

5

ORIGINAL

**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 now known as Rene McMasters Ronaghan, Respondent,
v.
H. Wayne Charpia a/k/a Howard W. Charpia and Jody E. Charpia,
Appellants.

RECORD ON APPEAL

Frank M. Cisa
858 Lowcountry Blvd. Ste 101
Mt. Pleasant, SC 29464

For Respondent

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

Jody Charpia

RECEIVED

SEP 25 2014

SC Court of Appeals

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 send 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

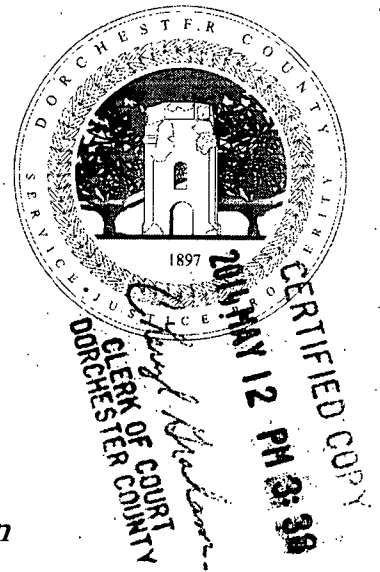
cayer@dorchestercounty.net

DORCHESTER COUNTY CLERK OF COURT

Cheryl Graham, Clerk of Court

5200 East Jim Bilton Blvd.

St. George, SC 29477



Case No. 2009CPI802200

McMasters vs. Charpia

Motion: Motion for Reconsideration

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

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

May 24, 2012

H. Wayne Charpia
1450 Jahnz Ave.
Summerville, SC 29485

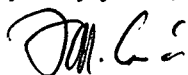
RE: Rene' McMasters, now known as Rene McMasters Ronaghan, v. H. Wayne Charpia, et al
Case No.: 2009-CP-18-2200
Our file: 09-084

Dear Mr. Charpia:

The above case appears on the trial roster for a term commencing on Monday, July 30, 2012 in Dorchester County. This case is currently listed as case number #2 on the trial roster and therefore it will in all likelihood be reached on Monday, July 30, 2012. The docket meeting is scheduled to commence at 10:00a.m. You will need to be present for the trial of the above case.

With kindest regards, I am

Very truly yours,



Frank M. Cisa

FMC/alp

cc: Rene McMasters Ronaghan

REC. 5-26-12

4

NOTICE OF CASE SCHEDULING

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

5

From: HWayne CHARPIA [charpia13@bellsouth.net]
Sent: Thursday, October 17, 2013 12:00 PM
To: wendy.young@cmmcmachine.com
Subject: Fw: 2009-CP-18-2200 Hearing 1-9-13

make me a copy...please

----- Forwarded Message -----

From: Carolyn Ayer <CAyer@dorchestercounty.net>
To: HWayne CHARPIA <charpia13@bellsouth.net>
Sent: Thursday, October 17, 2013 10:40 AM
Subject: RE: 2009-CP-18-2200 Hearing 1-9-13

Wayne,
Morning,
I have dozens of emails from you also.

The email I forwarded to you from Drew, Judges Clerk states that I did not send you an email and you were not listed as pro se defendant and that is the reason you were not noticed. If we don't enter you as pro se then you will not get a notice. You have always been listed as pro se on every case you have, but it does not generate on every case unless we enter it correctly.

The Dorchester County IT Department is what I am referring to; I think this should clarify what you are asking for. 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.

Wayne, we have been over this several times now. The Court has continuously acknowledged that it did not send you notice of the hearing. I am at a loss as to why we are revisiting this issue.

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

From: HWayne CHARPIA [mailto:charpia13@bellsouth.net]
Sent: Thursday, October 17, 2013 6:04 AM
To: Carolyn Ayer
Subject: 2009-CP-18-2200 Hearing 1-9-13

Carolyn,
Morning. Transcript of January 9, 2013, Court addresses Madam Clerk. Was this Cheryl or you? Clerk states that she sent me notice on December 6, 2012; may I please have a copy of this E-mail? Also, may I have a copy of the E-mail Clerk sent me on January 7, 2013 for notice of this hearing?

E-mail from you on January 10, 2013 states "after checking with IT Dept", what & where is the IT Dept.? Whom did you speak with on this in the IT Dept.? I have dozens of E-mails from the Clerk's office over the years and ALL read the same:

charpia13@bellsouth.net

I don't have an E-mail with "my name as pro se", never had.

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

Court Agency		Common Pleas		Judge		Dickson		Roster Id		109	
Roster Type		Motions		Roster Begin Date		07/30/2012		Roster End Date		07/30/2012	
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	Arlethia 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 Thompkins , 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 Corney (843) 734-5178	Completed-07/30/2012

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

Court Agency		Common Pleas			Judge	Dickson	Roster Id	109			
Roster Type		Motions			Roster Begin Date	07/30/2012	Roster End Date	07/30/2012			
Number of motions = 18											
Scheduled	#	Time	hr:mn	Description	Filing Party	Filed Date	Case	Case Sub Type	Plaintiff Attorney	Defendant Attorney	Notes
									Louis Sheppard		
07/30/2012	10	2:00 PM	0:15	Motion for Substitution of Counsel	Michael Dever-DEF	02/24/2012	2011CP1800508 514 Jump Amusements Llc 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	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	Beaulah Bryant-PLT	02/23/2012	2011CP1800906 Beaulah 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 Llc 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 Llc 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

Court Agency		Common Pleas		Judge		Dickson		Roster Id		109	
Roster Type		Motions		Roster Begin Date		07/30/2012		Roster End Date		07/30/2012	
Number of motions = 18											
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
APR 28 PM 4:26
IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT
CASE NO.: 2009-CP-18-2200

April 28, 2010

ORDER GRANTING COMPULSORY
ORDER OF REFERENCE

FILED
CLERK OF DISTRICT COURT
DORCHESTER COUNTY
APR 28 PM 3:36

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, SCRCP.

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 SCRCP 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.

#172
EW

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 27th day of April, 2010

Orangeburg, S.C.

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 ---

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
RECORDED
2014 AUG 29 PM 2:10
2014 AUG 29 PM 2:05
CHERYL G. HANNAH
CLERK OF COURT
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.

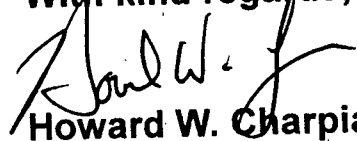
Said Order of Foreclosure and Sale dated October 29 , 2012 and judgment is "void". Void under Rule 60 (b)(4) encompasses judgments from Courts which failed to provide proper due process , or judgments from Courts which lacked subject matter jurisdiction .

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

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)

Defendants)

St. George, South Carolina

January 9, 2013

13
14 B E F O R E :

15 HONORABLE EDGAR DICKSON, Presiding Judge
16

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
21
22

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

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

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

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

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

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

14 MR. CISA: Yes, sir.

15 THE COURT: I am going to grant your Motion.

16 MR. CISA: Thank you, Judge.

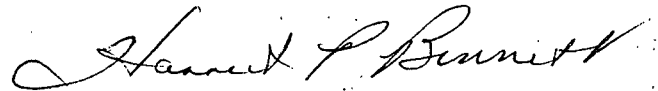
17 -----END OF REQUESTED TRANSCRIPT OF RECORD-----
18
19
20
21
22
23
24
25

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 self, 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

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

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) *per Attorney Cisa Nulla Bona*
- ☐ (6) Pending title research
- ☐ (7) Pending Property research
- ☐ (8) Pending fees received
- ☐ (9) Mortgage

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

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

- () ☒ JURY VERDICT. THIS ACTION CAME BEFORE THE COURT FOR A TRIAL 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

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

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

RENE McMASTERS
Plaintiff,

Vs.

HOWARD W. CHARPIA and
JODY E. CHARPIA
Defendants,

COMMON PLEAS

1ST JUDICIAL CIRCUIT

CASE # 2009-CP-18-2200

MOTION TO DISQUALIFY

CERTIFIED COPY
2012 OCT 23 AM 11:30
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.

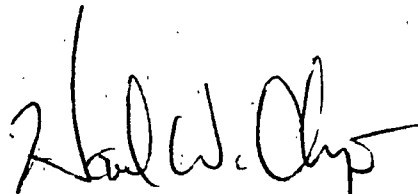
Courts have repeatedly held that positive proof of the partiality of a judge is not a requirement , only the appearance of partiality.

(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

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

SEP 25 2014

APPEAL FROM DORCHESTER COUNTY
COURT OF COMMON PLEAS

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 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 9-24, 2014

FWC

9-24-14

Howard W. Charpia

Howard W. Charpia
1450 Jahnz Ave.
Summerville, SC 29485