

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

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JUN 22 2015

**APPEAL FROM DORCHESTER COUNTY SC Court of Appeals
COURT OF COMMON PLEAS**

EDGAR W. DICKSON , First Circuit

Case # 2009-CP-18-2200

RENE McMASTERS (RONAGHAN).....Respondent

V.

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

SUPPLEMENTAL RECORD

Eight matters requested by the Respondent's Attorney , Frank M. Cisa .

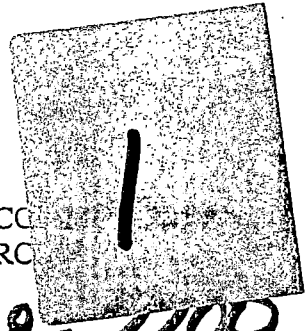
**Howard W. Charpia
Jody E. Charpia
1450 Jahnz Ave.
Summerville, SC 29485
843-873-0976**

Attorney Frank M. Cisa , for respondent

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.)

IN THE COURT OF COMMON PLEAS
 FIRST JUDICIAL CIRCUIT
 CASE NO.:

2009-CP-18-2200



COMPLAINT
 (Foreclosure)
 (Non-Jury)

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JUN 22 2015

SC Court of Appeals

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 DORCHESTER COUNTY
 CLERK OF COURT

The Plaintiff, above-named, complaining of the Defendants, above-named, would respectfully show unto this honorable Court as follows:

1. The Plaintiff, Rene McMasters, is now known as Rene McMasters Ronaghan.
2. The Plaintiff is a citizen and resident of the State of Georgia.
3. The Defendant H. Wayne Charpia a/k/a Howard W. Charpia is a citizen and resident of the County of Dorchester, State of South Carolina.
4. That the Defendant, Jody E. Charpia is a citizen and resident of the County of Dorchester, State of South Carolina.
5. That this is an action for the foreclosure of judgment lien attaching to certain real estate in the County of Dorchester, State of South Carolina.
6. That some interest in the real estate, which is the subject of this action may be claimed by the Defendants herein.

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DORCHESTER COUNTY
 CLERK OF COURT

15

7. The Defendants herein are not in the military service of the United States of America and thus, the "Soldiers and Sailors Civil Relief Act of 1940" as amended has no application in this matter
8. On August 5, 2004, the Plaintiff secured and obtained a judgment against the Defendant, H. Wayne Charpia a/k/a Howard W. Charpia in the original sum of \$191,600.00, a copy of said judgment is attached hereto as Exhibit "A" and incorporated herein by express reference. Hereinafter referred to as the "judgment".
9. The judgment attaches to the following described property to wit:

ALL that piece, parcel or lot of land, together with the buildings and improvements on it, situated, lying and being in Dorchester County, South Carolina, Shown and designated as Lot 22-B, on a plat by Charleston Engineering, Co. dated April 21, 1958, entitled "Plat of Lot 22-B, Property of William A. Pouncey and Opal Pouncey, Dorchester County, S.C., Mario Louise Salisbury Subdivision," which is recorded in the office of the RMC for Dorchester County in Plat Cabinet A, slide 173. The Property has the location, dimensions, and butts and bounds shown on the plat. Lot 22-B being the southern half of Lot 22, which said Lot 22 is found on a plat made by Woodrow W. Leland, R.L.S. dated May 24, 1956, and recorded in the RMC Office for Dorchester County in Plat Book 11 at page 200.

SUBJECT to any covenants, conditions, restrictions, and easements now of record and to the lien of current year real property taxes.

TMS# 145-13-02-011

10. The aforesaid judgment bears interest at the 12% per annum of and from August 5, 2004.
11. The total interest owed on the aforesaid judgment through August 3, 2009 is \$114,834.01 and interest runs thereafter at the per diem rate of \$62.99.
12. That the total pay off of the judgment including principal and interest as of August

3, 2009 is \$306,434.01.

13. That all person(s) having an interest or lien or possible claim upon the subject property as of today and the filing of the Lis Pendens have been made Defendants herein.
14. That in the event the Plaintiff is forced to pay sums for delinquent real property taxes those sums according to the terms of the statute should be added to the amount of the debt.
15. The Defendant Jody E. Charpia may claim some interest in the real property sought to be foreclosed herein or some part thereof, but that such interest or lien is subsequent to the lien of the Plaintiff's judgment; said interest is of record in the RMC Office for Dorchester County relative to the deed of a one-half (½) interest in the real property sought to be foreclosed by deed from H. Wayne Charpia to Jody E. Charpia dated December 29, 2008 and recorded on December 29, 2008 in the Dorchester County RMC Office.
16. That the Plaintiff requests that the amount due upon the judgment held by the Plaintiff be ascertained and determined under the direction of this Court.
17. That the Plaintiff's judgment be declared a first claim or lien upon the subject real property subject only to taxes and assessment and the Plaintiff have judgment of foreclosure for the amount due and owing thereof together with any taxes that may be due and the costs of this action.
18. That the property be sold at the direction of the Court; the equity of redemption be barred and the proceeds of sale should be applied to the costs and expenses of

this action and sale; to the satisfaction and payment and discharge of any amount due on the Plaintiff's judgment including taxes paid with any surplus, if any, to be distributed according to law.

19. For an Order directing the Sheriff of Dorchester County of South Carolina to place the successful purchaser at said foreclosure sale in possession of the property herein above described should the same become necessary.
20. For the appointment of the receiver to collect rent and take charge of the subject property pending the outcome of this action.

WHEREFORE, the Plaintiff prays as follows:

1. That the amount due upon the said judgment held by the Plaintiff by ascertained and determined under the direction of this Court together with the costs of this action;
2. that the Plaintiff's judgment be declared to be the valid first lien against the real property, subject only to taxes and assessments and the Plaintiff have judgment of foreclosure for the amount found to be due and owing together with any taxes which may be due and the costs of this action;
3. that the subject property be sold under the direction of this Court, the equity of redemption be barred and the proceeds of the sale be applied as follows:
 - a. First, to the costs and expenses of this action and sale;
 - b. Second, to the payment and discharge of the amount due on Plaintiff's judgment including taxes paid;
 - c. and third, any surplus, be distributed according to law;

- d. for an Order directing the Sheriff of Dorchester County, South Carolina to place the successful purchaser of said foreclosure sale in the possession of the property here and above described;
- e. for reimbursement of all costs for inspecting and securing the property which may be incurred by the Plaintiff as a result of any delinquencies;
- f. for an Order appointing a receiver to collect rent and to take charge of the property which is the subject of this action pending this action and subsequent thereto;
- g. for such other and further relief that this Court deem just and proper.

CISA & DODDS, LLP



Frank M. Cisa
858 Lowcountry Blvd., Suite 101
Mt. Pleasant, SC 29464
(843) 881-6530

Fax: (843) 881-5433

This 6th day of August, 2009
Mt. Pleasant, SC

IN AN ACTION WHERE THE PARTIES CONSENT.



Dorchester County in accordance with Rules 53(b) and 71, South Carolina Rules of Civil Procedure.

Plaintiff's counsel certifies that consultation with the Defendants would serve no useful purpose.

RUSPECTFULLY SUBMITTED,

CISA & DODDS, LLP

BY:

Frank M. Cisa
858 Lowcountry Blvd, Suite 101
Mt. Pleasant SC 29464
(843)881-6530
ATTORNEY FOR PLAINTIFF

Mt. Pleasant, SC

September 22nd, 2009

5

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

CERTIFIED COPY
2012 APR 11 PM 1:48

JUDGMENT IN A CIVIL CASE
CASE NO.: 2009-CP-18-2200

Rene McMasters now known as Rene McMasters Ronaghan

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

Plaintiff(s)

Defendants(s)

- Decision by the Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.
- Action dismissed. Reason: []Rule 12(b), SCRPC. []Rule 41(a), SCRPC (Vol. Nonsuit). []Rule 43(k), SCRPC (Settled). []Other: _____
- Action stricken. Reason: []Rule 40(j), SCRPC. []Bankruptcy. []Other: _____

IT IS ORDERED AND ADJUDGED: []See attached order. [X]Statement by the Court.

ORDER OF RECUSAL AND REMAND TO CIRCUIT COURT

I HEREBY RECUSE MYSELF FROM HEARING OR RULING UPON ANY MATTER RELATED TO THIS CASE. THIS ACTION IS HEREBY REMANDED TO THE CIRCUIT COURT.

AND IT IS SO ORDERED!

April 10, 2012
St. George, South Carolina

Maite' Murphy
Maite' Murphy
Master in Equity

This judgment was entered on April 11, 2012, and a copy mailed first class on April 11, 2012, to attorneys of record or to pro se parties as follows.

Frank M. Cisa, Esquire

H. Wayne Charpia a/k/a

Howard Wayne Charpia

Jody E. Charpia

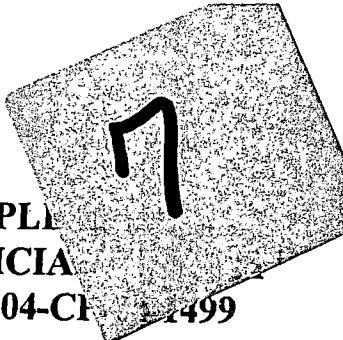
Attorney(s) for Plaintiff(s)

Attorney(s) for Defendants(s)

Clerk of Court

STATE OF SOUTH CAROLINA (CERTIFIED COPY)
COUNTY OF DORCHESTER 2012 OCT 19 AM 9:22

COMMON PLEAS
FIRST JUDICIAL DISTRICT
CASE # 2004-CP-1499



RENE McMASTERS

Cheryl Graham
)
CLERK OF COURT
)
DORCHESTER COUNTY)

Plaintiff,)

vs.)

JODY E. CHARPIA)

Defendant,)

**MOTION TO VOID and
VACATE ORDER**

TO THIS COURT AND THE PLAINTIFF:

PLEASE BE ADVISED that the Defendant , Jody E. Charpia will move before this Court , within 10 days or sooner for an Order to Void and Vacate said Order signed by Judge James C. Williams on February 6, 2006.

Judge Williams did not have "personal nor subject matter" jurisdiction in the above case and / or hearing . Judge Williams allowed a non-lawyer to argue said Motion for the Defendant , Jody E. Charpia . Judge Williams failed to follow the statutory rules of the Court and the laws of South Carolina.

Subject matter jurisdiction may be raised at any time and there is no statute of limitations for "fraud upon the Court".

The Defendant prays that this Court hear her Motion and void / vacate said Order from Judge Williams.

With kind regards,

Jody E. Charpia

**Jody E. Charpia
1450 Jahnz Ave.
Summerville, SC 29485**

cc: Attorney Frank M. Cisa

8

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

COMMON PLEAS)
FIRST JUDICIAL)
CASE # 2009-CP-18-2200)

RENE McMASTERS)

Plaintiff,)

Vs.)

MOTION TO RECONSIDER

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

FILED - RECORDED
2012 DEC - 3 AM 11:08
CHERYL A. ...
CLERK OF COURT
DORCHESTER COUNTY

TO THIS COURT and THE ABOVE-NAMED PLAINTIFF

PLEASE BE ADVISED that the Defendant will move before this Court within 10 days or sooner for a hearing to be heard in a meaningful way and judicial review. The Defendant will move for an Order to Reconsider said ruling of October 29 , 2012. The Defendant received the signed Order by Judge Edgar W. Dickson on November 30 , 2012 . Howard W. Charpia seeks to **Void and vacate Order .**
TWC

Said Motion is made pursuant to the SCRCP and the laws of South Carolina .

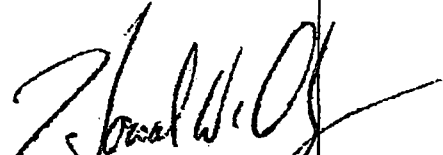
STATEMENT OF THE CASE

1. The Defendants request that Judge Steven H. John preside over motion hearing .
2. Hearing of July 30 , 2012 and case # 2009-CP-18-2200 is barred by "res judicata" and " collateral estoppel."
3. Res Judicata bars subsequent actions by the same parties when claims arise out of the same transaction or occurrence that was the subject of a prior action between those parties. Prior case # 2002-CP-18-932
4. Judge Dickson denied the Defendants their right to legal counsel on July 30 , 2012.
5. The Defendant , Jody E. Charpia , was never notified of said hearing on July 30 , 2012.
6. The Defendant , Jody E. Charpia , was not present at hearing on July 30, 2012.
7. Subject matter jurisdiction was challenged at hearing on July 30, 2012.
8. The Defendants were not properly notified on subject matter for said hearing on July 30 , 2012.
9. The Defendants filed Motions and paid required fees to be heard that preceded said hearing on July 30 , 2012 .
10. The Complaint is inaccurate on case # 2009-CP-18-2200 .
11. The Defendant , Jody E. Charpia , is not a party to said judgment of Howard W. Charpia and Charpia Residentials LLC .
12. This Motion is made pursuant to Rule 59 , SCRCF and Rule 7 , SCRCF and Rule 12 (h)(3) , SCRCF.

FILED-RECORDED
2012 DEC 3 AM 11:18
CLERK OF COURT
DORCHESTER COUNTY
HELEN STANIA

**PURSUANT to Rule 59 , SCRPC , I will provide copy of this Motion
to the Judge within 10 days of receipt of signed Order .**

LETTER ATTACHED


**Howard W. Charpia and
Jody E. Charpia**



**cc: Frank M. Cisa
Judge Diane Goodstein , Admin. Judge
Edgar W. Dickson
SC Court of Administration
Clerk of Court (Dorchester County)
Judge Steven H. JOHN**

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.)

10
IN THE COURT OF)
FIRST JUDICIAL CI)
CASE NO.: 2009-CF-18-2200)

ORDER DENYING MOTION TO)
RECONSIDER)

CERTIFIED COPY
13 NOV 18 AM 8:56
FILED - RECORDER
2013 JUL 11 AM 10:17
CLERK OF COURT
DORCHESTER COUNTY
CLERK OF COURT
DORCHESTER COUNTY

The Defendants filed a Motion to Reconsider an Order of Foreclosure and Sale dated November 29, 2012, which was filed in the Clerk of Court's office on November 27, 2012.

After careful consideration of the Motion to Reconsider as well as the Clerk's file and my notes from the hearing, I find nothing in the Motion to Reconsider that raises grounds to alter or set aside the judgment.

It is therefore,

ORDERED, that the Defendants' Motion to Reconsider filed in the Clerk's office on December 3, 2012 is hereby denied.



Edgar W. Dickson, Judge
First Judicial Circuit

This 7th day of June, 2013
Orangeburg, S.C.

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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APPEAL FROM DORCHESTER COUNTY
COURT OF COMMON PLEAS

JUN 22 2015

SC Court of Appeals

EDGAR W. DICKSON , FIRST CIRCUIT

Case # 2009-CP-18-2200

RENE McMASTERS (RONAGHAN).....Respondent

vs.

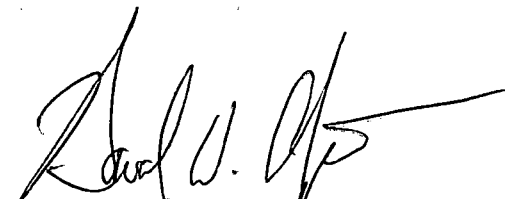
HOWARD W. CHARPIA and JODY E. CHARPIA.....Appellants

PROOF OF SERVICE

I, Howard W. Charpia , hereby certify that I mailed fourteen (14) copies
of the SUPPLEMENTAL RECORD to :

SC Court of Appeals
1015 Sumter Street
Columbia , SC 2920

Date (s) mailed 6-19 , 2015


Howard W. Charpia , et al

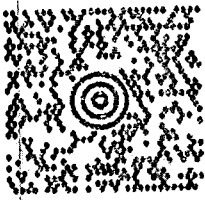
GREEN
HOOK-2007

HOWARD CHARPIA
(843) 873-6976
THE UPS STORE #2876
STE 6
717 OLD TROLLEY RD
SUMMERVILLE SC 29495-5287

3 LBS 1 OF 1
SHP WT: 3 LBS
DATE: 19 JUN 2015

SHIP SC COURT OF APPEALS
TO: 1015 SUMTER ST

COLUMBIA SC 29201-3726

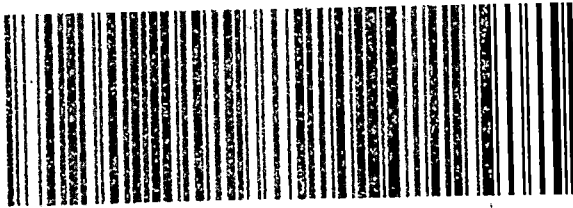


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SC Court of Appeals