme Court.

Once the Judge issues a ruling disposing of the case , “ his jurisdiction of the matter , except for the correction of clerical errors , ends . ( Barnett v. Piedmont Shirt Corp., 230 S.C. )

This matter / action has never been heard by the Master to render a final decree . Said Order relieves the Judge and the Court of its subject matter jurisdiction.

 13

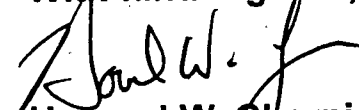
Said Order of Foreclosure and Sale dated October 29 , 2012 and judgment is "void". Void under Rule 60 (b)(4) encompasses judgments from Courts which failed to provide proper due process , or judgments from Courts which lacked subject matter jurisdiction .

This judgment lost its active energy on August 5 , 2014 ; ten years. Said judgment being a statue of repose and a statute of repose destroys any previously existing rights so that the cause of action no longer exists.

Also , Howard W. Charpia , was never given proper notice on the grounds before the Court to be argued and /or addressed , thus violating his due process for hearings of July 30 , 2012 and January 9, 2013 .

The Defendant (s) pray that this Court look into this matter and dismiss case # 2009-CP-18-2200 . This case has no judgment against Howard W. Charpia and Jody E. Charpia .

With kind regards,



Howard W. Charpia  
quarterback@sc.rr.com

CC = FRANK M. CISA

14

C O P Y

1 STATE OF SOUTH CAROLINA )  
2 COUNTY OF DORCHESTER ) COURT OF COMMON PLEAS  
3 ) No. 2009 CP 18 2200

4 RENE McMASTERS )  
5 Plaintiff )  
6 versus ) TRANSCRIPT OF RECORD  
7 )  
8 H. WAYNE CHARPIA, )  
9 also known as HOWARD )  
10 W. CHARPIA, and )  
11 JODY CHARPIA )  
12 Defendants )

11 St. George, South Carolina  
12 January 9, 2013

14 B E F O R E :

15 HONORABLE EDGAR DICKSON, Presiding Judge

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

18 For the Plaintiff: FRANK CISA, ESQ.

19 For the Defendants: No Appearance

20 Reporter Present: HARRY DOT WALKER

23 HARRIET P. BENNETT  
24 Reporter, S. C. Court Administration  
25 46 Regency Oaks Drive  
Summerville, S. C. 29485

1 (The within matter came before the Court on January 9,  
2 2013)

3 THE COURT: All right, what have we got next?

4 CLERK: McMasters versus Wayne Charpia.

5 THE COURT: All right. Ms. Harry Dot, this is Case  
6 2009 CP 18 2200, and this is a Motion -- let's see.

7 This is a Motion to reconsider and a Motion to set  
8 aside a judgment.

9 MR. CISA: I do not see Mr. Charpia here.

10 THE COURT: I don't see him either. Will somebody  
11 go out in the hall and call Mr. Charpia?

12 (Brief pause)

13 THE COURT: Madam Clerk, to your knowledge did Mr.  
14 Charpia receive notice of this?

15 CLERK: Yes, sir, I noticed him.

16 THE COURT: I'm going to swear you in, if you don't  
17 mind.

18 (Clerk sworn by the Court)

19 THE COURT: The title of this case is Rene McMasters  
20 as Plaintiff versus H. Wayne Charpia and Jody Charpia,  
21 Defendants. It is Case Number 2009 CP 18 2200.

22 Okay, Madam Clerk, you are charged with sending out  
23 these notices?

24 CLERK: Yes, sir.

25 THE COURT: And you say you sent notice of this hearing

1 to Mr. Charpia on what date?

2 CLERK: December 6th of 2012 and January 7 of 2013.

3 THE COURT: And the dates didn't change?

4 CLERK: No, sir.

5 THE COURT: And you used an E-mail address?

6 CLERK: Yes, sir.

7 THE COURT: And that was an E-mail address he pro-  
8 vided you with?

9 CLERK: Yes.

10 THE COURT: Is there a way to confirm whether or not  
11 he received it?

12 CLERK: Well, nothing bounced back.

13 THE COURT: Nothing bounced back?

14 CLERK: No, sir.

15 THE COURT: Okay, and you had contacted him that way  
16 before?

17 CLERK: Yes.

18 THE COURT: And he has responded?

19 CLERK: Yes, sir, he has.

20 THE COURT: Okay. All right. We were scheduled to  
21 have a hearing at two o'clock, and it's now two O seven.

22 Mr. Cisa?

23 MR. CISA: Your Honor, I would ask that you deny the  
24 Motions.

25 I have been in contact by E-mail with Mr. Charpia for

1 the past two months, trying to resolve the case.

2 THE COURT: Okay.

3 MR. CISA: But I haven't been able to get to the  
4 finish line on that.

5 I actually can't find a copy of the Motion to recon-  
6 sider in my file.

7 THE COURT: I have it right here if you want it.

8 MR. CISA: Well, I would just request of the Court  
9 -- I know I don't have it and he didn't serve it on me.

10 THE COURT: He didn't serve it on you?

11 MR. CISA: I don't have it in my file and he didn't  
12 serve it that I can recall. I don't know what it says.

13 I don't think that he did, and I would request that  
14 you deny the Motion for reconsideration.

15 He has filed a lot of Motions, Judge, and one of the  
16 Motions was to void or vacate the Order because there was  
17 no personal jurisdiction -- personal or subject matter  
18 jurisdiction.

19 THE COURT: Yes.

20 MR. CISA: This is an action for foreclosure of a  
21 judgment lien against a piece of property located in  
22 Dorchester County. But I haven't heard anything from him  
23 concerning the Motions, and I would request that the  
24 Court deny the Motions.

25 THE COURT: Is there anything else you want to add?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. CISA: Mr. Charpia is a resident of Dorchester County, as is Mrs. Charpia.

THE COURT: Right. I haven't heard anything from him concerning these motions.

MR. CISA: We do have an existing judgment, and we are not denying he has a right to legal counsel, although Mr. Charpia didn't raise that issue at a previous hearing.

THE COURT: I believe he was asked if he wanted legal counsel again.

MR. CISA: Yes, sir, probably so. He has already been through a number of lawyers, and this, that and the other.

THE COURT: Mr. Cisa, before you go any further, ..

MR. CISA: Yes, sir.

THE COURT: I am going to grant your Motion.

MR. CISA: Thank you, Judge.

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

*NO JUDGMENT  
IN THIS CASE*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE

I, HARRIET P. BENNETT, Official Court Reporter for South Carolina Court Administration, hereby certify that the foregoing Transcript was prepared from the records of Harry Dot Walker to the best of my ability, having been heard in the Court of Common Pleas for Dorcheser County on January 9, 2013.

FURTHER, I certify that I am neither of kin nor counsel to any of the within parties nor do I have any interest in the within matter.

May 14, 2014



**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

Rene McMasters now known as Rene McMasters  
Ronaghan, Respondent,

v.

H. Wayne Charpia a/k/a Howard W. Charpia and  
Jody E. Charpia, Defendants,

Of whom H. Wayne Charpia, a/k/a Howard W.  
Charpia, is the, Appellant.

.....  
Appeal From Dorchester County  
Edgar W. Dickson, Circuit Court Judge

.....  
Unpublished Opinion No. 2011-UP-445  
Submitted October 1, 2011 – Filed October 11, 2011

.....  
**AFFIRMED**  
.....

*Jody Charpia  
DID NOT  
APPEAL*

Howard W. Charpia, pro se, of Summerville.

Frank M. Cisa, of Mt. Pleasant, for Respondent.

**PER CURIAM:** H. Wayne Charpia appeals the circuit court's grant of Rene McMasters Ronaghan's motion for a compulsory order of reference, arguing the circuit court erred in: (1) not enforcing Rule 53, SCRCP; (2) not enforcing Rule 38, SCRCP; and (3) not accepting a "judicial/execution sale" or "upset bid sale" of the subject property. We affirm[1] pursuant to Rule 220(b)(1), SCACR, and the following authorities:

1. As to whether the circuit court erred in not enforcing Rule 53, SCRCP: Rule 71, SCRCP ("Actions to foreclose liens . . . shall ordinarily be referred to a master pursuant to Rule 53."); Rule 53(b), SCRCP (stating an action for foreclosure "may be referred to the master . . . by order of a circuit judge or the clerk of court").

2. As to whether the circuit court erred in not enforcing Rule 38, SCRCP: Lester v. Dawson,

327 S.C. 263, 267, 491 S.E.2d 240, 242 (1997) ("Generally, the relevant question in determining the right to trial by jury is whether an action is legal or equitable; there is no right to trial by jury for equitable actions."); Wilder Corp. v. Wilke, 324 S.C. 570, 576, 479 S.E.2d 510, 513 (Ct. App. 1996) (stating actions for foreclosure are in equity).

3. As to whether the circuit court erred in not accepting a "judicial/execution sale" or the "upset bid sale" of the subject property: S.C. Dep't of Transp. v. First Carolina Corp. of S.C., 372 S.C. 295, 301-02, 641 S.E.2d 903, 907 (2007) (holding an issue must be raised to and ruled upon by the circuit court to preserve the issue for appellate review).

**AFFIRMED.**

**HUFF, PIEPER, and LOCKEMY, JJ., concur.**

---

[1] We decided this case without oral argument pursuant to Rule 215, SCACR.

Dorchester County Sheriff's Office  
L C KNIGHT, SHERIFF  
100 Sears Street  
St. George, South Carolina 29477

FILED  
MAY 21 11 21 AM '10  
P. 11 2:54

State of South Carolina  
County Of Dorchester

Case Number: 2002CP18-932

Plaintiff: RENE McMASTERS

- VS -

Defendant: CHARPIA RESIDENTIAL, LLC & HOWARD W CHARPIA

AFFIDAVIT OF EXECUTION

Clerk of Court:

EXECUTION "NULLA BONA". I hereby certify that after diligent search I have been unable to locate any property in the name of the defendant on which to levy and I request that you please NULLA BONA on the above stated file as of this date.

JUDGEMENT INFORMATION:

Judgement Amount:	\$191,600.00
Interest:	\$133,097.87
Sheriffs Comm:	\$13,756.38
Judgement Total:	\$338,454.25
Amount Collected:	\$0.00
Ending Balance:	\$338,454.25

NULLA BONA  
5-19-2010  
L. C. Knight Sheriff

Nulla Bona was issued for the reason indicated below:

- (1) Could not locate defendant
- (2) No Attachable Property
- (3) Under Bankruptcy
- (4) Lien(s)
- (5) Other (Specified)
- (6) Pending title research
- (7) Pending Property research
- (8) Pending fees received
- (9) Mortgage

*per attorney Cisa Nulla Bona*

**NOT SHERIFF**

Notary Statement

SWORN to before me on this the 19th day of May, 2010.

*Peggy M. Quinn*  
Notary Public For The State of South Carolina

My Commission Expires 03/03/2019

*Joseph Blake Weather*

*[Handwritten mark]*

23

1

FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF DORCHESTER  
IN THE COURT OF COMMON PLEAS  
RENE MCMASTERS

JUDGMENT IN A CIVIL CASE  
2002CP1800932

CHARPIA RESIDENTIAL, LLC  
AND HOWARD W. CHARPIA, IND.

PLAINTIFF(S)

DEFENDANT(S)

CHECK ONE

- ( ) ~~XXXX~~ 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 12b, SCRPC; ( ) RULE 41a SCRPC (VOL NONSUIT); ( ) RULE 43k, 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

FILED - RECORDED  
2004 AUG -5 AM 9:46  
CLERK OF COURT  
DORCHESTER COUNTY

IT IS ORDERED AND ADJUDGED: ( ) See Attached order; ( ) Statement of Judgment by the court. WE THE JURY FIND FOR THE PLF. AGAINST THE DEFENDANT FOR BREACH OF CONTRACT IN THE AMOUNT OF \$3,400.00 ACTUAL DAMAGES, IMPLIED WARRANTY OF HABITABILITY IN THE AMOUNT OF \$100.00, AND NEGLIGENCE IN THE AMOUNT OF \$188,100.00.

DATED AT ST. GEORGE, S.C. THIS 4TH DAY OF AUGUST, 2004.

  
HON. ROGER M. YOUNG  
PRESIDING JUDGE

THIS JUDGMENT WAS ENTERED ON THE 5TH DAY OF AUGUST, 2004  
AND A COPY WAS MAILED FIRST CLASS THIS 5TH DAY OF AUGUST  
2004 TO ATTORNEY OF RECORD OR TO PARTIES WHEN APPEARING PRO SE  
AS FOLLOWS:  
FRANK CISA

WAYNE CHARPIA, PRO SE

24

2004 AUG 5 2004

STATE OF SOUTH CAROLINA )

COUNTY OF DORCHESTER )

RENE McMASTERS )  
Plaintiff, )

Vs. )

HOWARD W. CHARPIA and )  
JODY E. CHARPIA )  
Defendants, )

COMMON PLEAS )  
1<sup>ST</sup> JUDICIAL CIRCUIT )  
CASE # 2009-CP-18-2200 )

MOTION TO DISQUALIFY

CERTIFIED COPY  
2012 OCT 23 AM 11:30  
*Cheryl Williams*  
CLERK OF COURT  
DORCHESTER COUNTY

TO THIS COURT AND THE ABOVE-NAMED PLAINTIFF

PLEASE be advised that the Defendants will move before this Court for the disqualification of Judge Edgar W. Dickson in the above-named case. Judge Dickson has shown a bias and prejudicial attitude in his proceedings against the said Defendants. If a party believes that a judge should recuse, but has not, the party can file a Motion for disqualification under Section 455, and the judge's denial of this Motion can be appealed. Defendant, Howard W. Charpia made a verbal Motion on July 30, 2012 for Judge Dickson to recuse and Judge Dickson denied said motion.

Judge Dickson has "abused his discretion" in several proceedings with the Defendants. Pursuant to Canon 3 (E)(1)(a) of Rule 501, SCACR, a Judge should disqualify himself in a proceeding in which the judge's impartiality might reasonably be questioned.

*B*

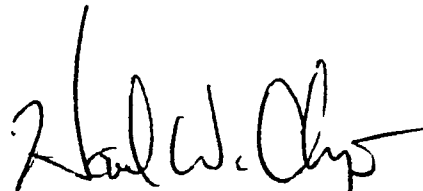
Courts have repeatedly held that positive proof of the partiality of a judge is not a requirement , only the appearance of partiality.

( Liljeberg v. Health Services Corp. 486 U.S. 1988)

The Court has stated that "it is important that the litigant not actually receive justice , but that he believes that he has received justice. (Pfizer Inc. v. Lord 456 F.2d)

Judge Dickson has failed to follow statutory rules and laws in his proceedings with the Defendants.

THE DEFENDANTS pray that this Court look into this matter and grant the Defendants their motion for disqualification of Judge Dickson. And that all Orders signed by Judge Dickson against the Defendants be void and vacated.



Howard W, Charpia , et al  
1450 Jahnz Ave.  
Summerville, SC 29485  
873-0976

cc: Attorney Frank M. Cisa

CISA

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

**APPEAL FROM DORCHESTER COUNTY  
COURT OF COMMON PLEAS**

**EDGAR W. DICKSON , FIRST CIRCUIT**

**Case # 2009-CP-18-2200**

**RENE McMASTERS (RONAGHAN).....Respondent**

**vs.**

**HOWARD W. CHARPIA and JODY E. CHARPIA.....Appellants**

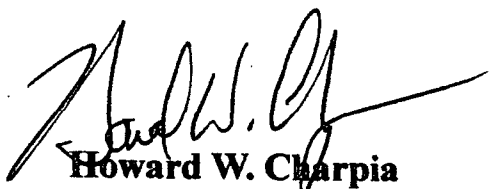
**PROOF OF SERVICE**

**I , Howard W. Charpia , hereby certify that the RECORD ON APPEAL  
contains all material proposed to be included by any of the parties and not  
any other material and that I mailed the Record on Appeal to :**

**Attorney Frank M. Cisa  
858 Lowcountry Blvd. Suite 101  
Mt. Pleasant , SC 29464**

**South Carolina Court of Appeals  
1015 Sumter Street  
Columbia , SC 29201**

**Dated mailed 9-23 , 2014**

  
**Howard W. Charpia  
1450 Jahnz Ave.**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

---

**APPEAL FROM DORCHESTER COUNTY  
COURT OF COMMON PLEAS**

**EDGAR W. DICKSON, FIRST CIRCUIT**

---

**Case # 2009-CP-18-2200**

---

**RENE McMASTERS (RONAGHAN).....Respondent**

**vs.**

**HOWARD W. CHARPIA and JODY E. CHARPIA.....Appellants**

---

**PROOF OF SERVICE**

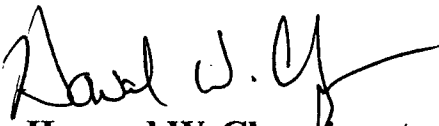
---

**I, Howard W. Charpia, hereby certify that I mailed the RECORD ON  
APPEAL to :**

**Attorney Frank M. Cisa  
858 Lowcountry Blvd.  
Suite 101  
Mt. Pleasant, SC 29464**

**SC Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201**

**Date (s) mailed 9-23, 2014 AND 2-9, 2015**

  
**Howard W. Charpia, et al**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

AUG 11 2014

**SC Court of Appeals**

---

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

---

Case No.:2009-CP-18-2200  
EDGAR W. DICKSON

---

Howard W. Charpia and Jody E. Charpia.....Appellants

Rene McMasters Ronaghan.....Respondent

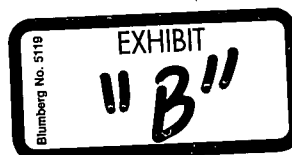
---

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

---

Respondent proposes the following to be included in the Record on Appeal:

1. Complaint filed August 10, 2009.
2. Motion for Compulsory Order fo Reference filed September 24, 2009.
3. Order of Judge Edward Warren Dickson dated April 27, 2010 granting Compulsory Order of Reference.
4. Unpublished Opinion of the Court of Appeals No. 2011-UP-445
5. Order of Recusal of Judge Maite' Murphy dated April 10, 2012
6. Order of Foreclosure and Sale dated October 29, 2012
7. Motion to Void and Vacate Order filed October 19, 2012
8. Motion to Reconsider filed December 3, 2012
9. Email from Judge Edgar W. Dickson law clerk dated January 10, 2013



10. Order of Judge Dickson Denying Motion to Reconsider dated June 26, 2012
11. Order of Judge Dickson Denying Motion to Void Order.

I certify that this designation contains no matters which are irrelevant to this appeal.

CISA & DODDS, LLP



Frank M. Cisa  
858 Lowcountry Blvd., Suite 101  
Mt. Pleasant, SC 29464  
Phone: (843) 881-6530  
Fax: (843) 881-5433  
E-mail: [frank@cisadodds.com](mailto:frank@cisadodds.com)

Attorneys for the Respondent,  
Renee McMasters Ronaghan

This 9<sup>th</sup> day of August, 2014

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

FEB 18 2015

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

**SC Court of Appeals**

Case No.:2009-CP-18-2200  
EDGAR W. DICKSON

Rene McMasters now known as Rene McMasters Ronaghan.....Respondent

vs.

H. Wayne Charpia a/k/a Howard W. Charpia and Jody E. Charpia.....Appellants

PROOF OF SERVICE

I certify that I have served a copy of the Respondent's Motion to Require the Appellants to Properly Prepare and Serve the Record on Appeal and For an Order Granting the Respondent an Extension of Time to File Final Brief, by United States Mail, postage prepaid, on February 17, 2015, addressed to the Appellants, H. Wayne Charpia a/k/a Howard W. Charpia and Jody E. Charpia at 1450 Jahnz Avenue, Summerville, SC 29485



Frank M. Cisa  
Cisa & Dodds, LLP  
858 Lowcountry Blvd., Suite 101  
Mt. Pleasant, SC 29464  
(843) 881-6530  
Attorney for the Respondent

February 17<sup>th</sup>, 2015

**CISA & DODDS, LLP**  
**ATTORNEYS AND COUNSELORS AT LAW**  
858 Lowcountry Boulevard, Suite 101  
Mt. Pleasant, South Carolina 29464  
Telephone (843) 881-6530 Fax (843) 881-5433

FRANK M. CISA  
JOHN J. DODDS, III  
ROBERT S. DODDS

frank@cisadodds.com  
john@cisadodds.com  
robert@cisadodds.com

February 17, 2015

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: RE: Rene' McMasters, now known as Rene McMasters Ronaghan.v. H. Wayne  
Charpia,et.al  
Our file: 09-084/Appeal  
Appeal No.: 2013-002311

Dear Madam Clerk:

Enclosed is the original and seven (7) copies of the Respondent's Motion to Require the Appellants to Properly Prepare and Serve the Record on Appeal and For an Order Granting the Respondent an Extension of Time to File her Final Brief together with my firm check payable to the Clerk's office in the amount of \$25.00 and my Proof of Service. I would appreciate you returning one (1) filed copy of each document to me in the self-addressed stamped envelope provided.

With kindest regards, I am

Very truly yours,



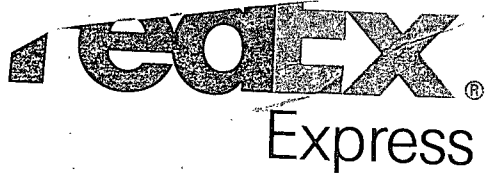
Frank M. Cisa

FMC/alp  
cc: H. Wayne Charpia (w/enc.)  
Jody E. Charpia (w/enc.)

**RECEIVED**

FEB 18 2015

**SC Court of Appeals**



# Large Pak

FedEx  
TRK# 8041 3346 8570  
0215

RECEIVED WED - 18  
STANDARD  
FEB 18 2016

## 28 USC Court of Appeals

### Extremely Urgent

What can be shipped in this  
This tear- and water-resistant pak is  
with the container and packed security  
handling. Shipments within the U.S.  
pak. International shipments with a  
shipped in this pak. Do not open.



FID 363177 17FEB15 CHSA 522C2/D3CE/6500

00075

00176

FedEx Package  
Express US Airbill

FedEx  
Tracking  
Number

8041 3346 8570

**1 From**

Date: 1/17/15

Sender's Name: [Redacted]

Phone: 843 881-6530

Company: CISA & DCDD LLC

Address: 858 LOWCOUNTRY BLVD STE 101

City: MOUNT PLEASANT State: SC ZIP: 29502

**2 Your Internal Billing Reference**

**3 To**

Recipient's Name: Honorable A. J. King Phone: [Redacted]

Company: U.S. Court of Appeals

Address: [Redacted]

City: [Redacted] State: SC ZIP: [Redacted]

**HOLD Weekday**  
FedEx location address  
REQUIRED NOT available for  
FedEx First Overnight.

**HOLD Saturday**  
FedEx location address  
REQUIRED Available ONLY for  
FedEx Priority Overnight and  
FedEx 2Day to select locations

fedex.com 1800.GoFedEx 1800.463.3339



8041 3346 8570

Form ID No. 0215

**4 Express Package Service** \*To most locations.  
NOTE: Service order has changed. Please select carefully

Packages up to 150 lbs.  
For packages over 150 lbs., see  
FedEx Express Freight® bill.

**Next Business Day**  **2 of 3 Business Days**

**FedEx First Overnight**  
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

**FedEx Priority Overnight**  
Next business morning \* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

**FedEx Standard Overnight**  
Next business afternoon \* Saturday Delivery NOT available.

**FedEx 2Day A.M.**  
Second business morning \* Saturday Delivery NOT available.

**FedEx 2Day**  
Second business afternoon \* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

**FedEx Express Saver**  
Third business day \* Saturday Delivery NOT available.

**5 Packaging** \*Declared value limit \$500

FedEx Envelope\*  FedEx Pak\*  FedEx Box  FedEx Tube  Other

**6 Special Handling and Delivery Signature Options**

**SATURDAY Delivery**  
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

**No Signature Required**  
Package may be left without obtaining a signature for delivery.

**Direct Signature**  
Someone at recipient's address may sign for delivery. Fee applies.

**Indirect Signature**  
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only. Fee applies.

**Does this shipment contain dangerous goods?**

No  Yes As per attached Shipper's Declaration.  Yes Shipper's Declaration not required.  Dry Ice Dry Ice, 3, UN 1845  Cargo Aircraft Only

Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.

**7 Payment Bill to:**

Enter FedEx Acct. No. or Credit Card No. below. Obtain recip. Acct. No.

Sender Acct No. in Section 1 will be billed.  Recipient  Third Party  Credit Card  Cash/Check

Total Packages: 1 Total Weight: 10.0 lbs

Credit Card Auth: [Redacted]

Your liability is limited to US\$100 unless you declare a higher value. See the current FedEx Service Guide for details.

611

fedex.com 1800.GoFedEx 1800.463.3339