

# The South Carolina Court of Appeals

H. Thad White, Respondent,

v.

Petrel International, LLC, Appellant.

Appellate Case No. 2014-002764

**RECEIVED**

AUG 17 2016

**SC SUPREME COURT**

The Honorable W. Haigh Porter  
Darlington County  
Trial Court Case No. 2013CP1600366

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ORDER

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New counsel has failed to make an appearance on behalf of Appellant Petrel International, LLC, as instructed by the Honorable Stephanie P. McDonald in order dated May 12, 2016, and pursuant to *Renaissance Enterprises, Inc. v. Summit Teleservices, Inc.*, 334 S.C. 649, 515 S.E.2d 257 (1999). Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

H. B. W. J.

Columbia, South Carolina

cc:  
Petrel International, LLC  
Bryan Wesley Braddock, Esquire  
Haiyan Lin

**FILED**

August 10, 2016

The South Carolina Court of Appeals 79893

H. Thad White, Respondent

ORIGINAL

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V.  
Petrel International, LLC  
and Haiyan Lin, Appellants

JUN 16 2016

SC Court of Appeals

Appellate Case No. 2014-002764

Motion For Full Panel Reviews

The appellants, Petrel International, LLC and Haiyan Lin, did not receive the order of May 12, 2016 until June 2, 2016, when obtained the court file for review at the Court of Appeal. The appellants object the single judge's outright prejudice against the appellants. He has not only denied the appellants' motion to vacate but also refused the all other filings by the appellants. The order violates Due Process Clause and Equal Protection Clause of U.S Constitution.

First, he is not the one who granted the relief, nor he is belong to the panel assigned to the case. Therefore, he shall not be one to give reconsideration of other's decisions of April 15, 2016

Second, the order granting the relief is the result of fraud upon the court. It deemed VOID. No court has jurisdiction to affirm a void order as result of "fraud upon the court", See U.S. V. Throckmorton, 98 U.S. 61, 25 L. Ed 93 (1878), and Garcia 109 B.R. 335 (N.D. Illinois, 1989).

Third, pursuant to S.C. Code §40-5-320 (A)(1) that "It is unlawful for a corporation or voluntary association to practice or appear as an attorney at law for a person other than itself in this state or before a judicial body". And also SC code §40-5-80 further clarifies that "This chapter may not be construed so as to prevent a citizen from prosecuting or defending his own cause". In here the appellants are simply "defending his own cause". It is a constitutional right of the appellants, guaranteed by 5th and 14th amendments of U.S. Constitution.

Fourth, as to the filing fees, the appellants reserve the right to amend as deemed necessary by the court. Since the motions filed are either for

amends to the Motion For Full Panel Review filed on April 12, 2016 by Mr. Carter, or for responding to the Motion To Be Relieved As Counsel for the Appellant. The filing fees shall not be required for those motions. As to the filing fees for the Notice of Appeal and Motion to Vacate, the fees were paid but been returned by the clerk of the appellate court. The appellants are simply re-filing the filings that were returned unfiled, to preserve and to protect the due process right and equal protection right of the appellant.

The appellants pray that the adjudicative power of this court with its inherent power to safeguard the rights of the litigants as guaranteed by US Constitution.

June 12, 2016

Appellants  
Haiyan Lu and  
Petrel International, LLC  
P.O. Box 8776  
Columbia SC 29202.

The South Carolina Court of Appeals

H. Thad White, Respondent

Petrel International, LLC

and  
Haiyan Lin, Appellants

Appellate Case No. 2014-002764

RECEIVED

JUN 13 2016

SC Court of Appeals

Certificate of Service

I certify that I have served a copy of Motion For Full Panel Reviews to the following parties by US mail to:

Eleazer R. Caster  
105 S. Brooks St.  
P.O. Box 187  
Manning, SC 29102

&

Bryan W. Braddock  
2231 W. Palmetto St.  
Florence  
SC 29501

on June 12, 2016

Haiyan Lin  
P.O. Box 8776  
Columbia, SC 29202

# The South Carolina Court of Appeals

H. Thad White, Respondent,

v.

Petrel International, LLC, Appellant.

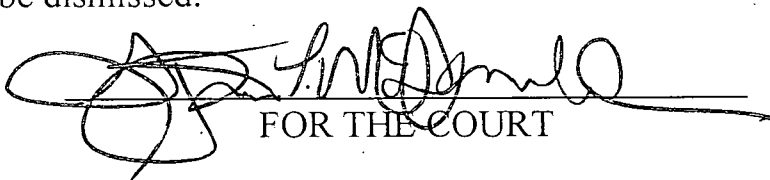
Appellate Case No. 2014-002764

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## ORDER

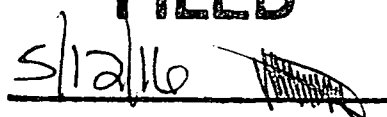
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On April 15, 2016, this Court denied Appellant's petition for rehearing from the denial of Appellant's motion to stay and granted Attorney Eleazer R. Carter's motion to be relieved as counsel for Appellant. Haiyan Lin has now filed several motions, including a motion to vacate the order relieving counsel because she wants to file a response on behalf of Petrel International, LLC. After consideration of Haiyan Lin's objections to the motion to relieve counsel, this Court adheres to the order relieving Mr. Carter as counsel for Appellant. Furthermore, because Haiyan Lin has not paid a filing fee for her motions and cannot represent Appellant pro se pursuant to *Renaissance Enterprises, Inc. v. Summit Teleservices, Inc.*, 334 S.C. 649, 515 S.E.2d 257 (1999), this Court will take no further action on Appellant's filings. Appellant must retain new counsel and new counsel shall make an appearance as counsel of record for Appellant within thirty days of the date of this order, or this appeal will be dismissed.

  
FOR THE COURT

Columbia, South Carolina

cc:  
Petrel International, LLC  
Bryan Wesley Braddock, Esquire  
Haiyan Lin  
Eleazer R. Carter

**FILED**  
5/12/16 

State of South Carolina  
In The Court of Appeal  
H. Thad White, Respondent

V.  
Petrel International, LLC and  
Haiyan Lin, Appellants  
Appellate Case No. 2014-002764

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MAY 05 2016

SC Court of Appeals

Motion To Vacate the Order

The appellants have received the court order of April 15, 2016, granting the Motion To Be Relieved As Counsel of Record. The appellants object that:

1. The order has deprived the constitutional rights of the appellants. Without giving an opportunity to hear contested issues to relieve the Counsel of Record is in violation of Procedure Due Process of the law and Equal Protection of the law under 14th Amendment of US Constitution;
2. The Contested issues do exist. The claim that "I So Move o Behalf of the Appellant and Counsel of Record" is false. It is fraud upon the court. Haiyan Lin hereby certifies that she has never agreed nor gave consent for Mr. Carter to be relieved as counsel of Record; that it is untrue that "the counsel for the

appellant have differences of opinion of representation"; that the Counsel of Record has colluded with opposing counsel and have a Ex Parte communication with the judges and clerks; that he has failed to perform his fiduciary duties to the appellant.

Therefore, the appellant, Haiyan Lin, representing Petrel International, LLC and herself hereby requests the Court to vacate the order of April 15, 2016. Because the motion is a fraud upon the Court, to grant such motion is violation of Due Process Law and Equal protection of law, guaranteed by 14th Amendment of US Constitution.

May 2, 2016

Petrel International, LLC.  
Haiyan Lin  
P.O. Box 8776  
Columbia, SC 29202  
803-504-3604

C.C: Eleazer R. Carter  
Bryan W. Braddock.

State of South Carolina

In The Court of Appeal

H. Thad White, Respondent

V.

Petrel International, LLC and

Haiyan Lin, Appellants

Appellate Case No. 2014-002764

Motion For Hearing and Oral Argument

on  
Notice of Motion To Be Relieved As Counsel of Record

In receiving the Notice of Motion To Be Relieved As Counsel of Record on April 18, 2016, and also the court order granting such motion, dated April 15, 2016, on April 23, 2016, the appellant, Haiyan Lin, for herself as individual, and also represent her own LLC, Petrel International, LLC, here by contests that she has never agreed or gave consent for Mr. Carter to be relieved as counsel of record. The claim that "I so move on behalf of the Appellant and Counsel of Record" is false. The appellants also object that the court has granted the motion without giving the appellant an opportunity to speak for herself on her own and her company's behalf.

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APR 28 2016

SC Court of Appeals

As matter of the right under 14th amendment of US Constitution and SC Code Ann §14-3-330, the appellants here by request this court schedule a motion hearing for oral arguments on both the appellants and the Counsel of Record. To prevent prejudice against the appellants, to protect due process rights of the appellants, to guarantee her equal protection under the law, it is imperative that the appellants are afforded with such motion hearing, as matter of "substantial right" protected by SC Code Ann §14-3-330 (Supp. 2011) and 14th amendment of US Constitution.

Before the Counsel of Record can be relieved, the court shall first address the following issues:

1. What is client's Bill of Right under an attorney and client relationship?
2. Whether the counsel of record has fully complied with the strict standards of professional responsibility, setting forth in codes of conducts, privileges, and ethics by American Bar Associations?

3. Whether the counsel's deficiency performance on his fiduciary duties in communicating and representing the appellant is due to his collusion with the opposing counsel and special Referee?

4. Whether granting the counsel to be relieved as counsel of record at the last stage of the appeal creates harm, prejudice, and essentially undermine the "substantial right of the appellant."

5. Whether the appellant entitle a full refund of the retainer fee, since his withdraw caused the case be dismissed, without retaining another attorney, which is economically and practically impossible at the last stage of the appeal?

The appellant will provide facts, evidences, and laws to affirm these issues.

April 28, 2016

Haiyan Lin  
P.O. Box 8776  
Columbia, SC 29202

State of South Carolina

In the Court of Appeal  
H. Thad White, Respondent

**RECEIVED**

APR 28 2016

SC Court of Appeals

V.  
Petrel International, LLC and  
Haiyan Lin, Appellants  
Appellate Case No. 2014-002764

### Certificate of Service

I certify that I have served a  
copy of Motion For Hearing and Oral Argument  
to the following parties to:

Eleazer R. Carter  
105 S. Brooks St.  
Post Office Box 187  
Manning, SC 29102

Bryan W. Braddock  
2231 W. Palmetto St.  
Florence, SC 29501

by US mail on April 28, 2016.

April 28, 2016

Haiyan Lin  
P.O. Box 8776  
Columbia, SC 29202



# 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](http://www.sccourts.org)

April 21, 2016

Haiyan Lin  
PO Box 8776  
Columbia SC 29202

Re: H. Thad White v. Petrel International, LLC  
Appellate Case No. 2014-002764

Dear Haiyan Lin

This letter is to confirm your conversation with a member of my staff today at the filing desk in the Calhoun Building. Please find enclosed a copy of the orders issued by this Court on April 15, 2016. Because these orders were returned to this office today, the Court will allow you 30 days from the date of this letter to retain counsel to represent Petrel International, LLC, in this appeal.

This letter also confirms that your filing fee for correspondence filed with this office on March 21, 2016, is being refunded to you. A copy of a letter requesting the refund is also enclosed.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jenny A. Kitchings".

CLERK

cc: Petrel International, LLC  
Bryan Wesley Braddock, Esquire  
Eleazer R. Carter, Esquire



# 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](http://www.sccourts.org)

April 21, 2016

Carolyn Taylor  
Div. of Finance and Personnel  
1015 Sumter St., Suite 101  
Columbia, S.C. 29201

Re: H. Thad White v. Petrel International, LLC  
Appellate Case No. 2014-002764

Dear Ms. Taylor:

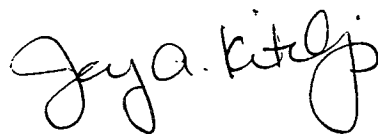
We received correspondence from Haiyan Lin in the above title appeal. Haiyan Lin provided this office with a one hundred dollar (\$100.00) filing fee in the form of a check, (no. 1136/receipt no.79022) which was deposited on March 21, 2016. This correspondence has been returned to Haiyan Lin.

Please refund the \$100.00 filing fee to Haiyan Lin at her mailing address furnished below.

Haiyan Lin  
PO Box 8776  
Columbia SC 29202

Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Jeya. Kitej". The signature is written in black ink and is positioned above the typed name.

CLERK

cc: Petrel International, LLC  
Bryan Wesley Braddock, Esquire

# The South Carolina Court of Appeals

H. Thad White, Respondent,

v.

Petrel International, LLC, Appellant.

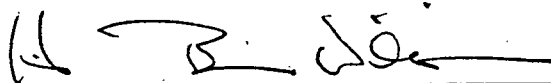
Appellate Case No. 2014-002764

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## ORDER

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After careful consideration, Attorney Eleazer R. Carter's motion to be relieved as counsel for Appellant is granted. Within thirty days of the date of this order, Appellant shall retain new counsel and new counsel shall make an appearance as counsel of record for Appellant. If a new attorney does not make an appearance within thirty days, this appeal will be dismissed pursuant to *Renaissance Enterprises, Inc. v. Summit Teleservices, Inc.*, 334 S.C. 649, 651, 515 S.E.2d 257, 258 (1999).



FOR THE COURT

Columbia, South Carolina

cc:

Petrel International, LLC  
Bryan Wesley Braddock, Esquire  
Eleazer R. Carter, Esquire

**FILED**

April 15, 2016

# The South Carolina Court of Appeals

H. Thad White, Respondent,

v.

Petrel International, LLC, Appellant.

Appellate Case No. 2014-002764

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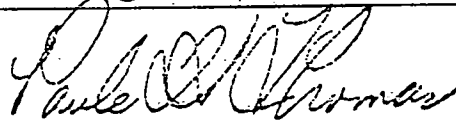
## ORDER

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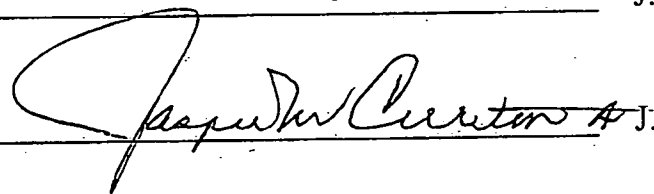
On March 16, 2016, this court denied Appellant's motion to stay. Appellant has now filed a petition requesting review of the order pursuant to Rule 241(d)(7) of the South Carolina Appellate Court Rules. After careful consideration of the petition, the court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition is denied.



J.



J.



J.

Columbia, South Carolina

cc:

Petrel International, LLC  
Bryan Wesley Braddock, Esquire  
Eleazer R. Carter, Esquire

**FILED**

April 15, 2016



# 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](http://www.sccourts.org)

April 14, 2016

Petrel International, LLC  
c/o Haiyan Lin  
PO Box 1011  
Columbia SC 29202

Re: H. Thad White v. Petrel International, LLC  
Appellate Case No. 2014-002764

Dear Ms. Lin:

The Court received your document titled "Amended Notice of Appeal" dated April 12, 2016, and your document titled "Petition for Writ of Supersedeas". Because you are represented by counsel, we are returning your filings to you. *See Miller v. State*, 388 S.C. 347, 347, 697 S.E.2d 527, 527 (2010) ("Since there is no right to 'hybrid representation' that is partially pro se and partially by counsel, substantive documents, with the exception of motions to relieve counsel, filed *pro se* by a person represented by counsel are not to be accepted unless submitted by counsel.").

You will also see that we have returned your check (no. 1047) that was represented the fee for the motion that is being returned to you.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Bryan Wesley Braddock, Esquire  
Eleazer R. Carter, Esquire

The State of South Carolina  
In the Court of Appeal  
Appeal From Darlington County  
Court of Common Pleas  
Case No. 2013-CP-16-0366

H. Thad White, Respondent

v.  
Petrol International, LLC and  
Haiyan Lin, Appellants

Amended Notice of Appeal

The appellant, Haiyan Lin, has now obtained Special Referee Deed, which was filed together with the writ of Assistance on Feb. 29, 2016. It is hereby amended into the Notice of Appeal filed on March 31, 2016, dated March 21, 2016.

April 12, 2016

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MAY 05 2016

SC Court of Appeals

RECEIVED

APR 13 2016


SC Court of Appeals

SCOTT B. SUGGS  
CLERK OF COURT/R.O.D.  
DARLINGTON COUNTY, SC

FILED

Appellants  
Haiyan Lin  
P.O. Box 8776  
Columbia, SC 29202  
803-404-7163

PROPERTY DESIGNATED ON RECORD AS  
 DIST 20-F MAP 087 SECT 00 BLK L PARCEL 031  
 DIST \_\_\_\_\_ MAP \_\_\_\_\_ SECT \_\_\_\_\_ BLK \_\_\_\_\_ PARCEL \_\_\_\_\_  
 DIST \_\_\_\_\_ MAP \_\_\_\_\_ SECT \_\_\_\_\_ BLK \_\_\_\_\_ PARCEL \_\_\_\_\_  
 D.O.I. 02-25-16 SPLIT FROM \_\_\_\_\_  
 RECEIVED 02-29-16 TIME 5:15 OUT \_\_\_\_\_  
 KYLE JOHNSON ASSESSOR: COUNTY OF DARLINGTON

  
 Doc ID: 003020520004 Type: DEE  
 Recorded: 02/29/2016 at 01:52:43 PM  
 Fee Amt: \$10.00 Page 1 of 4  
 Darlington County, SC  
 Scott B. Suggs Clerk of Court / ROD  
 BK **1077** PG **8064-8067**

STATE OF SOUTH CAROLINA )  
 )  
 ) **SPECIAL REFEREE DEED**  
 )  
 COUNTY OF DARLINGTON )

**TO ALL WHOM THESE PRESENTS SHALL COME:**

I, the undersigned, as Special Referee in and for the County aforesaid,

**SEND GREETINGS:**

**RECEIVED**  
 APR 13 2016  
 SC Court of Appeals

**WHEREAS, H. Thad White**, on or about April 29, 2013, exhibited its Complaint in the Court of Common Pleas, for the County aforesaid, against **Petrel International, LLC**, demanding Judgment in relation to the land hereinafter mentioned and described. The cause being at issue, came on to be heard on December 1, 2014, and such proceedings were had therein as resulted in the Decree and Judgment of the said Court, whereby it was Adjudged and Decreed that the said land hereinafter mentioned and described be sold by the Special Referee in and for the County aforesaid on the terms and for the purposes mentioned in the said Decree and Judgment, as by reference thereto on file in said Court, will appear; and the said Special Referee, after having duly advertised the said land for sale by public outcry on January 6, 2015, then openly and publicly and according to the custom of auction, sell and dispose of the same unto **H. Thad White**, for the sum of **Sixty Thousand and 00/100ths Dollars (\$60,000.00)**, being at that price the highest bid therefore.

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS**, that I, the said Special Referee, in consideration of the sum of **Sixty Thousand and 00/100ths Dollars (\$60,000.00)** to me paid by the said H. Thad White the receipt whereof is hereby acknowledged, **HAS GRANTED**, bargained, sold and released, and by these presents, **DOES GRANT**, bargain, sell and release unto the said **H. Thad White**, his heirs and assigns:

**(Darlington County Tax Map #087-00-01-031)**

All that certain piece, parcel or tract of land, with the improvements thereon, situate, lying and being located in the County of Darlington, State of South Carolina, designated as Tract #3 on a plat of survey made by M. E. Lind, Jr., dated October 28, 1968 and amended April 14, 1972, a copy of which is recorded in the office of the Clerk of Court for Darlington County in Plat Book 57 at Page 141. Said tract is shown on said plat as containing 7.3 acres, more or less, and is bounded according thereto on the Northwest by property of J. W. Dowling; on the East by Tract #3-A; and on the South by right-of-way of Interstate Highway #20.

WLA ✓

STATE OF SOUTH CAROLINA )  
COUNTY OF DARLINGTON )

IN THE COURT OF COMMON PLEAS  
Case No. 2013-CP-16-0366

H. Thad White, )  
 )  
Plaintiff, )

vs. )

Petrel International, LLC, )  
 )  
Defendant. )

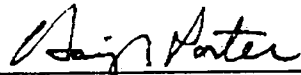
**SPECIAL REFEREE'S REPORT  
ON SALE AND DISBURSEMENTS  
AND ORDER CONFIRMING SALE**

The undersigned Special Referee would respectfully show:

1. That pursuant to the Special Referee's Report and Judgment of Foreclosure and Sale of this Court heretofore made in the above-captioned action dated December 5, 2014, and after due advertisement by publication according to law, on January 6, 2015, as directed, I, the undersigned, as Special Referee, offered for sale and sold the property therein described unto H. Thad White, for the sum of Sixty Thousand and No/100 Dollars (\$60,000.00), that amount being the highest bid therefore, which bid has been complied with.
2. That the costs of said sale have been paid by Plaintiff.
3. That the undersigned has executed and delivered a deed to the subject property to H. Thad White.

WHEREFORE, it is

ORDERED that this Report, the foreclosure sale and resulting deed be, and they are, hereby confirmed.

  
Haigh Porter, as Special Referee

Florence, South Carolina

Feb. March 1, 2016

2016 MAR -1 PM 12:22  
SOUTH CAROLINA  
CLERK OF COURT/PRO. D.  
DARLINGTON COUNTY, S.C.

FILED

The South Carolina Court of Appeals  
H. Thad White, Respondent

V.  
Petrel International, LLC and  
Haiyan Lin, Appellant

Appellate Case No. 2014-002764

Petition For Writ of Supersedeas

The appellant, Haiyan Lin, here by  
files a petition For Writ of Supersedeas,  
pursuance to Rule 241, SCACR, to  
suspend illegal execution of Writ of  
the Assistance issued by Haigh Porter,  
Special Referee for Darlington County.  
to preserve and to protect her due pro-  
cess right and equal protection right  
under the law.

April 12, 2016

Appellant  
Haiyan Lin  
P.O. Box 8776  
Columbia, SC 29202

79246

STATE OF SOUTH CAROLINA  
IN THE SOUTH CAROLINA COURT OF APPEALS

H. THAD WHITE, RESPONDENT,

**RECEIVED**

v.

APR 12 2016

PETREL INTERNATIONAL, LLC, APPELLANT

**SC Court of Appeals**

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APPELATE CASE NUMBER .: 2014-002764  
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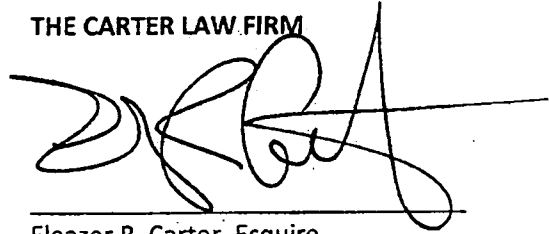
**NOTICE OF MOTION TO BE RELIEVED AS COUNSEL OF RECORD**

**YOU WILL PLEASE TAKE NOTICE** that the Attorney for the Appellant will move the Court in a motion to be relieved as Counsel for the Appellant and that the Appellant be given sufficient time and opportunity to obtain other counsel of record. The counsel for the Appellant have differences of opinion of representation and further representation by this attorney may not serve the best interest of the Appellant. Further, no prejudice, harm or burdened has been nor will be created on the Respondent.

A copy of the same is being provided or has been provided to all parties in this matter.

**I SO MOVE ON BEHALF OF THE APPELLANT AND COUNSEL OF RECORD.**

**THE CARTER LAW FIRM**



Eleazer R. Carter, Esquire  
South Carolina Bar No.: 012032  
105 South Brooks Street  
Post Office Box 187  
Manning, South Carolina 29102  
Tel. No.: 803-433-0550  
Fax No.: 803-435-0551  
e-mail: [eleazercarter@aol.com](mailto:eleazercarter@aol.com)

Manning, South Carolina  
April 12, 2016

STATE OF SOUTH CAROLINA  
IN THE SOUTH CAROLINA COURT OF APPEALS

H. THAD WHITE, RESPONDENT,

V.

PETREL INTERNATIONAL, LLC, APPELLANT.

-----  
APPELATE CASE NUMBER : 2014-002764  
-----

**CERTIFICATE OF MAILING U. S. MAILING**


I certify that I have caused the a copy of the below mentioned document(s) to be served upon the following parties, by depositing the same in the United States mail, with proper postage prepaid and affixed thereto, addresses as follows, the 3<sup>rd</sup> day of February 2015.

**Document(s) Served:** Notice of Motion and Motion to be relieved as Counsel of Record

**Parties Served:**

Haiyan Lin, for Petrel International, LLC  
Post Office Box 8776  
Columbia, South Carolina 29202

Bryan W. Braddock, Esquire  
The Braddock Law Firm, LLC  
2231 West Palmetto Street, Suite 203  
Florence, South Carolina 29501

THE CARTER LAW FIRM  


-----  
Eleazer R. Carter, Esquire  
105 South Brooks Street  
Post Office Box 187  
Manning, South Carolina 29102

Manning, South Carolina  
April 12, 2016

STATE OF SOUTH CAROLINA  
IN THE SOUTH CAROLINA COURT OF APPEALS

H. THAD WHITE, RESPONDENT,

V.

PETREL INTERNATIONAL, LLC, APPELLANT.

-----  
APPELATE CASE NUMBER : 2014-002764  
-----

**NOTICE OF MOTION AND MOTION FOR FULL COURT PANEL TO REVIEW  
SINGLE JUDGE ORDER DENYING MOTION  
TO STAY LOWER COURT JUDGMENT GRANTING  
A SPECIAL REFEREE DEED AND WRIT OF ASSISTANCE**

**YOU WILL PLEASE TAKE NOTICE** that the Appellant will move the Court in a motion for full court panel to review the single judge Order denying appellant's motion to Stay Lower Court Judgment Granting a Special Referee Deed and Writ of Assistance. The motion will be based on the fact that the Special Referee has indicated and in-fact issued a Special Referee Deed and in-fact issued a Writ of Assistance directing the Darlington County Sheriff to assist in removing the Appellant off the property despite this pending appeal. Further, the special referee writ of assistance violated this Court's Order dated January 28, 2016. Also, the single Judge's Order is in Conflict with an earlier decision/order of the Court. Lastly, no prejudice, harm or burdened has been nor will be created on the Respondent. However, the deed and writ of assistance will greatly harm the Appellant.

A copy of the same is being provided or has been provided to all parties in this matter.

**I SO MOVE ON BEHALF OF THE APPELLANT.**

  
-----  
**THE CARTER LAW FIRM**

Eleazer R. Carter, Esquire  
South Carolina Bar No.: 012032  
105 South Brooks Street  
Post Office Box 187  
Manning, South Carolina 29102  
Tel. No.: 803-433-0550  
Fax No.: 803-435-0551  
e-mail: [eleazercarter@aol.com](mailto:eleazercarter@aol.com)

Manning, South Carolina  
April 12, 2016

STATE OF SOUTH CAROLINA  
IN THE SOUTH CAROLINA COURT OF APPEALS

H. THAD WHITE, RESPONDENT,

V.

PETREL INTERNATIONAL, LLC, APPELLANT.

-----  
APPELATE CASE NUMBER :: 2014-002764  
-----

**CERTIFICATE OF MAILING U. S. MAILING**

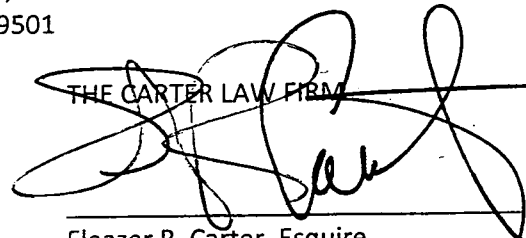
I certify that I have caused the a copy of the below mentioned document(s) to be served upon the following parties, by depositing the same in the United States mail, with proper postage prepaid and affixed thereto, addresses as follows, the 3<sup>rd</sup> day of February 2015.

**Document(s) Served:**

Notice of Motion to Motion for Full Court Panel to Review the Single Judge Order denying the Appellant's Motion to Stay Lower Court Judgment Granting a Special Referee Deed and Writ of Assistance

**Parties Served:**

Bryan W. Braddock, Esquire  
The Braddock Law Firm, LLC  
2231 West Palmetto Street, Suite 203  
Florence, South Carolina 29501

  
-----  
THE CARTER LAW FIRM

Eleazer R. Carter, Esquire  
105 South Brookes Street  
Post Office Box 187  
Manning, South Carolina 29102

Manning, South Carolina  
April 12, 2016

RECEIVED

MAY 05 2016

SC Court of Appeals

The State of South Carolina 79022

In the Court of Appeal

Appeal From Darlington County

Court of Common Pleas

Case No. 2013-CP-16-03

RECEIVED

MAR 21 2016

SC Court of Appeals

H. Thad White, Respondent

Vs

Petrel International, LLC and Haiyan Lin,

Appellants

Notice of Appeal

The appellant, Haiyan Lin, has received the order of writ of Assistance by Haigh Porter, Special Referee for the Darlington County, filed on Feb. 29, 2016, on March 17, 2016. As the current property owner and occupancy, Haiyan Lin, did not receive any rule to vacate order before the writ of Assistance being issued and filed, in violation of Appellant's due process right.

March 21, 2016

Haiyan Lin  
P.O. Box 8776  
Columbia, SC 29202

16/02-026CP

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF DARLINGTON )

IN THE COURT OF COMMON PLEAS  
CASE NUMBER: 2013-CP-16-0366

H. Thad White, )  
 )  
Plaintiff, )

WRIT OF ASSISTANCE

VS )

Petrel International, LLC, )  
 )  
Defendant. )

TRUE CERTIFIED COPY,  
*Scott E. Suggs*  
CLERK OF COURT/RMC  
DARLINGTON COUNTY SC

TO THE SHERIFF OF DARLINGTON COUNTY, SOUTH CAROLINA

Pursuant to Rule 53, SCRPC, the above entitled matter was referred to the undersigned to make appropriate findings of fact and conclusion of law with authority to enter a Final Judgment and Write of Assistance in the case.

FINDINGS OF FACT

1. By order of this Court dated the 8th of December, 2014, the Court decreed that:

That it is further ORDERED, ADJUDGED AND DECREED that, in the event the successful bidder is other than the Defendant(s) in possession herein, the Sheriff of Darlington County is ordered and directed to eject and remove from the premises the occupant(s) of the property sold, together with any and all personal property located thereon, and put the successful bidder, or his assigns, in full, quiet and peaceable possession of said premises without delay and to keep said successful bidder or his assigns in such peaceable possession.

2. The successful bidder was H. Thad White, which complied with its bid in full and obtained a deed to the subject property.

3. There is personal property apparently belonging to the occupant(s) in the subject premises located at 4600 Lamar Highway, Lamar, South Carolina 29069.

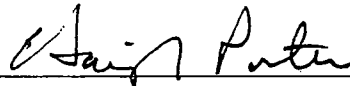
NOW, THEREFORE, upon motion of Bryan W. Braddock, attorney for H. Thad White in the above entitled action;

IT IS ORDERED that you do eject and remove from the premises by 11 a.m. on March 16, 2016, 2016 the occupant(s) of the real property, together with all personal property located thereon, put the successful bidder or his assigns in full, quiet and peaceable possession of said premises without delay, and to keep said bidder or its assigns in such peaceable possession.

2016 FEB 9 PM 4:6  
RECEIVED  
DARLINGTON COUNTY SHERIFF'S OFFICE  
FILED

It is further ordered that the Sheriff of Darlington County or any of his Deputies may serve this Writ personally upon Defendant and/or Occupant(s) or by posting this Writ on the front exterior door of the premises located at 4600 Lamar Highway, Lamar, South Carolina 29069.

AND IT IS SO ORDERED!



Haigh Porter  
Special Referee for Darlington County

25<sup>th</sup> day of February, 2016

Florence, South Carolina

TRUE CERTIFIED COPY,



CLERK OF COURT/RMC  
DARLINGTON COUNTY SC

2016 FEB 29 PM 1:46  
SCOTT B. SUGGS  
CLERK OF COURT/R.M.C.  
DARLINGTON COUNTY, S.C.

FILED

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF DARLINGTON )

**AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS**

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 located at 4600 Lamar Highway, bearing Darlington County Tax Map Number 087-00-01-031, was transferred by Haigh Porter, Special Referee for Darlington County to H. Thad White on Feb. 25, 2016.
- 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 distribution to a trust beneficiary.
  - (c) X \_\_\_\_\_ EXEMPT from the deed recording fee because foreclosure  
(If exempt, please skip items 4-7 and go to item 8 of this affidavit)

If exempt under exemption #14 as described in the information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes \_\_\_\_\_ or No \_\_\_\_\_

- 4. Check one of the following if either item 3(a) or item 3(b) above has been checked.
  - (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 existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before 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: \$ \_\_\_\_\_
  - (b) Place the amount listed in item 5 above 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: \_\_\_\_\_

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.

Haigh Porter, Special Referee  
Grantor, Grantee, or Legal Representative  
connected with the transaction

SWORN TO and subscribed before me  
this 25<sup>th</sup> day of February, 2016.  
Haigh Porter (SEAL)  
Notary Public for South Carolina  
My Commission Expires: 7/14/25

The State of South Carolina  
In the Court of Appeal  
Appeal From Darlington County  
Court of Common Pleas

RECEIVED

MAY 05 2016

SC Court of Appeals

Case No. 2013-CP-16-036

RECEIVED

MAR 21 2016

SC Court of Appeals

### Certificate of Service

I, Haiyan Lin, certify that  
I have served the respondent with  
the Notice of Appeal on March 21,  
2016 by U.S. mail to

Bryan W. Braddock  
The Braddock Law Firm, LLC  
2231 W. Palmeto St., Suite 203  
Florence, SC 29501

March 21, 2016

Haiyan Lin  
P.O. Box 8776  
Columbia, SC 29202.

returned mail

The State of South Carolina

In the Court of Appeal

Appeal From Darlington County

Court of Common Pleas

RECEIVED

MAY 05 2016

SC Court of Appeals

Case No. 2013-CP-16-0366

Certificate of services

I, Haiyan Lin, certifies that I have served the Amended Notice of Appeal by U.S. mail to:

Bryan W. Braddock  
2231 W. Palmeto St.  
Florence, SC 29501

& Haigh Porter  
162 S. McQueen St.  
Florence, SC 29501

on April 12, 2016

RECEIVED

APR 13 2016

SC Court of Appeals

FILED

APR 12 PM 3:56

Appellant  
Haiyan Lin  
P.O. Box 8776  
Columbia, SC 29202  
803-404-7163

TRUE CERTIFIED COPY,

*Sara B. Sugg*  
CLERK OF COURT/RMC  
DARLINGTON COUNTY, SC

The South Carolina Court of Appeals  
H. Thad White, Respondent,

V.

Petrel International, LLC

and Haiyan Lin, Appellants

The Appellate Case No. 2014-002764

Certificate of Service

I certify that I have served a copy of  
petition For ~~lifting stay~~ and For Preliminary Injunction  
and motion to vacate the Order to the  
following parties by US mail to

Eleazer R. Carter  
105 S. Brooks St.  
P.O. Box 187  
Manning, SC 29102

Bryan W. Braddock  
& 2231 W. Palmetto St.  
Florence, SC 29501

on May 5, 2016.

May 5, 2016.

Haiyan Lin  
P.O. Box 8776  
Columbia, SC 29202

RECEIVED

MAY 05 2016

SC Court of Appeals



RECEIVED

APR 04 2016

SC Court of Appeals

## 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

March 31, 2016

Petrel International, LLC  
c/o Haiyan Lin  
PO Box 1011  
Columbia SC 29202

Re: H. Thad White v. Petrel International, LLC  
Appellate Case No. 2014-002764

Dear Ms. Lin:

The Court received your document entitled "Notice of Appeal" dated March 21, 2016. Because you are represented by counsel, we are returning your filings to you. *See Miller v. State*, 388 S.C. 347, 347, 697 S.E.2d 527, 527 (2010) ("Since there is no right to 'hybrid representation' that is partially pro se and partially by counsel, substantive documents, with the exception of motions to relieve counsel, filed *pro se* by a person represented by counsel are not to be accepted unless submitted by counsel.").

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny A. Kitchings".

CLERK

cc: Bryan Wesley Braddock, Esquire  
Eleazer R. Carter, Esquire

returned mail

The State of South Carolina  
In the Court of Appeal  
Appeal From Darlington County  
Court of Common Pleas  
Case No. 2013-CP-16-0366

RECEIVED  
MAR 21 2016  
SC Court of Appeals

H. Thad White, Respondent

Vs

Petrel International, LLC and Haiyan Lin,  
Appellants

FILED  
2016 MAR 31 AM 8:58  
SCOTT B. STEERS  
CLERK OF COURT/RMC  
DARLINGTON COUNTY, S.C.

Notice of Appeal

The appellant, Haiyan Lin, has received the order of writ of Assistance by Haigh Porter, Special Referee for the Darlington County, filed on Feb. 29, 2016, On March 17, 2016. As the current property owner and occupiancy, Haiyan Lin, did not receive any rule to vacate order before the writ of Assistance being issued and filed, in violation of Appellant's due process right.

March 21, 2016

CLERK OF COURT/RMC  
DARLINGTON COUNTY, SC

Haiyan Lin  
P.O. Box 8776  
Columbia, SC 29202

The State of South Carolina  
In the Court of Appeal  
Appeal From Darlington County  
Court of Common Pleas  
Case No. 2013-CP-16-0366

### Certificate of Service

I, Haiyan Lin, certify that  
I have served the respondent with  
the Notice of Appeal on ~~March 21~~  
2016 by US mail to

MAR 21 2016  
SC Court of Appeals

Bryan W. Braddock  
The Braddock Law Firm, LLC  
2231 W. Palmeto St. Suite 203  
Florence, SC 29501

March 21, 2016

Haiyan Lin  
P.O. Box 8776  
Columbia, SC 29202.

# The South Carolina Court of Appeals

H. Thad White, Respondent,

v.

Petrel International, LLC, Appellant.

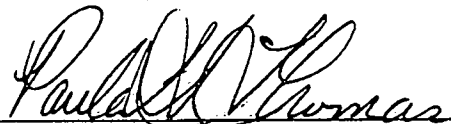
Appellate Case No. 2014-002764

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## ORDER

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After careful consideration, Appellant's motion to stay is denied. *See* S.C. Code Ann. § 18-9-170 (2014) ("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 . . ."); Rule 241(b), SCACR ("Where specific conditions must be met before the exception applies, those conditions must be strictly complied with."); Rule 241(d)(1) ("Except where extraordinary circumstances make it impracticable, an application for an order lifting the automatic stay or for supersedeas must first be made to the lower court or administrative tribunal which entered the order or decision on appeal.").



FOR THE COURT

Columbia, South Carolina

cc:

Bryan Wesley Braddock, Esquire

Eleazer R. Carter, Esquire

**FILED**

*Stiddle*

STATE OF SOUTH CAROLINA  
IN THE SOUTH CAROLINA COURT OF APPEALS

H. THAD WHITE, RESPONDENT,

v.

PETREL INTERNATIONAL, LLC, APPELLANT.

**RECEIVED**

MAR 15 2016

SC Court of Appeals

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APPELLATE CASE NUMBER : 2014-002764  
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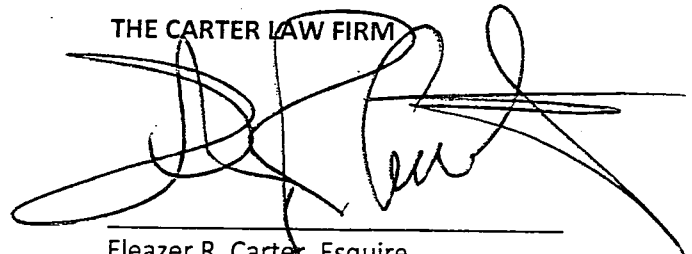
**NOTICE OF MOTION TO STAY LOWER COURT JUDGMENT  
GRANTING  
A SPECIAL REFEREE DEED AND WRIT OF ASSISTANCE**

**YOU WILL PLEASE TAKE NOTICE** that the Appellant will move the Court in a motion to Stay Lower Court Judgment Granting a Special Referee Deed and Writ of Assistance. The motion will be based on the fact that the Special Referee has indicated and in-fact issued a Special Referee Deed and in-fact issued a Writ of Assistance directing the Darlington County Sheriff to assist in removing the Appellant off the property despite this pending appeal. Further, no prejudice, harm or burdened has been nor will be created on the Respondent.

A copy of the same is being provided or has been provided to all parties in this matter.

**I SO MOVE ON BEHALF OF THE APPELLANT.**

THE CARTER LAW FIRM



Eleazer R. Carter, Esquire  
South Carolina Bar No.: 012032  
105 South Brooks Street  
Post Office Box 187  
Manning, South Carolina 29102  
Tel. No.: 803-433-0550  
Fax No.: 803-435-0551  
e-mail: [eleazercarter@aol.com](mailto:eleazercarter@aol.com)

Manning, South Carolina  
March 11, 2016

STATE OF SOUTH CAROLINA  
IN THE SOUTH CAROLINA COURT OF APPEALS

H. THAD WHITE, RESPONDENT,  
V.  
PETBEL INTERNATIONAL, LLC, APPELLANT.

**RECEIVED**

MAR 15 2016

**SC Court of Appeals**

-----  
APPELATE CASE NUMBER : 2014-002764  
-----

**CERTIFICATE OF MAILING U. S. MAILING**

I certify that I have caused the a copy of the below mentioned document(s) to be served upon the following parties, by depositing the same in the United States mail, with proper postage prepaid and affixed thereto, addresses as follows, the 3<sup>rd</sup> day of February 2015.

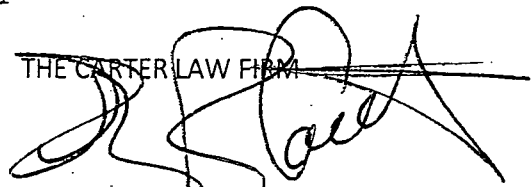
**Document(s) Served:**

Notice of Motion to Motion to Stay Lower Court Judgment Granting a Special Referee Deed and Writ of Assistance

**Parties Served:**

Bryan W. Braddock, Esquire  
The Braddock Law Firm, LLC  
2231 West Palmetto Street, Suite 203  
Florence, South Carolina 29501

~~THE CARTER LAW FIRM~~



Eleazer R. Carter, Esquire  
105 South Brookes Street  
Post Office Box 187  
Manning, South Carolina 29102

Manning, South Carolina  
March 11, 2016

# The South Carolina Court of Appeals

H. Thad White, Respondent,

v.

Petrel International, LLC, Appellant.

Appellate Case No. 2014-002764

---

## ORDER

---

After careful consideration, Appellant's motion to stay is denied. *See* S.C. Code Ann. § 18-9-170 (2014) ("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 . . ."); Rule 241(b), SCACR ("Where specific conditions must be met before the exception applies, those conditions must be strictly complied with."); Rule 241(d)(1) ("Except where extraordinary circumstances make it impracticable, an application for an order lifting the automatic stay or for supersedeas must first be made to the lower court or administrative tribunal which entered the order or decision on appeal.").



FOR THE COURT

Columbia, South Carolina

cc:

Bryan Wesley Braddock, Esquire

Eleazer R. Carter, Esquire

**FILED**

*8/16/16*



**HAIGH PORTER**

ATTORNEY AT LAW

152 SOUTH McQUEEN STREET

POST OFFICE BOX 4337

FLORENCE, SOUTH CAROLINA 29502

TELEPHONE: (843) 665-7090

FACSIMILE: (843) 662-6737

HAIGH PORTER

CERTIFIED MEDIATOR/ARBITRATOR

E-MAIL: hporter5@bellsouth.net

February 22, 2016

Mr. Bryan W. Braddock  
Braddock Law Firm  
2231 West Palmetto Street  
Florence, South Carolina 29501

Mr. Eleazer R. Carter  
Post Office Box 187  
Manning, South Carolina 29102

Re: H. Thad White vs. Petrol International, LLC  
C/A No. 13-CP-16-0366

Our File No: 12361

Gentlemen:

I have been holding this foreclosure file for an extended period of time. As you will recall Mr. White was the successful bidder of the property at foreclosure sale on Tuesday, January 16, 2015. I have not issued a deed in consideration of the appeal to the Court of Appeals.

However, I have now reviewed the Order filed in the South Carolina Court of Appeals on January 28, 2016. Along with my review of the Order I have again reviewed Code Section 18-9-170 together with the annotations following said section.

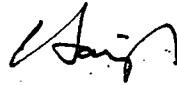
The defendant, Petrol International, LLC never procured a stay of sale or delivery of possession. It is my opinion that the successful purchaser, H. Thad White, is entitled to comply with his bid and receive a deed to the property.

I will be glad to entertain execution of a deed upon compliance with payment of the costs. Furthermore, if the defendant is still occupying the property or has possessions there of I will entertain issuance of a Writ of Assistance.

If any of you have any questions about this I will be glad to set a time for you to stop by my office or to have a conference call.

With kindest regards, I am

Yours very truly,



Haigh Porter

HP/esl

Cc: Mr. Thad White  
2917 W. Palmetto Street  
Florence, SC 29501

# The South Carolina Court of Appeals

H. Thad White, Respondent,

v.

Petrel International, LLC, Appellant.

Appellate Case No. 2014-002764

---

## ORDER

---

On October 7, 2015, this court received a motion from Appellant for an extension of time to file its final brief.<sup>1</sup> In an order dated November 25, 2015, this court held the motion in abeyance and directed Appellant to serve Respondent with the record on appeal, which was past due, by December 15, 2015. On December 15, 2015, Appellant served Respondent with the record on appeal and filed the record with this court, along with a motion to file the record out of time. Appellant's motions are granted.

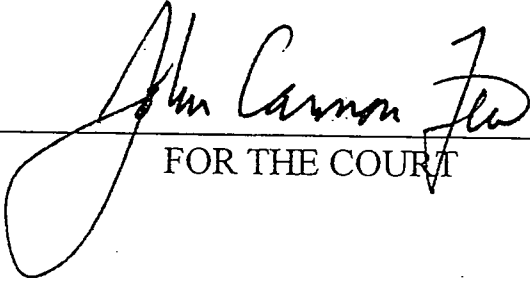
Respondent has filed a motion to dismiss the appeal, or alternatively to require Appellant to post a bond pending the disposition of this appeal.<sup>2</sup> This motion is

---

<sup>1</sup> Appellant subsequently filed its final brief on October 27, 2015.

<sup>2</sup> In his motion, Respondent notes Appellant has remained in possession of the subject real estate during the pendency of this appeal despite an order by the special referee directing a sale of the property. Respondent cites section 18-9-170 of the South Carolina Code (2014) as authority for this court to require Appellant's bond; however, that statute provides only that the execution of a judgment directing the sale or delivery of possession of real property may be stayed if Appellant were to execute a written undertaking in Respondent's favor. *See* § 18-9-170. Additionally, the statute directs the amount of the undertaking to be "fixed by a judge of the court by which judgment was rendered." *Id.* We further note the judgment on appeal is not subject to the automatic stay for civil cases. *See id.* ("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

denied.

  
FOR THE COURT

Columbia, South Carolina

cc: Bryan Wesley Braddock, Esquire  
Eleazer R. Carter, Esquire

**FILED**  
1/29/16

---

undertaking be executed on the part of the appellant . . . ." (emphasis added)); Rule 241(b)(4), SCACR (providing an exception to the automatic stay for "[j]udgments directing the sale or delivery of possession of real property as provided in S.C. Code Ann. § 18-9-170").