

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM MARION COUNTY
Court of Common Pleas

Haigh Porter, Special Referee for Marion County

RECEIVED

MAR 17 2016

SC Court of Appeals

Case No. 2013-CP-33-306

Appellate Case No. 2015-002230

Anderson Brothers Bank, Respondent,

v.

Dazarhea Monique Parson, a/k/a Dazarhea D. Parson,
a/k/a Dazarhea Monique Daniels Parson, A. Tyrone
Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., S.C.
Department of Revenue, and S.C. Department of
Motor Vehicles, Defendants,

Of whom

Dazarhea Monique Parson, a/k/a Dazarhea D. Parson,
a/k/a Dazarhea Monique Daniels Parson, A. Tyrone
Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., are the Appellants

Anderson Brothers Bank, Respondent,

v.

Dazarhea Monique Parson, a/k/a Dazarhea D. Parson,
a/k/a Dazarhea Monique Daniels Parson, and A.
Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., Appellants,

RETURN TO PETITION FOR REHEARING

Respondent Anderson Brothers Bank ("ABB") respectfully asks this Court to deny the Petition for Rehearing filed by Appellants Dazarhea and Tyrone Parson ("the Parsons"). As explained in detail below, the Petition is yet one more attempt by the Parsons to hinder and obstruct ABB's exercise of its rights with respect to a property ABB has owned since October 24, 2013. In particular, the pendency of the Petition has resulted in the erroneous dismissal of a trespass action against Mr. Parson, who unlawfully re-entered the property.

FACTS AND PROCEDURAL HISTORY

On August 16, 2013, the Circuit Court for Marion County, acting by and through the Honorable Haigh Porter as Special Referee for Marion County, entered an Order and Judgment of Foreclosure (**Exhibit A**) granting ABB its foreclosure and directing that the property located at 3546 Quail Roost Road, Mullins, South Carolina 29574 (the "Property") be sold at a foreclosure auction. The Parsons filed a notice of appeal of the foreclosure on August 27, 2013 (**Exhibit B**). However, the Parsons failed to post a statutorily valid bond as is required by S.C. Code Ann. § 18-9-170 to halt the foreclosure sale and thus, the Special Referee proceeded with the foreclosure sale on September 10, 2013, which sale became final after no upset bids were received on or about October 10, 2013. ABB was the highest bidder at the foreclosure sale, and became title owner of the Property by virtue of that certain Deed by Judicial Order of Special Referee (the

“Special Referee’s Deed”) recorded by the Office of the Marion County Clerk of Court on October 24, 2013, at Book 253, Page 104. **(Exhibit C)**

This Court of Appeals dismissed the Parsons’ appeal on December 18, 2014, based on their refusal to comply with this Court’s orders regarding the record on appeal. **(Exhibit D)** Thereafter, the Parsons filed a Petition for Re-hearing, which this Court denied on March 12, 2015 **(Exhibit E)**, followed by a Petition for Writ of Certiorari, which the Supreme Court of South Carolina denied on May 7, 2015. **(Exhibit F)**. This Court remitted the case back to Judge Porter on May 13, 2015. **(Exhibit G)**.

As noted above, the Parsons failed to obtain a stay of the judgment by posting a bond as required by S.C. Code Ann. § 18-9-170. Consequently, the appellate proceedings neither stayed the foreclosure auction nor affected ABB’s title ownership rights in the Property. *See S.C. Nat’l Bank v. Devine Blossom, LP*, 321 S.C. 110, 113, 467 S.E.2d 767, 769 (Ct. App. 1996). Nevertheless, ABB did not ask the Circuit Court to enter a Writ of Assistance to require the Parsons to leave the property until after all appeals had been dismissed by the Court of Appeals and the Supreme Court.

In September 2015—after all appellate proceedings related to the foreclosure had been completed—ABB filed a Petition for Writ of Assistance with Judge Porter in the Circuit Court. Following a hearing, the Circuit Court issued a

Writ of Assistance on September 21, 2015 demanding that the Parsons vacate the Property within 30 days. **(Exhibit H)** The Parsons refused to peacefully vacate the property and thus, the Marion County Sheriff's Office became involved in order to remove the Parsons from the Property.

The Parsons appealed the Writ of Assistance to this Court on October 30, 2015. **(Exhibit I)** Again, however, the Parsons elected not to obtain a stay by obtaining a bond under S.C. Code Ann. § 18-9-170. This Court dismissed the appeal, as moot, on January 13, 2016. **(Exhibit J)** Thereafter, the Parsons filed the now-pending Petition for Rehearing.

The Marion County Sheriff's Office executed the Writ of Assistance on November 2, 2015. During the execution of the Writ of Assistance, Mr. Parson was arrested for trespassing. By order dated February 29, 2016, however, the Marion County Summary Court dismissed the trespass charge against Mr. Parson on the basis that the Parsons' appeal of the Writ of Assistance had stayed all lower court proceedings. **(Exhibit K)** This ruling was incorrect: Rule 241(b)(4), SCACR, clearly states that a judgments directing the possession of real property is not stayed by the filing of an appeal—rather, the requirements § 18-9-170 must be met. Since the Parsons did not meet the statutory requirements, their appeal did not stay execution of the Writ of Assistance, and should not cause any delay in the trespass proceedings.

ARGUMENT

The Parsons' petition for rehearing essentially attempts to re-argue the merits of their appeal of the foreclosure action (which was dismissed because the Parsons refused to comply with multiple orders of this Court). They also raise irrelevant and meritless argument in opposition to the writ of assistance. The simple fact is that ABB purchased the Property pursuant to a valid foreclosure sale that became final in October 2013. Nevertheless, the Parsons have interfered with ABB's lawful ownership through vexatious litigation conduct and frivolous appeals.

CONCLUSION

In light of the foregoing, Respondent Anderson Brothers Bank respectfully asks the Court to deny the Petition for Rehearing.



Kirsten E. Small
Suzanne Grigg
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PHONE: 864.370.2211
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KSmall@nexsenpruet.com

Attorneys for Respondent Anderson Brothers Bank

March 11, 2016
Greenville, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM MARION COUNTY
Court of Common Pleas

Haigh Porter, Special Referee for Marion County

Case No. 2013-CP-33-306
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Anderson Brothers Bank, Respondent,

v.

Dazarhea Monique Parson, a/k/a Dazarhea D. Parson,
a/k/a Dazarhea Monique Daniels Parson, A. Tyrone
Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., S.C.
Department of Revenue, and S.C. Department of
Motor Vehicles, Defendants,

Of whom

Dazarhea Monique Parson, a/k/a Dazarhea D. Parson,
a/k/a Dazarhea Monique Daniels Parson, A. Tyrone
Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., are the Appellants

Anderson Brothers Bank, Respondent,

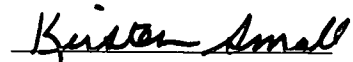
v.

Dazarhea Monique Parson, a/k/a Dazarhea D. Parson,
a/k/a Dazarhea Monique Daniels Parson, and A.
Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., Appellants,

CERTIFICATE OF COMPLIANCE

I certify that the foregoing **Return to Petition for Rehearing** complies with the Supreme Court of South Carolina's order of April 15, 2014.

March 11, 2016



Kirsten E. Small

Nexsen Pruet, LLC

P.O. Drawer 10648

Greenville, SC 29603

864.370.2211

KSmall@nexsenpruet.com

Attorneys for Respondent

Anderson Brothers Bank

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM MARION COUNTY
Court of Common Pleas

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Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., are the Appellants

Anderson Brothers Bank, Respondent,

v.

Dazarhea Monique Parson, a/k/a Dazarhea D. Parson,
a/k/a Dazarhea Monique Daniels Parson, and A.
Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., Appellants,

CERTIFICATE OF SERVICE

I certify that I have served the foregoing **Return to Petition for Writ of Certiorari** on Petitioners, who are not represented by counsel, by depositing a copy of it in the United States Mail, postage prepaid, addressed to Petitioners as follows:

Arnold Parson, Jr.
Dazarhea Monique Parson
Post Office Box 776
Mullins, SC 29574

March 11, 2016



Kirsten E. Small
Nexsen Pruet, LLC
P.O. Drawer 10648
Greenville, SC 29603
864.370.2211
KSmall@nexsenpruet.com
Attorneys for Respondent
Anderson Brothers Bank

NEXSEN | PRUET

Kirsten E. Small
Member

Admitted in SC, NC, MD
RECEIVED

MAR 17 2016

SC Court of Appeals

March 11, 2016

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: *Anderson Brothers Bank v. Dazarhea Monique Parson, a/k/a Dazarhea D. Parson, a/k/a Dazarhea Monique Daniels Parson and A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr.*
Appellate Case No. 2015-002230

Dear Ms. Kitchings:

Enclosed for filing please find the original and seven copies of Respondent Anderson Brothers Bank's Return to Petition for Rehearing in the above-referenced matter. Please return one clocked copy in the enclosed self-addressed, postage paid envelope. By copy of this letter, I am also serving Appellants/Petitioners.

Sincerely,



Kirsten E. Small

KES/vgp

- Charleston
- Charlotte
- Columbia
- Greensboro
- Greenville**
- Hilton Head
- Myrtle Beach
- Raleigh

Enclosures

cc: Arnold Parson, Jr.
Dazarhea Monique Parson

STATE OF SOUTH CAROLINA

COUNTY OF MARION

Anderson Brothers Bank,

Plaintiff,

vs.

Dazarhea Monique Parson, a/k/a Dazarhea D. Parson, a/k/a Dazarhea Monique Daniels Parson, A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., South Carolina Department of Revenue and South Carolina Department of Motor Vehicles,

Defendants.

IN THE CIRCUIT COURT

Case No. 2013-CP-33-306

**SPECIAL REFEREE'S ORDER
AND JUDGMENT OF FORECLOSURE
AND SALE**

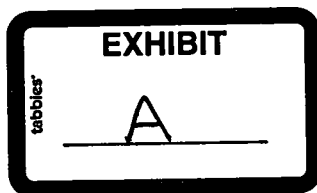
2013 AUG 16 P 2:30
CLERK OF COURT, MARION COUNTY
SOUTH CAROLINA

FILED

Pursuant to Rule 53 SCRCF, the above-entitled matter was referred to the Special Referee for Marion County to make appropriate findings of fact and conclusions of law with authority to enter a final judgment in this cause. Any appeal from this Order is to the South Carolina Court of Appeals.

Handwritten initials

Pursuant to the Order of Reference granted in the above-entitled case, a hearing was held before the Honorable Haigh Porter, Special Referee for Marion County on the 29th day of July 2013. Suzanne Taylor Graham Grigg, Esquire appeared as attorney for the Plaintiff. Defendant Dazarhea Monique Parson a/k/a Dazarhea D. Parson a/k/a Dazarhea Monique Daniels Parson ("Defendant D. Parson") and Defendant A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr. ("Defendant A. Parson") (collectively, the "Parson Defendants") attended the hearing. Rivers Anderson testified on behalf of the Plaintiff.



A CERTIFIED COPY OF THE ORIGINAL FILED IN THIS OFFICE
BOOK _____ PAGE _____
Sherry R. Rhodes
CLERK OF COURT, MARION COUNTY
SOUTH CAROLINA

FINDINGS OF FACT

1. The Lis Pendens, Summons, Complaint and Notice of Mortgagors' Foreclosure Intervention Rights were filed by Anderson Brothers Bank ("ABB" or "Plaintiff") in the Office of the Clerk of Court for Marion County on April 26, 2013.

2. Service was made upon the Parson Defendants on May 1, 2013, as is shown by the Affidavits of Service filed in the Office of the Clerk of Court for Marion County on June 4, 2013.

3. Service was made upon Defendant South Carolina Department of Motor Vehicles ("Defendant SCDMV") on or about May 2, 2013, as is shown by the Affidavit of Service filed in the Office of the Clerk of Court for Marion County on June 4, 2013, and by the Acceptance of Service, Answer to Complaint, Consent to Order of Reference and Certificate of Service filed by Defendant SCDMV in the Office of the Clerk of Court for Marion County on June 4, 2013.

4. Service was made upon Defendant South Carolina Department of Revenue ("Defendant SCDOR") on or about June 7, 2013, as is shown by the Affidavit of Service filed in the Office of the Clerk of Court for Marion County on July 18, 2013, and by SCDOR's Answer, Request for Notice of Surplus Funds, Consent to Reference and Certificate of Service filed in the Office of the Clerk of Court for Marion County on June 12, 2013.

5. The Affidavit of Default and Non-Military Service as to Dazarhea Monique Parson and A. Tyrone Parson, Jr. was filed in the Office of the Clerk of Court for Marion County on June 10, 2013.

6. The Certification Regarding Mortgagor's Non-Participation in Foreclosure Intervention was filed in the Office of the Clerk of Court for Marion County on June 10, 2013.

Court for Marion County. Reference is hereby made to said plat for a more detailed metes and bounds description.

Also, that 2000 Dynasty Mobile Home, VIN #H801260GL&R located on subject property .

DERIVATION: This is the same property conveyed to Dazarhea Daniels Parson and A. Tyrone Parson, Jr. by deed from FBSA 1, LLC dated March 28, 2012, recorded April 4, 2012 , in Book 195 at Page 239.

TMS: 034-00-00-255-000

ADDRESS: 3546 Quail Roost Road, Mullins, South Carolina 29574

12. The Mortgage was filed on April 4, 2012, in Book 195 at Page 244, in the Office of the Clerk of Court for Marion County.

13. The Mortgage constitutes a valid purchase-money first mortgage lien upon the Mortgaged Premises.

14. In order to further secure the indebtedness due and owing to ABB, the Parson Defendants executed that certain Consumer Security Agreement dated April 3, 2012 (the "Security Agreement"), wherein the Parson Defendants also granted ABB a lien on the 2000 Dynasty Mobile Home, VIN- H801260GLR (the "Mobile Home") located on the Mortgaged Premises. ABB perfected its security interest in the Mobile Home by recording its lien on the face of the Certificate of Title (the "Title") for the Mobile Home.

15. ABB's perfected security interest in the Mobile Home constitutes a valid first lien upon the Mobile Home.

16. The obligations under the terms and conditions of the Note are in default for, among other reasons, the failure of the Parson Defendants to repay the indebtedness in accordance with the terms thereof.

17. The Note and Mortgage provide that in the event of default in any of the terms

thereof, the whole amount of the debt secured by the Mortgage will become immediately due and payable. By reason of the failure of the Parson Defendants to comply with the terms and conditions of the Note and Mortgage, ABB has declared the entire indebtedness immediately due and payable, and, as a further result of the said default, ABB is entitled to foreclosure of its Mortgage on the Mortgaged Premises and foreclosure of its security interest in the Mobile Home.

18. It is further provided in the Note and Mortgage that if the loan evidenced thereby is not paid when due, the maker will pay all reasonable costs and expenses of suit, including but not limited to reasonable attorneys' fees incurred by the lender.

19. ABB has sent written notice to the Parson Defendants of the default as required by and conforming to applicable law.

20. The amount of the debt due and owing on the Note, with interest at the rate provided in the Note, and other costs and expenses of collection, including reasonable attorneys' fees is as follows:

Principal as of July 25, 2013	\$19,889.43
Interest as of July 25, 2013	\$ 967.90
Per Diem: \$4.77; Interest Rate: 8.75%	\$ 78.60
Other: Late Fees	
Attorneys' Fees and Costs (allowed by the Court)	\$ 6,657.00
TOTAL DEBT ON THE NOTE AS OF JULY 25, 2013	\$27,592.93

21. ABB is entitled to foreclose its Mortgage securing the indebtedness owed to it by the Parson Defendants, and ABB is entitled to foreclose its security interest in the Mobile Home.

22. Defendant SCDOR may claim an interest in the Mortgaged Premises by virtue of that certain Tax Lien No. 3-51542813-0 in the amount of \$449.71, filed March 5, 2013, in the

Marion County Clerk of Court's Office against Dazarhea Parson d/b/a Best 4 Less; however, the Tax Lien was recorded after ABB's mortgage lien and any such interest claimed by Defendant SCDOR is junior in priority to ABB's purchase-money first mortgage lien.

23. Defendant SCDMV is named as a party in this foreclosure action because the Certificate of Title for the Mobile Home has not been permanently retired in the SCDMV records. ABB seeks entry of this Court's Order directing the SCDMV to issue a new Certificate of Title, free and clear of liens, to the successful purchaser at the foreclosure sale.

24. ABB is entitled to a judgment barring the Defendants and all persons claiming by or through the Defendants from all right, title and interest in or to the Mortgaged Premises and the Mobile Home, and each and every part thereof.

25. ABB does not waive, but specifically demands a judgment of foreclosure against the Parson Defendants for the full amount of the indebtedness found to be due and owing to ABB under the Note and Mortgage, with the right to enter personal judgment against the Parson Defendants for any deficiency remaining after the sale of the Mortgaged Premises and the Mobile Home.

CONCLUSIONS OF LAW

I, therefore, conclude as follows:

1. Plaintiff should have judgment of foreclosure of its Mortgage and foreclosure of its security interest in the Mobile Home, and the Mortgaged Premises, together with the Mobile Home, should be ordered sold at public auction after due advertisement. The sale shall be made subject to taxes and assessments that are due on the day of sale. After making the required deposit, the successful bidder at the sale should be required to pay interest at the judgment rate until the date of compliance.

2. Plaintiff is entitled to Judgment against the Parson Defendants for the total amount of the indebtedness due and owing to Plaintiff, as set forth hereinabove, with the right to enter personal judgment against the Parson Defendants for any deficiency remaining after the sale of the Mortgaged Premises and the Mobile Home.

3. Plaintiff is entitled to an Order directing Defendant SCDMV to issue a new Certificate of Title to the successful purchaser of the Mobile Home at the foreclosure sale.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. This foreclosure action is not against "property arising out of a loan owned or guaranteed by FNMA or FreddieMac or held by a servicer who has signed an agreement to participate in HMP."

2. The loan, under which the indebtedness arises, is not subject to modification under the HMP.

#7
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3. The real property, which is the subject of this foreclosure action, is an "owner-occupied dwelling" as defined by Administrative Order No. 2011-05-02-01, and it is, therefore, subject to the provision of Administrative Order No. 2011-05-02-01.

4. The Parson Defendants received proper notice of their rights regarding foreclosure intervention, pursuant to Administrative Order No. 2011-05-02-01 entered by the Supreme Court of South Carolina, and by their failure to respond to the notice within the prescribed time period, the Parson Defendants have elected not to participate in the foreclosure intervention process with Plaintiff.

5. The Court hereby directs and orders that Defendant SCDMV issue a new Certificate of Title to the successful purchaser of the Mobile Home at the foreclosure sale.

6. There is due to Plaintiff on the Note and Mortgage set forth in the Complaint, as amended herein, the sum of Twenty-Seven Thousand Five Hundred Ninety Two and 93/100

Dollars (\$27,592.93), representing the "Total Debt" due to Plaintiff on the Note, together with interest on the principal balance from July 26, 2013, to the date of judgment.

7. The Total Debt amount due in the preceding paragraph (supra, and later accrued interest on the principal to the date of judgment) shall constitute the total judgment debt due to Plaintiff and shall bear interest after the date of judgment at the rate of 8.75% per annum.

8. The Parson Defendants shall, on or before the date of sale of the property hereinafter described, pay to Plaintiff's attorney the amount of Plaintiff's debt as aforesaid, together with the costs and expenses of this action.

9. On default of payment at or before the time herein indicated, the Mortgaged Premises and the Mobile Home described in the Complaint, as hereinafter set forth, shall be sold by the Special Referee for Marion County or his agent at public auction, at Marion, South Carolina, on some convenient sales day hereafter (and should the regular day of judicial sales fall on a legal holiday, then and in such event, the sales day shall be on the next Tuesday succeeding such holiday), on the following terms, that is to say:

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(a) FOR CASH: The Special Referee or his agent will require a deposit of 5% on the amount bid (in cash or equivalent) same to be applied on the purchase price only upon compliance with the bid, but in case of non-compliance within twenty (20) days same to be forfeited and applied to the costs and any surplus pending further order of the Court.

(b) Interest on the balance of the bid shall be paid through the day of compliance at the judgment rate.

(c) The sale shall be subject to the taxes and assessments due on the day of such sale, and existing easements and restrictions of record.

(d) Purchaser shall pay for the preparation of the deed, bill of sale and costs of recording the deed.

10. If Plaintiff is the successful bidder at said sale, for a sum not exceeding the amount of costs, expenses, and the indebtedness of Plaintiff in full, Plaintiff may pay to the Special Referee for Marion County only the amount of the costs and expenses, crediting the balance of the bid on Plaintiff's indebtedness.

11. Personal or deficiency judgment having not been waived, the sale will remain open for thirty (30) days pursuant to S.C. Code Ann. Section 15-39-720, (1976).

12. The Special Referee for Marion County, will by advertisement according to law, give notice of the time and place of sale, and the terms thereof and will execute to the purchaser, or purchasers, a deed to the realty sold and a bill of sale to the Mobile Home. Plaintiff, or any other party to this action, may become a Purchaser at such sale, and if, upon such sale being made, the purchaser, or purchasers, should fail to comply with the terms thereof within twenty (20) days after date of sale, then the Special Referee for Marion County may advertise the said property for sale on the next, or some other subsequent sales day, at the risk of the former highest bidder, and so from time to time thereafter until a full compliance shall be secured.

219
503
13. The Special Referee for Marion County shall apply the proceeds of the sale as follows:

First: To payment of the costs and disbursements of this action;

Next: To the payment to Plaintiff or its attorney, of the amount of Plaintiff's debt and interest or so much thereof as the purchase money will pay on the same.

Next: Any surplus will be held pending further Order of this Court.

14. It is further ORDERED, ADJUDGED AND DECREED that in the event the successful bidder is other than the Parson Defendants and if a Writ of Assistance is presented, the Sheriff of Marion County is ordered and directed to eject and remove from the premises the occupant(s) of the property sold, together with all personal property located thereon, and put the

successful bidder or his assigns in such peaceable possession. All valid tenant rights shall be protected pursuant to the Protecting Tenants at Foreclosure Act of 2009.

15. And it is further ORDERED, ADJUDGED AND DECREED that Defendants and all persons whosoever claiming under Defendants be forever barred and foreclosed of all right, title, interest, and equity of redemption in the said Mortgaged Premises so sold, or any part thereof.

16. IT IS FURTHER ORDERED that, pursuant to S.C. Code Ann. § 30-9-31 (Supp. 1987), the deed of conveyance made pursuant to said sale shall be indexed in the grantor index by the Registrar of Deeds in the name of the owner of record of the Mortgaged Premises immediately prior to execution of the deed, as well as in the name of the Special Referee for Marion County, who executes such deed as grantor.

17. The Special Referee will retain jurisdiction to do all the necessary acts incidental to this foreclosure including, but not limited to, the issuance of a Writ of Assistance and disposing of any surplus funds pursuant to Rule 71 (c), SCRPC.

18. The Mortgaged Premises ordered to be sold is described as follows:

All that certain piece, parcel or lot of land lying and being situate on the southeast side of Quail Roost Drive near the City of Mullins, Marion County, South Carolina. Said lot being shown and designated as Lot No. 34 on a map of Quail Roost Subdivision, Phase I, by Pittman-Lesson Survey Company dated January 24, 1999, and recorded in Plat Book 282, Page 7, Office of Clerk of Court for Marion County. Reference is hereby made to said plat for a more detailed metes and bounds description.

Also, that 2000 Dynasty Mobile Home, VIN #H801260GL&R located on subject property .

DERIVATION: This is the same property conveyed to Dazarhea Daniels Parson and A. Tyrone Parson, Jr. by deed from FBSA 1, LLC dated March 28, 2012, recorded April 4, 2012 , in Book 195 at Page 239.

TMS: 034-00-00-255-000


ADDRESS: 3546 Quail Roost Road, Mullins, South Carolina
29574

19. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that if Plaintiff or Plaintiff's representative does not appear at the scheduled sale of the above-described property, then the sale of the property will be null, void and of no force and effect. In such event, the sales will be rescheduled for the next available sales day.

AND IT IS SO ORDERED.

H/1

May 5, 2013



The Honorable Haigh Porter
Special Referee for Marion County

STATE OF SOUTH CAROLINA
COUNTY OF MARION
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO.: 2013-CP-33-306

Anderson Brothers Bank

Dazarhea Monique Parson a/k/a Dazarhea D. Parson a/k/a Dazarhea Monique Daniels Parson, A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., South Carolina Department of Revenue and South Carolina Department of Motor Vehicles

PLAINTIFF(S)

DEFENDANT(S)

<p>Submitted by: Suzanne Taylor Graham Grigg, Esq. NEXSEN PRUET, LLC 1230 Main Street, Suite 700 (29201) Post Office Drawer 2426 Columbia, South Carolina 29202 Telephone: 803-540-2114 Facsimile: 803-727-1440</p>	<p>Attorney for : <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant</p>
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DISPOSITION TYPE (CHECK ONE)

- 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 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), 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
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : This is a foreclosure action.

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$ n/a
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order: All that certain piece, parcel or lot of land lying and being situate on the southeast side of Quail Roost Drive near the City of Mullins, Marion County, South Carolina. Said lot being shown and

designated as Lot No. 34 on map of Quail Roost Subdivision, Phase I, by Pittman-Lesson Survey Company dated January 24, 1999, and recorded in Plat Book 282, Page 7, Office of Clerk of Court for Marion County. Reference is hereby made to said plat for a more detailed metes and bounds description. Also, that 2000 Dynasty Mobile Home, VIN #H801260GL&R located on subject property .
DERIVATION: This is the same property conveyed to Dazarhea Daniels Parson and A. Tyrone Parson, Jr. by deed from FBSA 1, LLC dated March 28, 2012, recorded April 4, 2012 , in Book 195 at Page 239.
TMS: 034-00-00-255-000
ADDRESS: 3546 Quail Roost Road, Mullins, South Carolina 29574

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

David Porter *J. Refu* 09/15/13
Circuit Court Judge Judge Code Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

FORM 1
NOTICE OF APPEAL IN A CIVIL CASE

RECEIVED

AUG 27 2013

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM MARION COUNTY
Court of Common Pleas

The Honorable Haigh Porter, Master in Equity Special Referee Judge

Case No. 2013-CP-33-306

Suzanne Grigg, as
Attorney of Anderson
Brothers Bank

Respondent,

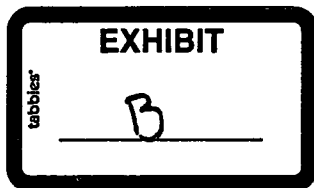
v.

Arnold Jr., Dazarhea
Parson

Appellant.

NOTICE OF APPEAL

Arnold Jr., Dazarhea Parson appeals the order [judgment] of the Honorable Haigh Porter dated July 29, 2013. Appellant received written notice of entry of this order [judgment] on July 29, 2013. Judgment was determined without observing the facts that were submitted by appellants. Respondent with held impertinent evidence that would have satisfied the requirements of discovery and full disclosure. A third party interloper who admitted on and for the record that he had no first hand knowledge of the matter was allowed to give testimony for and on the record. There were violations of the Fair Debt Collection Practice Act that were deliberately not addressed, and affidavits that were un rebutted and deliberately not addressed as well. The judgment impeded on new contracts that were agreed to by both parties that superseded the old contract.



August 26, 2013

SCC 36-1-207 All rights reserved.

Arnold Parson Jr. Dazaria Parson

Arnold Jr., Dazaria Parson

Post Office Box 776

Mullins, South Carolina 29574

(843) 409-9086

Attorney in Fact

Other Counsel of Record:

Suzanne Grigg

1230 Main Street

Suite 700 (29201)

PO Drawer 2426

Columbia, SC 29202

Attorney for Respondent

(803) 253- 8277

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

RECEIVED

AUG 27 2013

APPEAL FROM MARION COUNTY
Court of Common Pleas

S.C. SUPREME COURT

The Honorable Haigh Porter, Master in Equity Special Referee Judge

Case No. 2013-CP-33-306

Suzanne Grigg, as
Attorney of Anderson
Brothers Bank,

Respondent,

v.

Arnold Jr., Dazarhea
Parson

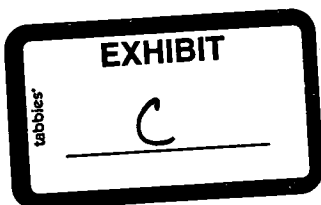
Appellant.

PROOF OF SERVICE

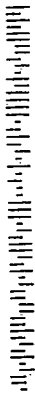
We certify that we have served the Notice of Appeal on Anderson Brothers Bank by depositing a copy of it in the United States Mail, postage prepaid, on August 26, 2013, addressed to Anderson Brothers Bank attorney of record, Suzanne Grigg, 1230 Main Street, Suite 700 (29201) Post Office Drawer 2426 Columbia, South Carolina 29202.

August 26, 2013

SCC 36 - 1 - 207 All rights Reserved
Arnold Parson Jr. / Dazarhea Parson
Arnold Jr., Dazarhea Parson
Post Office Box 776



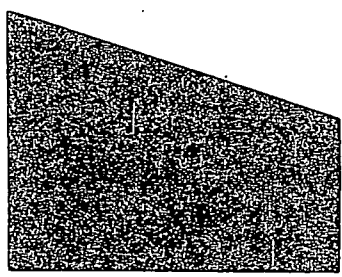
Mullins, South Carolina 29574
(843) 409-9086
Attorney in Fact



TO: Arnold J. DeZorchea Parson

P.O. Box 716

Mullins SC 29574



7012 1010 0002 9563 3455

PLEASE SIGNER AT TOP OF ENVELOPE TO BE RETURNED TO SENDER
CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED
CERTIFIED MAIL



7012 1010 0002 9563 3455



1000



29201

U.S. POSTAGE
PAID
MARION, SC
29571
AUG 26, 13
PERMIT

\$5.02
00096039-04

To: Supreme Court

1231 Gravois Street

Columbia SC 29201

ready Post.

201300036011 EXEMPT
SHERRY R. RHODES
CLERK OF COURTS
MARION COUNTY, SC
10-24-2013 03:56 pm.
REC FEE: 11.00

STATE OF SOUTH CAROLINA
COUNTY OF MARION

**D E E D
BY
JUDICIAL ORDER
OF
SPECIAL REFEREE**

201300036011
NEXSEN PRUET LLC

WHEREAS a foreclosure action in the Circuit Court in Marion County, South Carolina by Anderson Brothers Bank, Plaintiff, against Dazarhea Monique Parson, a/k/a Dazarhea D. Parson, a/k/a Dazarhea Monique Daniels Parson, A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., South Carolina Department of Revenue and South Carolina Department of Motor Vehicles, Defendants, Case No. 2013-CP-33-306 was heard by the Honorable Haigh Porter, Special Referee for Marion County, by an Order of Reference from the Circuit Court; and

WHEREAS the Special Referee did order and decree on August 5, 2013, that the property hereinafter described should be sold at public sale by the said Court on the terms and for the purposes stated in the Special Referee's Order and Judgment of Foreclosure and Sale (the "Order and Decree") filed with the Office of the Clerk of Court for Marion County on August 16, 2013; and

WHEREAS the Special Referee, after public advertisement of the said property as required by law, openly and publicly, at public auction, sold the said property for the highest bid received to Anderson Brothers Bank (the "Grantee") on September 10, 2013, for the credit bid of Nineteen Thousand Dollars and 00/100 (\$19,000.00), which sale remained open for upset bids for a period of thirty (30) days with no upset bids having been received, and the Grantee having paid the costs.

NOW, KNOW ALL MEN, that I, the undersigned Special Referee for Marion County, South Carolina, in consideration of the said bid paid as aforesaid by the Grantee, the receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents, do grant, bargain, sell and release unto said Grantee, its successors and assigns:

Transfer No: 130838
October 24 2013
Map 34 Block Lot 205
Van Butler, Assessor (2-24)

All that certain piece, parcel or lot of land lying and being situate on the southeast side of Quail Roost Drive near the City of Mullins, Marion County, South Carolina. Said lot being shown and designated as Lot No. 34 on a map of Quail Roost Subdivision, Phase I, by Pittman-Lesson Survey Company dated January 24, 1999, and recorded in Plat Book 282, Page 7, Office of Clerk of Court for Marion County. Reference is hereby made to said plat for a more detailed metes and bounds description.

Also, that 2000 Dynasty Mobile Home, VIN #H801260GL&R located on subject property .

DERIVATION: This is the same property conveyed to Dazarhea Daniels Parson and A. Tyrone Parson, Jr. by deed from FBSA 1, LLC dated March 28, 2012, recorded April 4, 2012 , in Book 195 at Page 239.

TMS: 034-00-00-255-000

ADDRESS: 3546 Quail Roost Road, Mullins, South Carolina 29574

TOGETHER with all and singular the Rights, Members, Hereditaments and Appurtenances to the said premises belonging, or in anywise incident or appertaining; and all the estate, right, title, claim and interest whatsoever of the parties to the cause aforesaid, and each of them, in and to the same, and of all other persons rightfully claiming from, under, or by these or any of them.

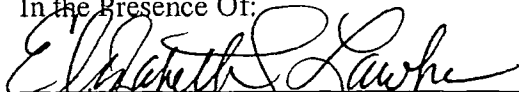
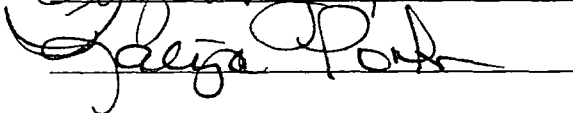
TO HAVE AND TO HOLD, all and singular the premises before mentioned unto said Grantee, its successors and assigns forever.


IN WITNESS WHEREOF, I, the Special Referee for Marion County, South Carolina, under and by virtue of the aforesaid Order and Decree, have here unto set my hand and seal, this

16 day of October 2013.

SIGNED, SEALED AND DELIVERED

In the Presence Of:


The Honorable Haigh Porter
Special Referee for Marion County

STATE OF SOUTH CAROLINA

COUNTY OF MARION

PERSONALLY APPEARED before me Elizabeth S. Lawhon and made oath that s/he saw Haigh Porter, Special Referee for Marion County, South Carolina, sign, seal and deliver the within Deed; and, that deponent together with Haigh Porter signed their names as witnesses thereto.

SWORN to and subscribed before me this 16th day of October 2013.

George Porter (L.S.)
Notary Public for South Carolina
My Commission Expires: 5/2/15

) Elizabeth S. Lawhon
)
) Witness
)
)
)
)

ENTER IN GRANTOR INDEX:

Haigh Porter
Special Referee for Marion County

ENTER IN GRANTEE INDEX:

Anderson Brothers Bank
ATTN: S. "Rusty" Richardson, CPA, CCA, EVP
101 N. Main Street
P.O. Box 310
Mullins, SC 29574

RETURN TO:

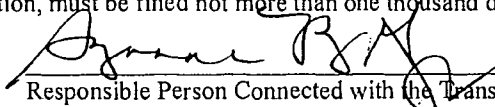
Suzanne Taylor Graham Grigg, Esquire
NEXSEN PRUET, LLC
1230 Main Street, Suite 700 (29201)
Post Office Drawer 2426
Columbia, South Carolina 29202
Attorney for Anderson Brothers Bank

STATE OF SOUTH CAROLINA)
COUNTY OF MARION)

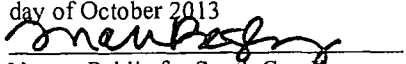
AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.
2. The property being transferred is known as 3546 Quail Roost Road, Mullins, South Carolina 29574, bearing Marion County Parcel Number: 034-00-00-255-000. The property was transferred by Deed of The Honorable Haigh Porter, Special Referee for Marion County, S.C. to Anderson Brothers Bank on October 16, 2013.
3. Check one of the following: The deed is
 - (a) _____ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c) X _____ exempt from the deed recording fee under exemption #13 (See Information section of affidavit):
Grantee is the Plaintiff in an equity action of foreclosure
(If exempt, please skip items 4 - 7, and go to item 8 of this affidavit.)
4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit):
 - (a) _____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ _____.
 - (b) _____ The fee is computed on the fair market value of the realty which is _____.
 - (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is _____.
5. Check Yes ___ or No ___ to the following: A lien or encumbrance on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is: _____.
6. The deed recording fee is computed as follows:
 - (a) Place the amount listed in item 4 above here: _____
 - (b) Place the amount listed in item 5 above here: _____
(If no amount is listed, place zero here.)
 - (c) Subtract Line 6(b) from Line 6(a) and place result here: \$ _____
7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$ _____.
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Attorney for Anderson Brothers Bank.
9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.


Responsible Person Connected with the Transaction

Suzanne Taylor Graham Grigg, Esquire
Print or Type Name Here

SWORN to before me this 22nd
day of October 2013

Notary Public for South Carolina
My Commission Expires: 3/15/20

INFORMATION

Except as provided in this paragraph, the term "value" means "the consideration paid or to be paid in money or money's worth for the realty." Consideration paid or to be paid in money's worth includes, but is not limited to, other realty, personal property, stocks bonds, partnership interest and other intangible property, the forgiveness or cancellation of a debt, the assumption of a debt, and the surrendering of any right. The fair market value of the consideration must be used in calculating the consideration paid in money's worth. Taxpayers may elect to use the fair market value of the realty being transferred in determining fair market value of the consideration. In the case of realty transferred between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, and in the case of realty transferred to a trust or as a distribution to a trust beneficiary, "value" means the realty's fair market value. A deduction from value is allowed for the amount of any lien or encumbrance existing on the land, tenement, or realty before the transfer and remaining on the land, tenement, or realty after the transfer. Taxpayers may elect to use the fair market value for property tax purposes in determining fair market value under the provisions of the law.

Exempted from the fee are deeds:

- (1) transferring realty in which the value of the realty, as defined in Code Section 12-24-30, is equal to or less than one hundred dollars;
- (2) transferring realty to the federal government or to a state, its agencies and departments, and its political subdivisions, including school districts;
- (3) that are otherwise exempted under the laws and Constitution of this State or of the United States;
- (4) transferring realty in which no gain or loss is recognized by reason of Section 1041 of the Internal Revenue Code as defined in Section 12-6-40(A);
- (5) transferring realty in order to partition realty as long as no consideration is paid for the transfer other than the interests in the realty that are being exchanged in order to partition the realty;
- (6) transferring an individual grave space at a cemetery owned by a cemetery company licensed under Chapter 55 of Title 39;
- (7) that constitute a contract for the sale of timber to be cut;
- (8) transferring realty to a corporation, a partnership, or a trust in order to become, or as, a stockholder, partner, or trust beneficiary of the entity provided no consideration is paid for the transfer other than stock in the corporation, interest in the partnership, beneficiary interest in the trust, or the increase in value in such stock or interest held by the grantor. However, the transfer of realty from a corporation, a partnership, or a trust to a stockholder, partner, or trust beneficiary of the entity is subject to the fee even if the realty is transferred to another corporation, a partnership, or trust;
- (9) transferring realty from a family partnership to a partner or from a family trust to a beneficiary, provided no consideration is paid for the transfer other than a reduction in the grantee's interest in the partnership or trust. A "family partnership" is a partnership whose partners are all members of the same family. A "family trust" is a trust, in which the beneficiaries are all members of the same family. The beneficiaries of a family trust may also include charitable entities. "Family" means the grantor and the grantor's spouse, parents, grandparents, sisters, brothers, children, stepchildren, grandchildren, and the spouses and lineal descendants of any of the above. A "charitable entity" means an entity which may receive deductible contributions under Section 170 of the Internal Revenue Code as defined in Section 12-6-40(A);
- (10) transferring realty in a statutory merger or consolidation from a constituent corporation to the continuing or new corporation;
- (11) transferring realty in a merger or consolidation from a constituent partnership to the continuing or new partnership;
- (12) that constitute a corrective deed or a quitclaim used to confirm title vested in the grantee, provided that no consideration of any kind is paid or is to be paid under the corrective or quitclaim deed;
- (13) transferring realty subject to a mortgage to the mortgagee whether by a deed in lieu of foreclosure executed by the mortgagee or deed pursuant to foreclosure proceedings;
- (14) transferring realty from an agent to the agent's principal in which the realty was purchased with funds of the principal, provided that a notarized document is also filed with the deed that establishes the fact that the agent and principal relationship existed at the time of the original purchase as well as for the purpose of purchasing the realty; and
- (15) transferring title to facilities for transmitting electricity that is transferred, sold, or exchanged by electrical utilities, municipalities, electric cooperatives, or political subdivisions to a limited liability company which is subject to regulation under the Federal Power Act (16 U.S.C. Section 791(a)) and which is formed to operate or to take functional control of electric transmission assets as defined in the Federal Power Act.

The South Carolina Court of Appeals

Anderson Brothers Bank, Respondent,

v.

Dazarhea Monique Parson, a/k/a Dazarhea D. Parson,
a/k/a Dazarhea Monique Daniels Parson, A. Tyrone
Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., South
Carolina Department of Revenue, and South Carolina
Department of Motor Vehicles, Defendants,

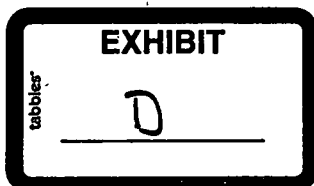
Of whom Dazarhea Monique Parson, a/k/a Dazarhea D.
Parson, a/k/a Dazarhea Monique Daniels Parson, and A.
Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr. are the
Appellants.

Appellate Case No. 2013-001824


ORDER

This court issued two previous orders, one on April 3, 2014 and another on September 30, 2014, requiring Appellants to serve and file an amended record on appeal in full compliance with Rule 210 of the South Carolina Appellate Court Rules. Our September 30 order stated "the record must contain all documents referenced in the parties' designations of matter. **Failure to comply with this order will result in dismissal of this appeal.**" (emphasis added). Appellants timely served and filed an amended record, but it still has numerous deficiencies. Most significantly, Appellants did not include all the items listed in Respondent's designation of matter.

Respondents have filed a motion to compel Appellants to file a corrected record on appeal. Appellants have filed a return stating the "attorney's for respondents have firsthand knowledge of each and every document, exhibit, and the like of which they wish to have entered into the record on appeal." Appellants' response



indicates they refuse to comply with this Court's orders. This Court dismisses the appeal for Appellants' refusal to comply with our previous orders and failure to file a record on appeal adhering to the requirements of Rule 210, SCACR.


FOR THE COURT

Columbia, South Carolina

cc: Dazarhea Monique Parson
A. Tyrone Parson, Jr.
Suzanne G. Grigg, Esquire
Kirsten Elena Small, Esquire

FILED
12/18/14

The South Carolina Court of Appeals

Anderson Brothers Bank, Respondent,

v.

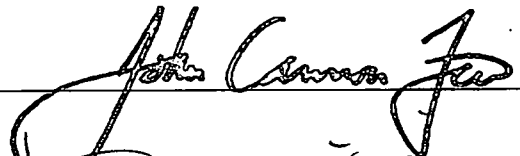

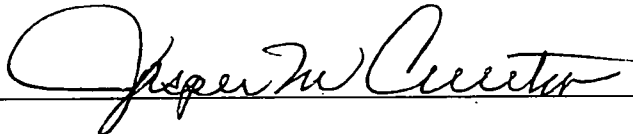
Dazarhea Monique Parson, a/k/a Dazarhea D. Parson,
a/k/a Dazarhea Monique Daniels Parson, A. Tyrone
Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., South
Carolina Department of Revenue, and South Carolina
Department of Motor Vehicles, Defendants,

Of whom Dazarhea Monique Parson, a/k/a Dazarhea D.
Parson, a/k/a Dazarhea Monique Daniels Parson, and A.
Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr. are the
Appellants.

Appellate Case No. 2013-001824

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

 C.J.

 A.J.

EXHIBIT

E

FILED

3/12/15

Columbia, South Carolina

cc: Dazarhea Monique Parson
A. Tyrone Parson, Jr.
Suzanne G. Grigg, Esquire
Kirsten Elena Small, Esquire

The Supreme Court of South Carolina

Anderson Brothers Bank, Respondent,

v.

Dazarhea Monique Parson, a/k/a Dazarhea D. Parson,
a/k/a Dazarhea Monique Daniels Parson; A. Tyrone
Parson, Jr. a/k/a Arnold Tyrone Parson, Jr.; South
Carolina Department of Revenue; and South Carolina
Department of Motor Vehicles, Defendants,

Of Whom Dazarhea Monique Parson, a/k/a Dazarea D.
Parson, a/k/a Dazarhea Monique Daniels Parson ; and A.
Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., are
Petitioners.

Appellate Case No. 2015-000761

Lower Court Case No. 2013-CP-33-00306

ORDER

This matter is before the Court by way of a petition for a writ of certiorari to review the Court of Appeals' dismissal of petitioners' appeal. The petition is denied.


C.J.
FOR THE COURT

Columbia, South Carolina

May 7, 2015

cc:

Suzanne G. Grigg, Esquire
Kirsten Elena Small, Esquire
A. Tyrone Parson, Jr.

Dazarhea Monique Parson
The Honorable Sherry R. Rhodes
The Honorable Jenny Kitchings

EXHIBIT

F



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

May 13, 2015

The Honorable Sherry R. Rhodes
PO Box 295
Marion SC 29571-0295

REMITTITUR

Re: Anderson Brothers Bank v. Dazarhea Monique Parson
Lower Court Case No. 2013CP3300306
Appellate Case No. 2013-001824

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

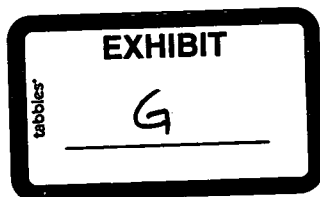
Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Dazarhea Monique Parson
A. Tyrone Parson, Jr.
Suzanne G. Grigg, Esquire
Kirsten Elena Small, Esquire



The South Carolina Court of Appeals

Anderson Brothers Bank, Respondent,

v.

Dazarhea Monique Parson, a/k/a Dazarhea D. Parson,
a/k/a Dazarhea Monique Daniels Parson, A. Tyrone
Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., South
Carolina Department of Revenue, and South Carolina
Department of Motor Vehicles, Defendants,

Of whom Dazarhea Monique Parson, a/k/a Dazarhea D.
Parson, a/k/a Dazarhea Monique Daniels Parson, and A.
Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr. are the
Appellants.

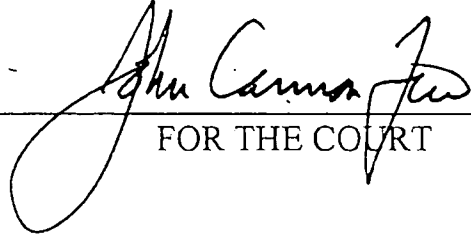
Appellate Case No. 2013-001824

ORDER

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Respondents have filed a motion to compel Appellants to file a corrected record on appeal. Appellants have filed a return stating the "attorney's for respondents have firsthand knowledge of each and every document, exhibit, and the like of which they wish to have entered into the record on appeal." Appellants' response

indicates they refuse to comply with this Court's orders. This Court dismisses the appeal for Appellants' refusal to comply with our previous orders and failure to file a record on appeal adhering to the requirements of Rule 210, SCACR.


FOR THE COURT

Columbia, South Carolina

cc: Dazarhea Monique Parson
A. Tyrone Parson, Jr.
Suzanne G. Grigg, Esquire
Kirsten Elena Small, Esquire

FILED
12/18/14

STATE OF SOUTH CAROLINA

COUNTY OF MARION

Anderson Brothers Bank,

Plaintiff,

vs.

Dazarhea Monique Parson, a/k/a Dazarhea D. Parson, a/k/a Dazarhea Monique Daniels Parson, A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., *et al.*,

Defendants.

Anderson Brothers Bank,

Petitioner,

vs.

Dazarhea Monique Parson, a/k/a Dazarhea D. Parson, a/k/a Dazarhea Monique Daniels Parson and A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr.,

Respondents.

IN THE CIRCUIT COURT

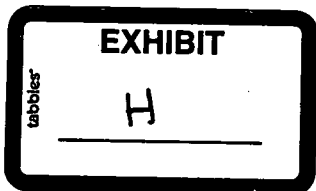
Case No. 2013-CP-33-306

WRIT OF ASSISTANCE

FILED
MARION COUNTY, SC
SHERIFF R. RHODES
CLERK OF COURT
2015 SEP 25 P 2:51
BOOK _____ PAGE _____

**TO: THE SHERIFF OF MARION COUNTY, SOUTH CAROLINA,
GREETINGS:**

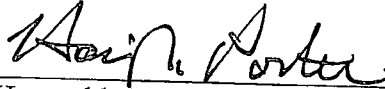
WHEREAS, by a judgment of this Court it was, among other things, adjudged and decreed that the purchaser at the Special Referee's sale of the premises described more fully in said judgment and on Exhibit "A" attached hereto and made a part hereof, should, on production of the Deed by Judicial Order of Special Referee (the "Deed") be put forthwith into full, quiet and peaceable possession of the said premises; and



WHEREAS, the Special Referee for Marion County, South Carolina has issued to the Petitioner herein, Anderson Brothers Bank ("ABB") the purchaser at such sale, the Deed therefore, a portion of which land and premises are now possessed and occupied by the Respondents herein;

NOW, THEREFORE, upon hearing the testimony presented at the hearing on the Rule to Show Cause Against Dazarhea Monique Parson, a/k/a Dazarhea D. Parson, a/k/a Dazarhea Monique Daniels Parson, A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., I hereby command that you, after 30 days of receiving this Writ, go to and enter upon said land and premises and that you eject and remove Respondents, with any and all persons claiming under the Respondents therefrom; that you remove therefrom all personal property of the Respondents and any and all persons claiming under the Respondents; and that you deliver to said Petitioner or its agent, successors and assigns full, quiet and peaceable possession of the land and premises without delay and that you maintain, keep and defend its possession according to the tenor and true intent of the judgment of this Court.

AND IT IS SO ORDERED this 21st day of September 2015.


The Honorable Haigh Porter
Special Referee for Marion County

Florence, South Carolina

EXHIBIT "A"

All that certain piece, parcel or lot of land lying and being situate on the southeast side of Quail Roost Drive near the City of Mullins, Marion County, South Carolina. Said lot being shown and designated as Lot No. 34 on a map of Quail Roost Subdivision, Phase I, by Pittman-Lesson Survey Company dated January 24, 1999, and recorded in Plat Book 282, Page 7, Office of Clerk of Court for Marion County. Reference is hereby made to said plat for a more detailed metes and bounds description.

Also, that 2000 Dynasty Mobile Home, VIN #H801260GL&R located on subject property.

DERIVATION: This is the same property conveyed to Anderson Brothers Bank by that certain Deed by Judicial Order of Special Referee dated October 16, 2013, and recorded October 24, 2013, in the Marion County Clerk of Court's Office in Book 253 at Page 104.

TMS: 034-00-00-255-000

ADDRESS: 3546 Quail Roost Road, Mullins, SC 29574

#3
AP

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM MARION COUNTY
Court of Common Pleas

SPECIAL REFEREE HAIGH PORTER

Case No. 2013-CP-33-306

RECEIVED

OCT 30 2015

SC Court of Appeals

Anderson Brothers Bank,

Respondent,

v.

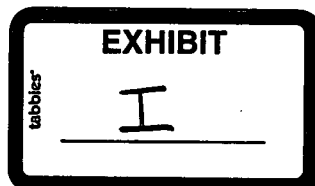
Arnold Jr., Dazarhea Parson

Appellants.

NOTICE OF APPEAL

I :arnold: and I :dazarhea: herein after Appellants, appeals the Order for Writ of Assistance entered by Special Referee Haigh Porter, received on October 1, 2015. There was no new hearing held for this order. The original order for this hearing held April 30, 2014 was signed off on and entered on January 7, 2015. It is believed that there should have never been a hearing held, nor an order entered. At the time the hearing was held the lower court lacked personam and subject jurisdiction to hear the Rule to Show Cause, and Petition for Writ of Assistance being that this was an open dispute within the exclusive jurisdiction of the Court of Appeals. A fact, in which Respondent and Special Referee were made fully aware of on January 5, 2015. On or around January 12, 2015 a notice of motion publication roster was sent to Respondents for hearing to be held on February 9, 2015. At that hearing Judge Haynes would not allow either party to speak because this dispute was still in the Court of Appeals dismissing the case stating three times in his order "JUDGE HAS NO JURISDICTION." It is believed that the same should have been done on April 30, 2014 hearing. The actions of the Respondent and Special Referee appear to be a blatant denial of Petitioners inalienable, unalienable rights to due process guaranteed by the Constitution for the united states of America (major).

October 27, 2015



500 36-1-207

By: Arnold Dazarhea
Arnold Jr., Dazarhea:Parson
c/o Post Office Box 776
Mullins, South Carolina 29574
(843-409-9086/843-536-2320)
Attorney in Fact

Other Counsel of Record:
Suzanne Griggs
1230 Main Street
Suite 700(29201)
PO Drawer 2426
Columbia, South Carolina 29202
Attorney for Respondent
(803-253-8277)

PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM MARION COUNTY
Court of Common Pleas

SPECIAL REFEREE HAIGH PORTER

Case No. 2013-CP-33-306

RECEIVED

OCT 30 2015

SC Court of Appeals

ANDERSON BROTHERS
BANK,

Respondent,

v.

ARNOLD JR., DAZARHEA
PARSON

Appellant.

PROOF OF SERVICE

We certify that we have served the Notice of Appeal on Anderson Brothers Bank by depositing a copy of it in the United States Mail, postage prepaid, on October 28, 2015 addressed to Anderson Brothers Bank attorney of record, Suzanne Griggs, 1230 Main Street, Suite 700 (29201) Post Office Drawer 2426 Columbia, South Carolina 29202.

October 28, 2015

By: 50036-1-207
Arnold Jr., Dazarhea:Parson
Arnold Jr., Dazarhea:Parson
c/o Post Office Box 776
Mullins, South Carolina 29574
(843-409-9086/843-536-2320)
Attorney in Fact

=== COVER PAGE ===

TO: _____

FROM: CUSTOMPRINTING

FAX: 8435450635

TEL: 8435450394

COMMENT:

RECEIVED
OCT 30 2015
SC Court of Appeals

The South Carolina Court of Appeals

Anderson Brothers Bank, Respondent,

v.

Dazarhea Monique Parson, a/k/a Dazarea D. Parson, a/k/a Dazarhea Monique Daniels Parson; A. Tyrone Parson, Jr., a/k/a Arnold Tyrone Parson, Jr.; South Carolina Department of Revenue; and South Carolina Department of Motor Vehicles, Defendants,

Of whom Dazarhea Monique Parson, a/k/a Dazarea D. Parson, a/k/a Dazarhea Monique Daniels Parson and A. Tyrone Parson, Jr., a/k/a Arnold Tyrone Parson, Jr. are the Appellants.

Anderson Brothers Bank, Respondent,

v.

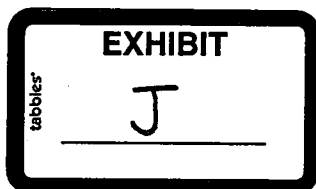
Dazarhea Monique Parson, a/k/a Dazarea D. Parson, a/k/a Dazarhea Monique Daniels Parson; A. Tyrone Parson, Jr., a/k/a Arnold Tyrone Parson, Jr., Appellants.

Appellate Case No. 2015-002230

ORDER

In August 2013, Appellants appealed an order and judgment of foreclosure and sale in civil case 2013-CP-33-306 to this court. That appeal was dismissed,¹ and the remittitur was sent on May 13, 2015. Appellants now appeal a writ of assistance from the same civil action. However, because Appellants' prior appeal

¹ See *Anderson Bros. Bank v. Parson*, S.C. Ct. App. Order dated Dec. 18, 2014.



has ended and Appellants no longer reside at the subject property, the parties' rights as to the property are settled and this court is unable to alter them. As a result, any judgment by this court in the current appeal would not offer Appellants practical relief, and this appeal is moot. *See Mathis v. S.C. State Highway Dep't*, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973) ("A case becomes moot when judgment, if rendered, will have no practical legal effect upon existing controversy. This is true when some event occurs making it impossible for reviewing Court to grant effectual relief."). Accordingly, the appeal is dismissed. *See Byrd v. Irmo High Sch.*, 321 S.C. 426, 430, 468 S.E.2d 861, 864 (1996) ("Before any action can be maintained, there must exist a justiciable controversy."); *id.* at 431, 468 S.E.2d at 864 ("This Court will not pass on moot and academic questions or make an adjudication where there remains no actual controversy."). The remittitur will be sent as provided by Rule 221(b), SCACR.²


FOR THE COURT

Columbia, South Carolina

cc: Dazarhea Monique Parson
Arnold Tyrone Parson, Jr.
Suzanne G. Grigg, Esquire

FILED
1/13/16

² Appellants have filed a motion to file their transcript out of time and a motion for leave to file a Rule 60(b), SCRCP, motion with the circuit court. Because this appeal is dismissed, we decline to rule on the motions.

Notice of Dismissal

The Marion County Summary Court

Criminal/Traffic Court

Case No. 46764 EC
Trespassing after notice or refusal to leave upon request.

Marion County Sheriff's Office

Prosecution,

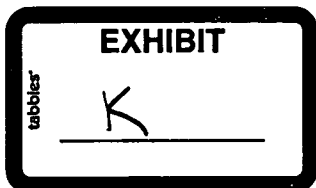
V.

Parson, Arnold Tyrone Jr.

Defendant,

Order of Dismissal

Defendant came before the court on February 26, 2016 to argue Motion to Dismiss which had previously been filed with the court and served upon prosecution. Verbal arguments were heard from both parties and motion was taken under advisement. Upon review of the written motions and verbal arguments, this court grants the Motion to Dismiss. The Defendant argued that he was unjustly removed from his property and charged with Trespassing after notice or upon request after he had properly filed an appeal with the Appellate Court. Defendant argued that he filed the appeal with the appellate court prior to the service of the writ of assistance by the Marion County Sheriff's Office and the filed appeal should have stayed the execution of the writ of assistance.



Records show the appeal was filed on October 30, 2015 and defendant has shown the notice was given to the special referee as well as the Marion County Sheriff's Office prior to the service of the writ of assistance being served on November 2, 2015. It has been further shown that the Marion County Sheriff's Office contacted the special referee on the morning of the writ of assistance service and the special referee instructed the Marion County Sheriff's Office to proceed with the service.

Per SC appellate Rule 241(a) General Rule: As a general rule, the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision. This automatic stay continues in effect for the duration of the appeal unless lifted by order of the lower court, the administrative tribunal, appellate court, or judge or justice of the appellate court. The lower court or administrative tribunal retains jurisdiction over matters not affected by the appeal including the authority to enforce any matters not stayed by the appeal.

There are exceptions to Rule 241(a) as noted in Rule 241(b), specifically Rule 241(b)(4) which states; Judgments directing the sale or delivery of possession of real property as provided in S.C. Code Ann. § 18-9-170.

SC Code of Laws 18-9-170 provides that if the judgment appealed from direct the sale or delivery of possession of real property, the execution of the judgment shall not be stayed unless a written undertaking be executed on the part of the appellant, with two sureties, to the effect that during the possession of such property by the appellant he will not commit or suffer to be committed any waste thereon and that if the judgment be affirmed he will pay the value of the use and occupation of the property from the time of the execution of the undertaking until the delivery of possession thereof pursuant to the judgment, not exceeding a sum to be fixed by a judge of the court by which judgment was rendered and which shall be specified in the undertaking. When the judgment directs the sale of land to satisfy a mortgage thereon or other lien, the undertaking shall provide that in case the judgment appealed from be affirmed and the land be finally sold for less than the judgment debt and costs then the appellant shall pay for any waste committed or suffered to be committed on the land and shall pay a reasonable rental value for the use and occupation of the land from the time of the execution of the undertaking to the time of the sale, but not exceeding the amount of such deficiency, which sum shall be duly entered as a payment on the judgment; and in case the land shall be unimproved land, then in any action or proceedings now pending or hereafter begun in any of the courts of this State the undertaking shall further provide for the payment by appellant, if the judgment be affirmed, of any taxes due at the time of the appeal or already paid by the mortgagee, or becoming due during the

pendency of the appeal, and also for the payment by appellant of the interest on the debt falling due during the pendency of such appeal.

Furthermore, SC Code of Laws 18-9-180 provides Whenever the defendant executes the bond mentioned in Sections 18-9-130, 18-9-150 and 18-9-170 or the appeal is perfected as provided by Sections 18-9-150 or 18-9-160, it shall stay all further proceedings in the court below upon the judgment appealed from or upon the matter embraced therein; but the court below may proceed upon any other matter included in the action and not affected by the judgment appealed from.

Citing Rule 241(a) and Rule 241(b)(4) there was no evidence that the defendant, after filing the appeal and serving notice, was given the opportunity to comply with SC Code of Laws 18-9-170 or 18-9-180.

Therefore, it is ORDERED this date, February 29, 2016, the charge of Trespass after notice or refusal to leave upon request as cited on SC UTT 46764 EC against Arnold Tyrone Parson, Jr. is DISMISSED and all record related to this arrest be expunged in accordance with SC Code of Laws 17-1-40.



Danny O. Barker II
Chief Magistrate
Marion County Summary Court

February 29, 2016