

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
Appellant Case No. 2015-002230

RECEIVED
MAR 29 2016
SC 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 Moniques 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

Appellants Reply to Respondent Return to Petition for Rehearing

Appellants restates all ultimate facts supported by evidentiary facts within the petition for rehearing, memorandum of appealability, letter to the court, Mandatory Judicial Notice, and with all exhibits attached thereto by reference herein are forever relevant, material, and apart of this Reply to Respondents Return.

IT IS NOT NOW NOR HAS IT EVER BEEN THE INTENT OF THE APPELLANTS TO UNLAWFULLY, HINDER, OBSTRUCT, OR DELAY ANY LAWFUL PROCEDURE. IT IS ONLY THE INTENT OF THE APPELLANTS TO HAVE THIS MATTER ADJUDICATED BEFORE AN IMPARTIAL TRIBUNAL OF COMPENTENT JURISDICTION ON THE MERITS.

Appellants object to Respondent Return to Petition for Rehearing submitted by Respondents and received by Court of Appeals on or around March 17, 2016 pursuant to S.C.A.C.R 240(e) where it states “any party opposing a motion or petition shall have ten (10) days from the date of service thereof to file an original and six (6) copies of his return with the clerk and serve on all parties a copy of the return; provided, however, a return to a petition or motion for rehearing under Rule 221 need not be filed unless requested by the court. The court may in its discretion enlarge or limit the time for filing the return. The provisions of Rule 240(c) shall apply to a return. Failure of a party to timely file a return may be deemed a consent by that party to the relief sought in the motion or petition.” There is no record or evidence that Court of Appeals requested and/or ordered Respondents to file a return to Appellants Petition for Rehearing. Furthermore, being that Appellants Petition for Rehearing (En Banc) was filed on or around January 28, 2016 the time for Respondent to file a return on its own initiative has lapsed by 45 plus days.

It is believed, the unlawful actions that took place on November 2, 2015 destroying all personal property (as an offer of proof of loss see flash drive attached **Exhibit A**) briefly deprived Appellants of their private real property that they were in peaceful possession of for 8 years took place during a time when the Governor issued a State of Emergency for the state of South Carolina (see South Carolina Ann. Code 16-7-10 (A)(2a,b,c).

ARGUMENT

Respondents stated in their return, “In September 2015....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....” [sic] Appellants are without knowledge of this purported hearing, never received any notice, nor were we in attendance as the transcripts from this September 2015 hearing will show. Respondents give dates of every hearing mentioned in return (i.e. month, day, and year) except for the mysterious September 2015 hearing. The Notice of Appeal (second sentence) states one of the main reasons for this appeal is that Appellants did not have an opportunity to be heard (S.C. Const. art. I, § 3; S.C. Const. art. I, § 22) prior to the Writ being executed on November 2, 2015. By “due process of law” is meant a process which, following the forms of law, is appropriate to the case and just to the parties to be affected. It must be pursued in the ordinary mode prescribed by the law; it must be adapted to the end to be attained; and whenever it is necessary for the protection of the parties, it must give them an opportunity to be heard respecting the justice of judgment sought. The clause in question means, therefore, that there can be no proceeding against life, liberty, or property which may result in the deprivation of either without the observances of those general rules established in our system of jurisprudence for the security of private rights. *State v. Earle* (S.C. 1903) 66 S.C. 194, 44 S.E. 781.

Respondent failed to follow proper procedures in executing the Writ of Assistance by not serving any pleadings or noticing Appellants of September 2015 hearing purported to be held prior to order being signed on September 21, 2015. Again, Appellants have no knowledge of a hearing held in September 2015, only of a filing on September 25, 2015 where written notice was received on October 1, 2015. Respondents never requested a bond, nor did they ever give

the amount the bond should be for, which was an issue taken into consideration in the Marion County Summary Court Judicial Dismissal.

Furthermore, the enforcement of the Writ of Assistance should have never taken place on November 2, 2015 being that the lower court acted in want of jurisdiction by failing to follow proper process to execute writ, Appellants filed a Mandatory Injunction, Relief From Judgment S.C.R.C.P Rule 60(b)(1)(3)(4), and Challenge of Jurisdiction (see Hagins vs Levine 415 US 533 note 3 (1974) where it states in part "Once jurisdiction is challenged it must be proven.") on October 16, 2015, all fees were satisfied, and was awaiting a hearing in the Circuit Court. Appellants objected to Writ of Assistance, and noticed all parties of Notice of Appeal on October 28, 2015. Appellants filed a Petition for Emergency Stay on October 30, 2015 and satisfied all fees. Therefore Appellants should have had an opportunity to be heard prior to any action taken place.

Appellants would like to restate again that these unlawfully actions that took place on November 2, 2015 was in total disregard to the state of Emergency issued for 29 counties in South Carolina, with Marion County being one of those counties.

CONCLUSION

There should have been a new hearing held where Appellants had an opportunity to defend their interest in their private property prior to any actions taking place. Appellants are entitled to a fair and just trial on the merits free from any and all biasness. Appellants are entitled to an order granting Appellants Petition for Rehearing (En Banc), relief for the irreparable harm, and undue

hardship that has been forced upon Appellants by the unlawful actions that took place on
November 2, 2015 along with any other relief entitled in law and in equity.

ALL RIGHTS RESERVED

By: arnold: dazarhea parson
:arnold:.,:dazarhea:parson Sui Juris Ex Rel

March 28, 2016

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

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CERTIFICATE OF SERVICE

The undersigned does hereby certify that on March 28, 2016 we served the following:

- Reply to Respondents Return to Petition for Rehearing
- Affidavit in Support of Appellants Reply
- Exhibit A Proof of Loss (8GB Flash drive)

by depositing copies of same usps prepaid addressed to the following:

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

All Rights Reserved

By: arnold: dazarhea: parson
:arnold:dazarhea:parson
P O Box 776
Mullins, South Carolina 29574

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AFFIDAVIT IN SUPPORT OF APPELLANTS REPLY

AFFIDAVIT IN SUPPORT OF APPELANTS REPLY

The undersigned Affiants :Arnold:, and Dazarhea hereinafter "Affiants," does solemnly affirm, declare and state as follows:

1. Affiants is competent to state the matters set forth herein.
2. Affiants has knowledge of the facts stated herein.
3. All facts herein are true correct and not misleading

Plain Statement of Facts:

4. There is no record or evidence that Affiants were noticed of a September 2015 hearing and Affiants believe that no such evidence exist.
5. There is no record or evidence that the transcripts from the (September 2015) Writ of Assistance hearing show that Affiants were in attendance at that hearing and Affiants believe that no such evidence exist.
6. There is no record or evidence that respondent requested a bond for appeal filed on October 30, 2015 and Affiants believe that no such evidence exist.
7. There is no record or evidence that Affiants were informed of the amount the bond should be for the appeal filed on October 30, 2015 and Affiants believe that no such evidence exist.
8. It is believed that the actions that took place on November 2, 2015 deprived Affiants of their inalienable, unalienable rights guaranteed in the Constitution for South Carolina state to be protected.

Further Affiants sayeth not.

ALL RIGHTS RESERVED

By: arnold: dazarhea: parson

:Arnold:, :Dazarhea: Parson Sui Juris

STATE OF SOUTH CAROLINA)

ss

COUNTY OF GEORGETOWN)

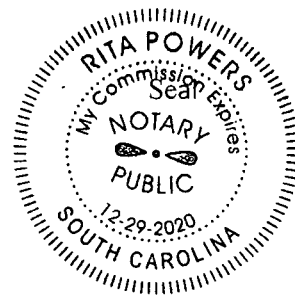
Notary

On this date March 28 2016 a natural man and woman in their true characters, who identified themselves as :Arnold:, Dazarhea: Parson appeared before me Rita Powers, a notary public residing in Georgetown County, S.C. state and attested to the veracity of this Affidavit in Support of Appellants Reply with their oath and autograph.

Rita Powers

Notary Public

Commission Expires 12-29-2020



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