

**RECEIVED**

**THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT**

DEC 29 2016

**S.C. SUPREME COURT**

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**APPEAL FROM DORCHESTER COUNTY  
COURT OF COMMON PLEAS**

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**JUDGE EDGAR DICKSON , 1<sup>st</sup> Circuit**

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**CASE # 2009-CP-18-2200**

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**RENE McMASTERS.....Respondent**

**Vs.**

**HOWARD W. CHARPIA and JODY E. CHARPIA.....Petitioner**

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**WRIT OF CERTIORARI**

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**Howard W. Charpia , et al  
1450 Jahnz Ave.  
Summerville , 29485  
843-873-0976**

**Attorney Frank M. Cisa , for Respondent**

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**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

DEC 29 2016

**S.G. SUPREME COURT**

**APPEAL FROM DORCHESTER COUNTY  
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**EDGAR W. DICKSON , FIRST CIRCUIT**

Case # 2009-CP-18-2200

**RENE McMASTERS (RONAGHAN).....Respondent**

**vs.**

**HOWARD W. CHARPIA and JODY E. CHARPIA.....Petitioners**

**CERTIFICATION**

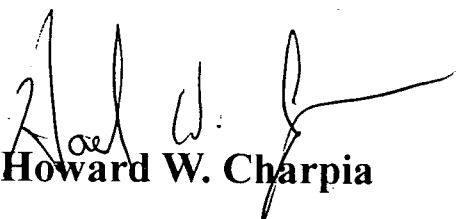
**I , Howard W. Charpia , hereby certify that I made a Motion for a Rehearing filed on October 26 , 2016 and was ruled upon by the Court On / filed November 17 , 2016 .**

**SC Court of Appeals  
1220 Senate Street  
Columbia , SC 29201**

**Attorney Frank M. Cisa  
858 Lowcountry Blvd. Suite 101  
Mt. Pleasant, SC 29464**

**Supreme Court  
1231 Gervais Street  
Columbia , SC 29201**

**Date mailed 12-19 , 2016**

  
**Howard W. Charpia**

## QUESTIONS FOR REVIEW

1. Did the Circuit Court violate the Petitioner's "due process" ?
2. Did the Appellate Court err in their ruling of October 5, 2016 ; opinion 2016-UP-423 ?
3. Did the Appellate Court err in their ruling on jurisdiction ; opinion 2016-UP-423 ?

## STATEMENT OF THE CASE

1. This Appeal and Writ of Certiorari are based on a hearing that was held in Dorchester County ( Common Pleas ) on January 9, 2013 .

The Petitioner's were not properly notified of this hearing as agreed upon by the Appellate Court in opinion 2016-UP-423 , # 2 .

The Appellate Court refers to a hearing of July 30 , 2012 on a foreclosure action .

The Petitioner's did not have proper notice of the scope for the hearing of July 30 , 2012 .

2. The Appellate Court in their opinion # 423 ruled on a matter that *was not* brought before the Circuit (trial) Court nor in their Briefs and Record on Appeal , i.e. judgment is void because of the ten-year statute 15-39-30 .
3. The Appellate Court ruled on jurisdiction in opinion # 423 , # 2 .  
Jurisdiction was not argued before the Circuit Court .

## ARGUMENT IN SUPPORT OF PETITION

Pursuant to Rule 242 (e) (2) , Petitioner's shall (will) include any documents relevant to the dismissal .

1. Petitioner's were not notified of the hearing on January 9, 2013 as agreed upon by the Appellate Court . Appellate Court refers to a hearing held on July 30 , 2012 by Circuit Court . Petitioner's did not have proper notice of the scope to be argued for the hearing of July 30 , 2012 . Petitioners *were not* on the trial roster for the July 30 , 2012 hearing .

see opinion 2016-UP-423 # 2 / page 2 , see pages 6-14 of Appendix

2. Appellate Court in their opinion # 423 # 1 , ruled upon a matter that was not brought before the Circuit Court nor in the Appellate Briefs or Record on Appeal ; *McMasters sought to enforce judgment within the 10 year period , S.C Code 15-39-30* . Petitioner's only argument on Appeal was "due process".

Opin. # 423 # 1 page 2 , pages 15-19 , Initial Brief page 53 , page 95 , pages 98-105 *Toggas v. RRR, Inc.* , see 108-111 , also see

*Murdock v. Murdock* 338 , S.C. appellate Court authority page 2 # 2

*An issue cannot be raised for the first time on Appeal , but must have raised to and ruled upon by the trial Judge to be preserved for appellate review. opinion 2016-UP-264 Deutsche Bank v. Morrow*

**3. Appellate Court ruled on jurisdiction in opinion 2016-UP-423 # 2 .**

**Chief Justice Jean Toal signed an Order dated June 9, 2008 assigning the case to Judge Perry Buckner . Said Order by Toal relieved the 1<sup>st</sup> Circuit Court of jurisdiction . see Toal's Order . page 111-113 Appendix**