

**To: South Carolina Court of Appeals 11-25-16**  
**1220 Senate Street**  
**Columbia, SC 29201**

**Re: Howard W. Charpia**  
**1450 Jahnz Ave.**  
**Summerville, SC 29485**

**Re: Appellate case # 2013-002311**  
**McMasters v. Charpia**

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**NOV 28 2016**

**Ms. Jenny Kitchings,**

**SC Court of Appeals**

**Hope all is well . I have been entailed in this legal journey since 2002 and as the State Constitution clearly dictates , we shall not be denied the equal protection of the laws.**

**As we know , this is not true in South Carolina when a Pro Se litigant has to navigate thru the legal system. I did not pen nor create any of the laws or rules of this judicial system , I only pray that the people with power ; the Attorney's , the Judge's and the people that are sworn to abide by these rules would only attempt to enforce correctly.**

**I recently received the opinion from the appellate Court and find that they have made a huge mistake in their ruling (s) . *see attached***

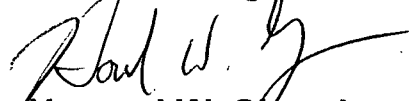
**“ We find the judgment underlying the foreclosure was not void because Rene McMasters sought to enforce it within the 10 year statutory period “ See S.C. Code 15-39-30 Executions**

May I please have a copy of the "execution" or document Rene McMasters sought to enforce the judgment within the ten year period , in which the Court rendered it's opinion upon .

Why was Judge Edgar W. Dickson copied with the opinion and not the lower Court ?

I have enclosed a check for \$ 5.00 to cover the cost of copies, if it is more , please inform me and I will send more . With an "execution" it should be only a few copies.

With kind regards,



Howard W. Charpia

843-873-0976

[quarterback@sc.rr.com](mailto:quarterback@sc.rr.com)

Cc: Governor Nikki Haley  
Dorchester County Clerk of Court  
Attorney Frank Cisa

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

Rene McMasters now known as Rene McMasters  
Ronaghan, Respondent,

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NOV 28 2016

v.

SC Court of Appeals

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

Appellate Case No. 2013-002311

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Appeal From Dorchester County  
Edgar W. Dickson, Circuit Court Judge

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Unpublished Opinion No. 2016-UP-423  
Submitted September 1, 2016 – Filed October 5, 2016

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**AFFIRMED**

Howard W. Charpia and Jody E. Charpia, of  
Summerville, pro se.

Frank M. Cisa, of The Law Firm of Cisa & Dodds, LLP,  
of Mt. Pleasant, for Respondent.

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**PER CURIAM:** Howard W. Charpia and Jody E. Charpia (the Charpias) appeal the denial of their motions to reconsider the granting of a foreclosure of a judgment lien and to vacate or void the compulsory order of reference. The Charpias argue

(1) the judgment underlying the foreclosure is void because ten years has expired without execution of the judgment and (2) the circuit court lacked jurisdiction and violated the Due Process Clause because the Charpias were not properly notified of the hearings. We affirm.<sup>1</sup>

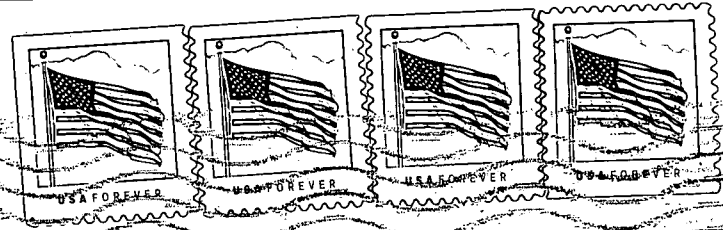
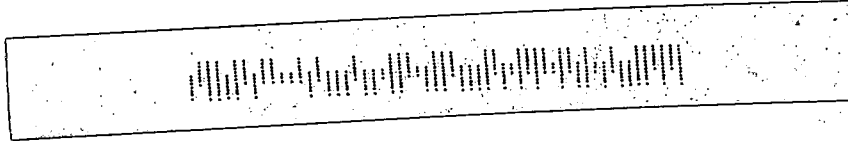
1. We find the judgment underlying the foreclosure was not void because Rene McMasters Ronaghan sought to enforce it within the ten-year statutory period. See S.C. Code Ann. § 15-39-30 (2005) ("Executions may issue upon final judgments or decrees at any time within ten years from the date of the original entry thereof and shall have active energy during such period, without any renewal or renewals thereof . . . ."); *Linda Mc Co., Inc. v. Shore*, 390 S.C. 543, 554, 703 S.E.2d 499, 505 (2010) ("[W]hen a party has complied with the applicable statutes . . . and is merely waiting on a court's order regarding execution and levy, the ten[-]year limitation found in section 15-39-30 is extended to when the court finally issues an order."); *id.* at 555, 703 S.E.2d at 505 ("[I]f a party takes action to enforce a judgment within the ten-year statutory period of active energy, the resulting order will be effective even if issued after the ten-year period has expired.").

2. We find the circuit court properly exercised jurisdiction. See *Milgroom v. McDaniel*, 308 S.C. 5, 8-9, 416 S.E.2d 626, 627-28 (1992) (finding the master-in-equity properly returned the matter to the circuit court because of a potential conflict and the circuit court "reached [its] own findings only after conducting an independent hearing and review of the record"). Additionally, the circuit court did not violate the Charpias' due process rights. Although the Charpias were not properly notified of the January 9, 2013 hearing, the circuit court had already held a July 30, 2012 hearing on the foreclosure action that the Charpias attended, and it issued a thorough order granting foreclosure. See *Murdock v. Murdock*, 338 S.C. 322, 334, 526 S.E.2d 241, 248 (Ct. App. 1999) ("It is a fundamental doctrine of the law that a party whose personal rights are to be affected by a personal judgment must have *a day in court, or opportunity to be heard*, and that without due notice and opportunity to be heard a court has no jurisdiction to adjudicate such personal rights." (emphasis added) (quoting *Webster v. Clanton*, 259 S.C. 387, 391, 192 S.E.2d 214, 216 (1972))). Further, the January 9, 2013 hearing consisted primarily of discussion about whether the Charpias received notice, and the circuit court's order did not indicate it considered anything presented at the hearing. Thus, we find the circuit court did not err in denying the Charpias' motion to reconsider. See Rule 59(f), SCRPC ("The motion [to alter or amend the judgment] may in the

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.

Howard W Charpia  
1450 Jahnz Ave  
Summerville, SC 29485



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FRI 25 NOV 2016 PM

Jenny Kitchings  
South Carolina Court of Appeals  
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