

**RECEIVED**

DEC 29 2016

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

S.C. SUPREME COURT

---

APPEAL FROM DORCHESTER COUNTY  
COURT OF COMMON PLEAS

---

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

---

CASE # 2009-CP-18-2200

---

RENE McMASTERS.....Respondent

Vs.

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

---

APPENDIX

---

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

Attorney Frank M. Cisa , for Respondent

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,

v.

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

Appellate Case No. 2013-002311

---

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

---

Unpublished Opinion No. 2016-UP-423  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

---

**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.

---

**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), SCRCP ("The motion [to alter or amend the judgment] may in the

---

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

discretion of the court be determined on briefs filed by the parties without oral argument.").

**AFFIRMED.**

**WILLIAMS, THOMAS, and GEATHERS, JJ., concur.**

# The South Carolina Court of Appeals

Rene McMasters now known as Rene McMasters  
Ronaghan, Respondent,

v.

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

Appellate Case No. 2013-002311

---

## 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.

A. BRUCE WILLIAMS *ABW* \_\_\_\_\_ J.  
PAULA H. THOMAS *Paula H. Thomas* \_\_\_\_\_ J.

JOHN D. GENTHERS *John D. Genters* \_\_\_\_\_ J.

Columbia, South Carolina

**FILED**

cc:  
Howard W. Charpia  
Jody E. Charpia  
Frank M. Cisa, Esquire

November 17, 2016

4

REC 11-22-16  
HWC

5

**ORIGINAL**

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

---

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

**EDGAR W. DICKSON, FIRST CIRCUIT**

---

**Case # 2009-CP-18-2200**

---

Rene McMasters now known as Rene McMasters Ronaghan, Respondent,  
v.  
H. Wayne Charpia a/k/a Howard W. Charpia and Jody E. Charpia,  
Appellants.

---

**RECORD ON APPEAL**

---

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

Jody Charpia

Frank M. Cisa  
858 Lowcountry Blvd. Ste 101  
Mt. Pleasant, SC 29464

**For Respondent**

**RECEIVED**

SEP 25 2014

**SC Court of Appeals**

5

# Master v. Charpia, 2009-CP-18-2200, Motion to Reconsider/Motion to Set Aside Judgment

Thursday, January 10, 2013 4:35 PM

From:

"Dickson, Edgar W. Law Clerk (Andrew C. Evans)" <edicksonlc@sccourts.org> [Add sender to Contacts](#)

To:

"charpia13@bellsouth.net" <charpia13@bellsouth.net>, "frank@cisadodds.com" <frank@cisadodds.com>

Cc:

"Dickson, Edgar W. Secretary (Peggy Smith)" <edicksonsc@sccourts.org>, "Becky Stevens (BStevens@dorchestercounty.net)" <BStevens@dorchestercounty.net>, "Ayer, Carolyn L." <cayer@dorchestercounty.net>

Gentlemen,

It has come to the Court's attention that Mr. Charpia contends that he was not notified of the hearing that took place yesterday, January 9, 2013 in Dorchester County.

The Court would like to apologize for this oversight.

It appearing that this matter is currently before the South Carolina Court of Appeals, the Court feels it no longer has the jurisdiction to hear Motions in the case. However, the Court wishes to make a ruling on Mr. Charpia's two Motions without any further argument.

The Court has taken both Motions under consideration and has consulted the Court file as well as arguments of the parties, written submissions, and its own notes from the prior hearing. The Court has found nothing therein raising grounds to alter or set aside the judgment. As such, both Motions are hereby denied.

Mr. Cisa, Judge Dickson asks that you prepare an Order and send a copy to Mr. Charpia. Please send us a hard copy via US Mail with a self-addressed return envelope.

Thank you. Kind regards,

Drew Evans

Andrew C. Evans

Law Clerk, Hon. Edgar Warren Dickson

First Judicial Circuit

P. O. Box 1949

Orangeburg, S. C. 29116

6

**RE: FW: FW: New Civil Action  
2009-CP-18-2200**

Thursday, January 10, 2013 2:38 PM

From:

"Carolyn Ayer" <CAyer@dorchestercounty.net> [Add sender to Contacts](#)

To:

"HWayne CHARPIA" [charpia13@bellsouth.net](mailto:charpia13@bellsouth.net)

Cc: [frank@cisadodds.com](mailto:frank@cisadodds.com), "Becky Stevens" <BStevens@dorchestercounty.net>

Wayne,

After checking, it seems we had a technical error your email was entered under your name instead of your name as pro se, and that seems to be why you didn't get notice after checking with IT Dept. I will talk to Judge Dickson and get back to you.

Carolyn Ayer  
Deputy/Civil Court Coordinator  
Dorchester County  
5200 East Jim Bilton Blvd.  
St. George, S.C. 29477

[cayer@dorchestercounty.net](mailto:cayer@dorchestercounty.net)

7

DORCHESTER COUNTY CLERK OF COURT  
Cheryl Graham, Clerk of Court  
5200 East Jim Bilton Blvd.  
St. George, SC 29477



*Case No. 2009CP1802200  
McMasters vs. Charpia  
Motion: Motion for Reconsideration*

*This is to acknowledge that the Clerk of Court Coordinator did not notify the defendant Jody Charpia of the hearing on January 9, 2013 on the above captioned case.*

*May 12, 2014*

*Carolyn Ayer*  
Carolyn Ayer, Civil Court  
Coordinator  
Dorchester County

8

**CISA & DODDS, LLP**  
**ATTORNEYS AND COUNSELORS AT LAW**  
858 Lowcountry Boulevard, Suite 101  
Mt. Pleasant, South Carolina 29464  
Telephone (843) 881-6530 Fax (843) 881-5433

FRANK M. CISA  
JOHN J. DODDS, III  
ROBERT S. DODDS

frank@cisadodds.com  
john@cisadodds.com  
robert@cisadodds.com

May 24, 2012

H. Wayne Charpia  
1450 Jahnz Ave.  
Summerville, SC 29485

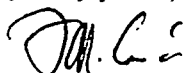
RE: Rene' McMasters, now known as Rene McMasters Ronaghan, v. H. Wayne Charpia, et al  
Case No.: 2009-CP-18-2200  
Our file: 09-084

Dear Mr. Charpia:

The above case appears on the trial roster for a term commencing on Monday, July 30, 2012 in Dorchester County. This case is currently listed as case number #2 on the trial roster and therefore it will in all likelihood be reached on Monday, July 30, 2012. The docket meeting is scheduled to commence at 10:00a.m. You will need to be present for the trial of the above case.

With kindest regards, I am

Very truly yours,



Frank M. Cisa

FMC/alp

cc: Rene McMasters Ronaghan

REC. 5-26-12



Wendy Young

**From:** HWayne CHARPIA [charpia13@bellsouth.net]  
**Sent:** Thursday, October 17, 2013 12:00 PM  
**To:** wendy.young@cmmcmachine.com  
**Subject:** Fw: 2009-CP-18-2200 Hearing 1-9-13

make me a copy...please

----- Forwarded Message -----

**From:** Carolyn Ayer <CAyer@dorchestercounty.net>  
**To:** HWayne CHARPIA <charpia13@bellsouth.net>  
**Sent:** Thursday, October 17, 2013 10:40 AM  
**Subject:** RE: 2009-CP-18-2200 Hearing 1-9-13

Wayne,  
Morning,  
I have dozens of emails from you also.

The email I forwarded to you from Drew, Judges Clerk states that I did not send you an email and you were not listed as pro se defendant and that is the reason you were not noticed. If we don't enter you as pro se then you will not get a notice. You have always been listed as pro se on every case you have, but it does not generate on every case unless we enter it correctly.

The Dorchester County IT Department is what I am referring to; I think this should clarify what you are asking for. It has come to the Court's attention that Mr. Charpia contends that he was not notified of the hearing that took place yesterday, January 9, 2013 in Dorchester County. The Court would like to apologize for this oversight.

Wayne, we have been over this several times now. The Court has continuously acknowledged that it did not send you notice of the hearing. I am at a loss as to why we are revisiting this issue.

Carolyn Ayer  
Deputy/Civil Court Coordinator  
Dorchester County  
5200 East Jim Bilton Blvd.  
St. George, S.C. 29477  
[cayer@dorchestercounty.net](mailto:cayer@dorchestercounty.net)

**From:** HWayne CHARPIA [<mailto:charpia13@bellsouth.net>]  
**Sent:** Thursday, October 17, 2013 6:04 AM  
**To:** Carolyn Ayer  
**Subject:** 2009-CP-18-2200 Hearing 1-9-13

Carolyn,

Morning. Transcript of January 9, 2013, Court addresses Madam Clerk. Was this Cheryl or you? Clerk states that she sent me notice on December 6, 2012; may I please have a copy of this E-mail? Also, may I have a copy of the E-mail Clerk sent me on January 7, 2013 for notice of this hearing?

E-mail from you on January 10, 2013 states "after checking with IT Dept", what & where is the IT Dept.? Whom did you speak with on this in the IT Dept.? I have dozens of E-mails from the Clerk's office over the years and ALL read the same:

[charpia13@bellsouth.net](mailto:charpia13@bellsouth.net)

I don't have an E-mail with "my name as pro se", never had.

1/10

**NOTICE OF CASE SCHEDULING**

STATE OF  
SOUTH CAROLINA

May 23, 2012



**Case 2009CP1802200 - Rene Mcmasters VS H Wayne Charpia, defendant, et al has been added to the following Court Roster:**

**Roster ID: 117 - Non Jury Trial Roster, July 30, 2012 Hon . Edgar Dickson, Presiding**

This case has been assigned as priority 2 of 19 cases scheduled for the court period of 7/30/2012 through 7/30/2012

Attorneys: Non Jury Roster Meeting July 30, 2012 10:00 a.m. trials will begin immediately after roster meeting. Roster can be found at [www.sccourts.org](http://www.sccourts.org) . Hon. Edgar Dickson Presiding, Dorchester County Courthouse 5200 East Jim Bilton Blvd., St. George, S.C. 29477 if your case has settled please notify [cayer@dorchestercounty.net](mailto:cayer@dorchestercounty.net)

Thank you,  
s/Diane S. Goodstein, Chief Adm. Judge  
Carolyn Ayer  
Civil Court Coordinator  
Dorchester County  
843-823-0108

RECEIVED  
2012 MAY 24 AM 11:38  
CLERK OF COURT  
DORCHESTER COUNTY

Mail Notice To:
<p>H Wayne Charpia 1450 Jahnz Ave.  Summerville, SC 29485</p>

Court Info:
<p>Common Pleas 5200 E. Jim Bilton Blvd.  St. George, SC 29477-9477</p>

**If you have any questions regarding the scheduling of this case, please contact the courts at:  
1-843-563-0108**

Respectfully,

Carolyn Ayer  
Civil Court Coordinator

PO Box 234  
29477

11

Court Agency		Common Pleas		Judge		Dickson		Roster Id		109	
Roster Type		Motions		Roster Begin Date		07/30/2012		Roster End Date		07/30/2012	
Number of motions = 18											
Scheduled	#	Time	hr:mn	Description	Filing Party	Filed Date	Case	Case Sub Type	Plaintiff Attorney	Defendant Attorney	Notes
07/30/2012	1	9:30 AM	0:15	Amended Motion to Compel	Carmen Hutto-PLT	07/19/2012	2011CP1802529 Carmen Hutto, plaintiff, et al VS Casey G Carver	Wrongful Death 360	David Wesley Whittington (843) 821-9700	R Bruce Wallace (843) 577-9440	Completed-07/30/2012
07/30/2012	2	9:30 AM	0:15	Notice of Motion & Motion for order of reference	Eleanor Reynolds-PLT	03/12/2012	2010CP1802603 Eleanor Reynolds VS George W Middleton, defendant, et al	Foreclosure 420	Gregory Hyland (843) 871-7765 Andrew Shepherd (843) 871-7765	Arlethia Cherry Hayes Randall Webb Charpia (843) 281- 7026 Carol Liggins Kenya Hamilton Hayes George Hayes Ralph Clayton	Completed-07/30/2012
07/30/2012	3	9:30 AM	0:15	Motion for Order of Refer to Master	First Federal Savings And Loan Association Of Charleston-PLT	11/22/2011	2011CP1801268 First Federal Savings And Loan Association Of Charleston VS Russell C Davis, defendant, et al	Foreclosure 420	Kristen Nichols Voyer ((84) 3) -577 - x2026	Tammy C Davis Russell C Davls	Completed-07/30/2012
07/30/2012	4	10:00 AM	0:15	Notice of Motion and Motion of lift Default	William D Waltz-DEF	03/19/2012	2011CP1800466 Tommie J Dangerfield VS William D Waltz	Personal Injury 350	David Wesley Whittington (843) 821-9700	William D Waltz John L McDonald Jr (843) 577-2026	Completed-08/01/2012
07/30/2012	5	2:00 PM	0:15	Def DC School Dist. 2 Motion to Dismiss/Alternatively	Dorchester County School District 2-DEF	10/26/2011	2011CP1801727 Mary Rita Watson VS Dorchester County School District 2, defendant, et al	Breach of Cont 140	Gregg E. Meyers (843) 720-8714	Hugh Willcox Buyck (843) 377-1400 Gordon Wade Cooper (843) 577- 4435 Elizabeth Palmer ((84) 3)-266- x8166	Completed-07/30/2012
07/30/2012	6	2:00 PM	0:15	Def Luther Carl Knights Motion to Dismiss/Alternatively/Motion	Sheriff Dorchester County-DEF	11/16/2011	2011CP1801727 Mary Rita Watson VS Dorchester County School District 2, defendant, et al	Breach of Cont 140	Gregg E. Meyers (843) 720-8714	Hugh Willcox Buyck (843) 377-1400 Gordon Wade Cooper (843) 577- 4435 Elizabeth Palmer ((84) 3)-266- x8166	Completed-07/30/2012
07/30/2012	7	2:00 PM	0:15	Notice of Motion for Temporary Restraining Order	William Blazer-PLT	06/16/2011	2011CP1801233 William Blazer VS Jody Vavra Bentley	Contract/Oth er 199	Margie A Pizarro (843) 285-7100	Russell A. DeMott (843) 695-0830 Jody Vavra Bentley	Completed-04/30/2012
07/30/2012	8	2:00 PM	0:15	Motion for Protective Order/Affidavit		05/11/2012	2011CP1801632 Amber Nicole Thompkins, plaintiff, et al VS Dorchester County School District 2, defendant, et al	Personal Injury 350	David Butler Yarborough Jr. (843) 972-0150	Alice F. Paylor (843) 266-8105 James A. Stuckey Jr. (843) 577-9323	Completed-06/22/2012
07/30/2012	9	2:00 PM	0:15	Motion to reopen the Record of a PCR Hearing	Louis Sheppard-PLT	09/08/2011	2010CP1802042 Louis Sheppard VS South Carolina State Of	Post Convict Rel 500	Charles Thomas Brooks (803) 418- 5708	Robert Comey (843) 734-5178	Completed-07/30/2012

NOT ON ROSTER  
FOR JULY 30, 2012

Court Agency		Common Pleas		Judge		Dickson		Roster Id		109	
Roster Type		Motions		Roster Begin Date		07/30/2012		Roster End Date		07/30/2012	
Number of motions = 18											
Scheduled	#	Time	hr:mn	Description	Filing Party	Filed Date	Case	Case Sub Type	Plaintiff Attorney	Defendant Attorney	Notes
07/30/2012	10	2:00 PM	0:15	Motion for Substitution of Counsel	Michael Dever-DEF	02/24/2012	2011CP1800508 514 Jump Amusements Lic VS Sarah Rangel defendant, et al	Debt Collections 110	Louis Sheppard Paul B. Ferrara III (843) 568-5511	Michael Dever (843) 224-1503 Sarah Rangel (843) 224-1503	Completed-07/30/2012
07/30/2012	11	2:00 PM	0:15	Motion to Dismiss/Answer	Us Bank National Association-DEF	03/08/2012	2010CP1802777 Marva A Hardee Thomas , plaintiff, et al VS Us Bank National Association	Real Prop/Other 499	Marva A Hardee Thomas (843) 553-6363	Mark S. Wierman (704) 338-6000	Completed-07/30/2012
07/30/2012	12	2:00 PM	0:15	Motion/Damages	Beulah Bryant-PLT	02/23/2012	2011CP1800906 Beulah Bryant VS Carl L Felder Sr	Personal Injury 350	Matthew Douglas (843) 821-9700	Carl L Felder Sr	Completed-07/30/2012
07/30/2012	13	3:00 PM	0:15	Motion for Reconsider	Michael Dever-DEF	02/24/2012	2011CP1800508 514 Jump Amusements Lic VS Sarah Rangel , defendant, et al	Debt Collections 110	Paul B. Ferrara III (843) 569-5511	Michael Dever (843) 224-1503 Sarah Rangel (843) 224-1503	Completed-07/30/2012
07/30/2012	14	3:00 PM	0:15	Motion for Dismissal	Michael Dever-DEF	02/24/2012	2011CP1800508 514 Jump Amusements Lic VS Sarah Rangel defendant, et al	Debt Collections 110	Paul B. Ferrara III (843) 569-5511	Michael Dever (843) 224-1503 Sarah Rangel (843) 224-1503	Completed-07/30/2012
07/30/2012	15	3:00 PM	0:15	Motion/Dismiss of defendant Christiane E McNeal	Christiane E McNeal-DEF	05/16/2012	2012CP1800895 Taunya Lou Stephens Jeter , plaintiff, et al VS Department Of Corrections South Carolina , defendant, et al	Wrongful Death 360	C. Carter Elliott Jr. (843) 546-0650	James Edward Scott IV (843) 577-4000 Michael C. Tanner (803) 245-9153 James C. Parham Jr. (803) 749-8555 Randolph L. Lee (919) 439-2221 Jonathan Hopkins Dunlap J ((803) 3) - 446- x5606 Donald Jay Davis Jr. (843) 577-4000 David H. Batten (919) 439-2221	Completed-07/26/2012
07/30/2012	16	3:00 PM	0:15	Motion to Dismiss/Answer to Amended Complaint	Trident Medical Center, LLC-DEF	05/14/2012	2012CP1800895 Taunya Lou Stephens Jeter , plaintiff, et al VS Department Of Corrections South Carolina , defendant, et al	Wrongful Death 360	C. Carter Elliott Jr. (843) 546-0650	James Edward Scott IV (843) 577-4000 Michael C. Tanner (803) 245-9153 James C. Parham Jr. (803) 749-8555 Randolph L. Lee (919) 439-2221 Jonathan Hopkins	Completed-07/26/2012

**B**

Judge	Dickson	Roster Id	109
Roster Begin Date	07/30/2012	Roster End Date	07/30/2012

Case Description	Filing Party	Filed Date	Case	Case Sub Type	Plaintiff Attorney	Defendant Attorney	Notes		
						Dunlap, ((80) 3)-446-x5606 Donald Jay Davis Jr. (843) 577-4000 David H. Batten (919) 439-2221			
16 Motion for Summary Judgment	AAA Plumbing LLC -DEF	02/09/2012	2011CP1801400 John Philip Garber, plaintiff, et al VS Keystone Builders Resource Group, defendant, et al	Constructions 100	Ivon Keith McCarty (843) 793-1272	Patrick T. Morrissey (843) 577-2026 S Ross Shealy J David Banner (843) 669-8787 David Starr Cobb (843) 576-2803 Edward Glenn Elliott (843) 669-8787 Roopal Ruparelia Samuels (803) 779-3080	Completed-07/12/2012		
17 07/30/2012	18 3:00 PM	0:15	Motion/Quash deposition	Thomas Quinn-DEF	06/27/2012	2009CP1802698 Boyle Plantation, Hoag Assn, Inc VS Thomas Quinn, defendant, et al	Relief 820 Peter Brandt Shelbourne (843) 871-2210 Melanie Anne Maes (84) 3-871-x2210	George Hamlin O'Kelley III (843) 856-4488	Completed-07/09/2012

14

STATE OF SOUTH CAROLINA )  
COUNTY OF DORCHESTER )  
RENE MCMASTERS now known )  
as RENE MCMASTERS )  
RONAGHAN )

Plaintiff, )

H. WAYNE CHARPIA a/k/a )  
HOWARD W. CHARPIA )  
and JODY E. CHARPIA )

Defendants. )

IN THE COURT OF COMMON PLEAS  
FIRST JUDICIAL CIRCUIT  
CASE NO.: 2009-CP-18-2200

APR 28 2010

ORDER GRANTING COMPULSORY  
ORDER OF REFERENCE

CLERK OF COURT  
DORCHESTER COUNTY  
APR 28 PM 3:36

The above case came before me on March 23, 2010 in Dorchester County, pursuant to the Plaintiff's Motion for a Compulsory Order of Reference. Present at the hearing was the attorney for the Plaintiff, Frank M. Cisa, and the Defendant, H. Wayne Charpia.

After careful consideration of the pleadings filed herein and the arguments of Plaintiff's attorney and the Defendant, I find that this action is properly referred to the Master-in-Equity in accordance to Rule 71, SCRPC.

This action was commenced on August 10, 2009. The Plaintiff seeks foreclosure of a judgment lien which attached to certain real estate located in Dorchester County. Rule 71 SCRPC states in part that "actions to foreclose liens shall be tried by the Court, and shall ordinarily be referred to a master pursuant to Rule 53."

The Plaintiff in this action seeks to foreclose a judgment lien which is properly referable to the Master-in-Equity for Dorchester County. In addition, this action is currently pending on the non jury docket for Dorchester County.

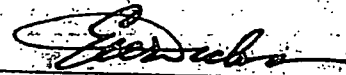
15

#192  
[Signature]

Based upon the foregoing it is hereby;

ORDERED, that the above captioned action is hereby referred to the Master-in-Equity for  
Dorchester County for purposes of conducting a hearing, making findings of facts and  
conclusions of law and to render a final decree with direct appeal to the South Carolina Court of  
Appeals in accordance with Section 14-11-85 Code of Laws of South Carolina, 1976, as  
amended.

AND IT IS SO ORDERED!



Edgar Warren Dickson, Presiding Judge  
First Judicial Circuit

This 27<sup>th</sup> day of April, 2010.

Orangeburg, S.C.

1 County. I'm going to order that the case be heard by the  
2 Master-In-Equity, unless -- unless he, for some reason,  
3 believes that he has some conflict and should not hear  
4 that.

5 At which time, if y'all cannot agree on a special  
6 referee, I will appoint someone to be the special referee.

7 But assuming he has no conflict, this case is going to be  
8 referred to the Master-In-Equity, and he's going to hear  
9 it.

10 MR. CHARPIA: Yes, sir.

11 THE COURT: Okay. Thank you, sir.

12 MR. CISA: Thank you, Your Honor.

13 THE COURT: And Mr. Cisa, if you'd prepare me that  
14 order --

15 MR. CISA: Yes, sir.

16 THE COURT: -- I'll be happy to sign it.

17 MR. CISA: I will. Judge, if I prepare the order, I  
18 mail it to your Orangeburg office, correct?

19 THE COURT: Yes, sir.

20 MR. CISA: Do you return the order to me and then I  
21 file it with the Clerk? Some judges will -- will try to  
22 get it to the Clerk themselves, but most judges send them  
23 back to ---

24 THE COURT: Yeah. I will probably send it back to you

25

M

To: Dorchester County Clerk of Court  
Judge Edgar Dickson  
Judge Diane Goodstein  
5200 East Jim Bilton Blvd.  
St. George , SC 29477

8-28-14

From: Howard W. Charpia , et al  
1450 Jahnz Ave.  
Summerville , SC 29485

Re: Case # 2009-CP-18-2200  
McMasters v. Charpia

CERTIFIED COPY  
RECORDED  
2014 AUG 29 PM 2:19  
2014 AUG 29 PM 2:05  
Clerk of Court  
DORCHESTER COUNTY  
CLERK OF COURT  
DORCHESTER COUNTY

Court ,

**An Order Granting Compulsory Order of Reference**

was signed by Judge Dickson on April 29 , 2010 ; referring this action to the Master-in- Equity for purposes of conducting a hearing , making findings of facts and conclusions of law and to render a final decree with direct appeal to the Supreme Court.

Once the Judge issues a ruling disposing of the case , " his jurisdiction of the matter , except for the correction of clerical errors , ends . ( Barnett v. Piedmont Shirt Corp., 230 S.C. )

This matter / action has never been heard by the Master to render a final decree . Said Order relieves the Judge and the Court of its subject matter jurisdiction.

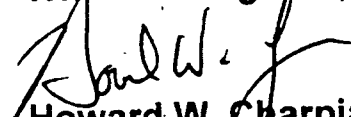
Said Order of Foreclosure and Sale dated October 29 , 2012 and judgment is "void". Void under Rule 60 (b)(4) encompasses judgments from Courts which failed to provide proper due process , or judgments from Courts which lacked subject matter jurisdiction .

This judgment lost its active energy on August 5 , 2014 ; ten years. Said judgment being a statue of repose and a statute of repose destroys any previously existing rights so that the cause of action no longer exists.

Also , Howard W. Charpia , was never given proper notice on the grounds before the Court to be argued and /or addressed , thus violating his due process for hearings of July 30 , 2012 and January 9, 2013 .

The Defendant (s) pray that this Court look into this matter and dismiss case # 2009-CP-18-2200 . This case has no judgment against Howard W. Charpia and Jody E. Charpia .

With kind regards,



Howard W. Charpia

quarterback@sc.rr.com

CC: FRANK M. CISA



C O P Y

1 STATE OF SOUTH CAROLINA )  
2 COUNTY OF DORCHESTER ) COURT OF COMMON PLEAS  
3 ) No. 2009 CP 18 2200

4 RENE McMASTERS )

5 Plaintiff )

6 versus )

TRANSCRIPT OF RECORD

7 )  
8 H. WAYNE CHARPIA, )  
also known as HOWARD )  
9 W. CHARPIA, and )  
JODY CHARPIA )

10 Defendants )

11 St. George, South Carolina

12 January 9, 2013

13 )  
14 B E F O R E :

15 HONORABLE EDGAR DICKSON, Presiding Judge

16 )  
17 A P P E A R A N C E S :

18 For the Plaintiff: FRANK CISA, ESQ.

19 For the Defendants: No Appearance

20 Reporter Present: HARRY DOT WALKER

21 )  
22 )  
23 HARRIET P. BENNETT  
Reporter, S. C. Court Administration  
24 46 Regency Oaks Drive  
25 Summerville, S. C. 29485

20

1 (The within matter came before the Court on January 9,  
2 2013)

3 THE COURT: All right, what have we got next?

4 CLERK: McMasters versus Wayne Charpia.

5 THE COURT: All right. Ms. Harry Dot, this is Case  
6 2009 CP 18 2200, and this is a Motion -- let's see.

7 This is a Motion to reconsider and a Motion to set  
8 aside a judgment.

9 MR. CISA: I do not see Mr. Charpia here.

10 THE COURT: I don't see him either. Will somebody  
11 go out in the hall and call Mr. Charpia?

12 (Brief pause)

13 THE COURT: Madam Clerk, to your knowledge did Mr.  
14 Charpia receive notice of this?

15 CLERK: Yes, sir, I noticed him.

16 THE COURT: I'm going to swear you in, if you don't  
17 mind.

18 (Clerk sworn by the Court)

19 THE COURT: The title of this case is Rene McMasters  
20 as Plaintiff versus H. Wayne Charpia and Jody Charpia,  
21 Defendants. It is Case Number 2009 CP 18 2200.

22 ~~Okay, Madam Clerk, you are charged with sending out~~  
23 ~~these notices?~~

24 CLERK: Yes, sir.

25 THE COURT: And you say you sent notice of this hearing

21 W

1 to Mr. Charpia on what date?

2 CLERK: December 6th of 2012 and January 7 of 2013.

3 THE COURT: And the dates didn't change?

4 CLERK: No, sir.

5 THE COURT: And you used an E-mail address?

6 CLERK: Yes, sir.

7 THE COURT: And that was an E-mail address he pro-  
8 vided you with?

9 CLERK: Yes.

10 THE COURT: Is there a way to confirm whether or not  
11 he received it?

12 CLERK: Well, nothing bounced back.

13 THE COURT: Nothing bounced back?

14 CLERK: No, sir.

15 THE COURT: Okay, and you had contacted him that way  
16 before?

17 CLERK: Yes.

18 THE COURT: And he has responded?

19 CLERK: Yes, sir, he has.

20 THE COURT: Okay. All right. We were scheduled to  
21 have a hearing at two o'clock, and it's now two O seven.

22 ~~Mr. Cisa?~~

23 MR. CISA: Your Honor, I would ask that you deny the  
24 Motions.

25 I have been in contact by E-mail with Mr. Charpia for

1 the past two months, trying to resolve the case.

2 THE COURT: Okay.

3 MR. CISA: But I haven't been able to get to the  
4 finish line on that.

5 I actually can't find a copy of the Motion to recon-  
6 sider in my file.

7 THE COURT: I have it right here if you want it.

8 MR. CISA: Well, I would just request of the Court  
9 -- I know I don't have it and he didn't serve it on me.

10 THE COURT: He didn't serve it on you?

11 MR. CISA: I don't have it in my file and he didn't  
12 serve it that I can recall. I don't know what it says.

13 I don't think that he did, and I would request that  
14 you deny the Motion for reconsideration.

15 He has filed a lot of Motions, Judge, and one of the  
16 Motions was to void or vacate the Order because there was  
17 no personal jurisdiction -- personal or subject matter  
18 jurisdiction.

19 THE COURT: Yes.

20 MR. CISA: This is an action for foreclosure of a  
21 judgment lien against a piece of property located in  
22 Dorchester County. But I haven't heard anything from him  
23 concerning the Motions, and I would request that the  
24 Court deny the Motions.

25 THE COURT: Is there anything else you want to add?

1 MR. CISA: Mr. Charpia is a resident of Dorchester  
2 County, as is Mrs. Charpia.

3 THE COURT: Right. I haven't heard anything from him  
4 concerning these motions.

5 MR. CISA: We do have an existing judgment, and we  
6 are not denying he has a right to legal counsel, although  
7 Mr. Charpia didn't raise that issue at a previous hearing.

8 THE COURT: I believe he was asked if he wanted legal  
9 counsel again.

10 MR. CISA: Yes, sir, probably so. He has already  
11 been through a number of lawyers, and this, that and the  
12 other.

13 THE COURT: Mr. Cisa, before you go any further, ..

14 MR. CISA: Yes, sir.

15 THE COURT: I am going to grant your Motion.

16 MR. CISA: Thank you, Judge.

17 -----END OF REQUESTED TRANSCRIPT OF RECORD-----

18

19

20

21

22

23

24

25

C O P Y

CERTIFICATE

1  
2 I, HARRIET P. BENNETT, Official Court Reporter for  
3 South Carolina Court Administration, hereby certify that  
4 the foregoing Transcript was prepared from the records of  
5 Harry Dot Walker to the best of my ability, having been  
6 heard in the Court of Common Pleas for Dorcheser County  
7 on January 9, 2013.

8 FURTHER, I certify that I am neither of kin nor coun-  
9 sel, nor do I have any interest in the within matter.

10 May 14, 2014

11 *Harriet P. Bennett*  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

23

24

25

6

25

**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,

v.

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

Of whom H. Wayne Charpia, a/k/a Howard W.  
Charpia, is the, Appellant.

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

-----  
Unpublished Opinion No. 2011-UP-445  
Submitted October 1, 2011 – Filed October 11, 2011

-----  
**AFFIRMED**  
-----

Howard W. Charpia, pro se, of Summerville.

Frank M. Cisa, of Mt. Pleasant, for Respondent.

**PER CURIAM:** H. Wayne Charpia appeals the circuit court's grant of Rene McMasters Ronaghan's motion for a compulsory order of reference, arguing the circuit court erred in: (1) not enforcing Rule 53, SCRCP; (2) not enforcing Rule 38, SCRCP; and (3) not accepting a "judicial/execution sale" or "upset bid sale" of the subject property. We affirm<sup>[1]</sup> pursuant to Rule 220(b)(1), SCACR, and the following authorities:

1. As to whether the circuit court erred in not enforcing Rule 53, SCRCP: Rule 71, SCRCP ("Actions to foreclose liens . . . shall ordinarily be referred to a master pursuant to Rule 53."); Rule 53(b); SCRCP (stating an action for foreclosure "may be referred to the master . . . by order of a circuit judge or the clerk of court").

2. As to whether the circuit court erred in not enforcing Rule 38, SCRCP: Lester v. Dawson,

26

327 S.C. 263, 267, 491 S.E.2d 240, 242 (1997) ("Generally, the relevant question in determining the right to trial by jury is whether an action is legal or equitable; there is no right to trial by jury for equitable actions."); Wilder Corp. v. Wilke, 324 S.C. 570, 576, 479 S.E.2d 510, 513 (Ct. App. 1996) (stating actions for foreclosure are in equity).

3. As to whether the circuit court erred in not accepting a "judicial/execution sale" or the "upset bid sale" of the subject property: S.C. Dep't of Transp. v. First Carolina Corp. of S.C., 372 S.C. 295, 301-02, 641 S.E.2d 903, 907 (2007) (holding an issue must be raised to and ruled upon by the circuit court to preserve the issue for appellate review).

**AFFIRMED.**

**HUFF, PIEPER, and LOCKEMY, JJ., concur.**

---

[1] We decided this case without oral argument pursuant to Rule 215, SCACR.

27

Dorchester County Sheriff's Office  
L C KNIGHT, SHERIFF  
100 Sears Street  
St. George, South Carolina 29477

State of South Carolina  
County Of Dorchester

Case Number: 2002CP18-932

Plaintiff: RENE McMASTERS

- VS -

Defendant: CHARPIA RESIDENTIAL, LLC & HOWARD W CHARPIA

AFFIDAVIT OF EXECUTION

Clerk of Court:

EXECUTION "NULLA BONA". I hereby certify that after diligent search I have been unable to locate any property in the name of the defendant on which to levy and I request that you please NULLA BONA on the above stated file as of this date.

JUDGEMENT INFORMATION:

Judgement Amount:	\$191,600.00
Interest:	\$133,097.87
Sheriffs Comm:	\$13,756.38
Judgement Total:	\$338,454.25
Amount Collected:	\$0.00
Ending Balance:	\$338,454.25

NULLA BONA  
5-19-2010  
L. C. Knight Sheriff

Nulla Bona was issued for the reason indicated below:

- (1) Could not locate defendant
- (2) No Attachable Property
- (3) Under Bankruptcy
- (4) Lien(s)
- (5) Other (Specified)
- (6) Pending title research
- (7) Pending Property research
- (8) Pending fees received
- (9) Mortgage

*See Attorney Cisa Nulla Bona*

Notary Statement

SWORN to before me on this the 19th day of May, 2010.

*Peggy M. Dunn*  
Notary Public For The State of South Carolina

My Commission Expires 03/03/2019

*Joseph Blake Weather*

1

FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF DORCHESTER  
IN THE COURT OF COMMON PLEAS  
RENE' MCMASTERS

JUDGMENT IN A CIVIL CASE  
2002CP1800932

CHARPIA RESIDENTIAL, LLC  
AND HOWARD W. CHARPIA, IND.

PLAINTIFF(S)

DEFENDANT(S)

CHECK ONE

- ( ) ~~XXXX~~ JURY VERDICT. THIS ACTION CAME BEFORE THE COURT FOR A TRIAL 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 12b, SCRPC; ( ) RULE 41a SCRPC (VOL NONSUIT); ( ) RULE 43k, 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

FILED-RECORDED  
2004 AUG -5 AM 9:46  
DORCHESTER COUNTY  
SOUTH CAROLINA

IT IS ORDERED AND ADJUDGED: ( ) See Attached order; ( ) Statement of Judgment by the court. WE THE JURY FIND FOR THE PLF. AGAINST THE DEFENDANT FOR BREACH OF CONTRACT IN THE AMOUNT OF \$3,400.00 ACTUAL DAMAGES, IMPLIED WARRANTY OF HABITABILITY IN THE AMOUNT OF \$100.00, AND NEGLIGENCE IN THE AMOUNT OF \$188,100.00.

DATED AT ST. GEORGE, S.C. THIS 4TH DAY OF AUGUST, 2004.

  
HON. ROGER M. YOUNG  
PRESIDING JUDGE

THIS JUDGMENT WAS ENTERED ON THE 5TH DAY OF AUGUST, 2004  
AND A COPY WAS MAILED FIRST CLASS THIS 5TH DAY OF AUGUST  
2004 TO ATTORNEY OF RECORD OR TO PARTIES WHEN APPEARING PRO SE  
AS FOLLOWS:

FRANK CISA

WAYNE CHARPIA, PRO SE

29

2004

803-535-2188

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF DORCHESTER )  
 )  
RENE McMASTERS )  
Plaintiff, )  
Vs. )  
HOWARD W. CHARPIA and )  
JODY E. CHARPIA )  
Defendants, )

COMMON PLEAS  
1<sup>ST</sup> JUDICIAL CIRCUIT  
CASE # 2009-CP-18-2200

**MOTION TO DISQUALIFY**

CERTIFIED COPY  
2012 OCT 23 AM 11:30  
Clerk of Court  
DORCHESTER COUNTY

TO THIS COURT AND THE ABOVE-NAMED PLAINTIFF

PLEASE be advised that the Defendants will move before this Court for the disqualification of Judge Edgar W. Dickson in the above-named case. Judge Dickson has shown a bias and prejudicial attitude in his proceedings against the said Defendants. If a party believes that a judge should recuse , but has not , the party can file a Motion for disqualification under Section 455 , and the judge's denial of this Motion can be appealed. Defendant , Howard W. Charpia made a verbal Motion on July 30, 2012 for Judge Dickson to recuse and Judge Dickson denied said motion.

Judge Dickson has "abused his discretion" in several proceedings with the Defendants. Pursuant to Canon 3-(E)(1)(a) of Rule 501, SCACR, a Judge should disqualify himself in a proceeding in which the judge's impartiality might reasonably be questioned.

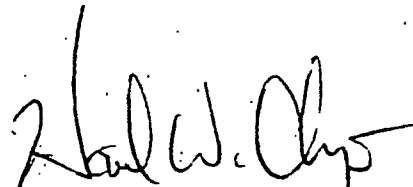
Courts have repeatedly held that positive proof of the partiality of a judge is not a requirement, only the appearance of partiality.

(Liljeberg v. Health Services Corp. 486 U.S. 1988)

The Court has stated that "it is important that the litigant not actually receive justice, but that he believes that he has received justice. (Pfizer Inc. v. Lord 456 F.2d)

Judge Dickson has failed to follow statutory rules and laws in his proceedings with the Defendants.

THE DEFENDANTS pray that this Court look into this matter and grant the Defendants their motion for disqualification of Judge Dickson. And that all Orders signed by Judge Dickson against the Defendants be void and vacated.



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

cc: Attorney Frank M. Cisa

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

SEP 25 2014

APPEAL FROM DORCHESTER COUNTY  
COURT OF COMMON PLEAS

**SC Court of Appeals**

EDGAR W. DICKSON , FIRST CIRCUIT

Case # 2009-CP-18-2200

RENE McMASTERS (RONAGHAN).....Respondent

vs.

HOWARD W. CHARPIA and JODY E. CHARPIA.....Appellants

**PROOF OF SERVICE**

I, Howard W. Charpia , hereby certify that the RECORD ON APPEAL contains all material proposed to be included by any of the parties and not any other material and that I mailed the Record on Appeal to :

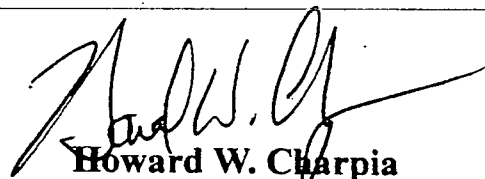
Attorney Frank M. Cisa  
858 Lowcountry Blvd. Suite 101  
Mt. Pleasant , SC 29464

South Carolina Court of Appeals  
1015 Sumter Street  
Columbia , SC 29201

Dated mailed 9-24, 2014

*FWC*

9-24-14



Howard W. Charpia  
1450 Jahnz Ave.  
Summerville , SC 29485

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM DORCHESTER COUNTY  
COURT OF COMMON PLEAS

EDGAR W. DICKSON, FIRST CIRCUIT

RECEIVED

FEB 10 2015

SC Court of Appeals

Case # 2009-CP-18-2200

RENE McMASTERS (RONAGHAN).....Respondent

vs.

HOWARD W. CHARPIA and JODY E. CHARPIA.....Appellants

PROOF OF SERVICE

I, Howard W. Charpia, hereby certify that I mailed the RECORD ON APPEAL to:

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

SC Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

Date(s) mailed 9-23, 2014 AND 2-9, 2015

*Howard W. Charpia*  
Howard W. Charpia, et al

2013-002311

1-803-734-1839  
2-10-15

33

5

ORIGINAL

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED

JUN 22 2015

APPEAL FROM DORCHESTER COUNTY  
COURT OF COMMON PLEAS

SC Court of Appeals

EDGAR W. DICKSON , First Circuit

Case # 2009-CP-18-2200

Rene McMasters now known as Rene McMasters Ronaghan, Respondent,

v.

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

SUPPLEMENTAL RECORD

Eight matters requested by the Respondent's Attorney , Frank M. Cisa .

Howard W. Charpia  
Jody E. Charpia  
1450 Jahnz Ave.  
Summerville, SC 29485  
843-873-0976

Attorney Frank M. Cisa , for respondent

34



7. The Defendants herein are not in the military service of the United States of America and thus, the "Soldiers and Sailors Civil Relief Act of 1940" as amended has no application in this matter
8. On August 5, 2004, the Plaintiff secured and obtained a judgment against the Defendant, H. Wayne Charpia a/k/a Howard W. Charpia in the original sum of \$191,600.00, a copy of said judgment is attached hereto as Exhibit "A" and incorporated herein by express reference. Hereinafter referred to as the "judgment".
9. The judgment attaches to the following described property to wit:

**ALL that piece, parcel or lot of land, together with the buildings and improvements on it, situated, lying and being in Dorchester County, South Carolina, Shown and designated as Lot 22-B, on a plat by Charleston Engineering, Co. dated April 21, 1958, entitled "Plat of Lot 22-B, Property of William A. Pouncey and Opal Pouncey, Dorchester County, S.C., Mario Louise Salisbury Subdivision," which is recorded in the office of the RMC for Dorchester County in Plat Cabinet A, slide 173. The Property has the location, dimensions, and butts and bounds shown on the plat. Lot 22-B being the southern half of Lot 22, which said Lot 22 is found on a plat made by Woodrow W. Leland, R.L.S. dated May 24, 1956, and recorded in the RMC Office for Dorchester County in Plat Book 11 at page 200.**

**SUBJECT to any covenants, conditions, restrictions, and easements now of record and to the lien of current year real property taxes.**

**TMS# 145-13-02-011**

10. The aforesaid judgment bears interest at the 12% per annum of and from August 5, 2004.
11. The total interest owed on the aforesaid judgment through August 3, 2009 is \$114,834.01 and interest runs thereafter at the per diem rate of \$62.99.
12. That the total pay off of the judgment including principal and interest as of August

3, 2009 is \$306,434.01.

13. That all person(s) having an interest or lien or possible claim upon the subject property as of today and the filing of the Lis Pendens have been made Defendants herein.
14. That in the event the Plaintiff is forced to pay sums for delinquent real property taxes those sums according to the terms of the statute should be added to the amount of the debt.
15. The Defendant Jody E. Charpia may claim some interest in the real property sought to be foreclosed herein or some part thereof, but that such interest or lien is subsequent to the lien of the Plaintiff's judgment; said interest is of record in the RMC Office for Dorchester County relative to the deed of a one-half ( $\frac{1}{2}$ ) interest in the real property sought to be foreclosed by deed from H. Wayne Charpia to Jody E. Charpia dated December 29, 2008 and recorded on December 29, 2008 in the Dorchester County RMC Office.
16. That the Plaintiff requests that the amount due upon the judgment held by the Plaintiff be ascertained and determined under the direction of this Court.
17. That the Plaintiff's judgment be declared a first claim or lien upon the subject real property subject only to taxes and assessment and the Plaintiff have judgment of foreclosure for the amount due and owing thereof together with any taxes that may be due and the costs of this action.
18. That the property be sold at the direction of the Court; the equity of redemption be barred and the proceeds of sale should be applied to the costs and expenses of

this action and sale; to the satisfaction and payment and discharge of any amount due on the Plaintiff's judgment including taxes paid with any surplus, if any, to be distributed according to law.

19. For an Order directing the Sheriff of Dorchester County of South Carolina to place the successful purchaser at said foreclosure sale in possession of the property herein above described should the same become necessary.
20. For the appointment of the receiver to collect rent and take charge of the subject property pending the outcome of this action.

WHEREFORE, the Plaintiff prays as follows:

1. That the amount due upon the said judgment held by the Plaintiff by ascertained and determined under the direction of this Court together with the costs of this action;
2. that the Plaintiff's judgment be declared to be the valid first lien against the real property, subject only to taxes and assessments and the Plaintiff have judgment of foreclosure for the amount found to be due and owing together with any taxes which may be due and the costs of this action;
3. that the subject property be sold under the direction of this Court, the equity of redemption be barred and the proceeds of the sale be applied as follows:
  - a. First, to the costs and expenses of this action and sale;
  - b. Second, to the payment and discharge of the amount due on Plaintiff's judgment including taxes paid;
  - c. and third, any surplus, be distributed according to law;

- d. for an Order directing the Sheriff of Dorchester County, South Carolina to place the successful purchaser of said foreclosure sale in the possession of the property here and above described;
- e. for reimbursement of all costs for inspecting and securing the property which may be incurred by the Plaintiff as a result of any delinquencies;
- f. for an Order appointing a receiver to collect rent and to take charge of the property which is the subject of this action pending this action and subsequent thereto;
- g. for such other and further relief that this Court deem just and proper.

CISA & DODDS, LLP



Frank M. Cisa  
858 Lowcountry Blvd., Suite 101  
Mt. Pleasant, SC 29464  
(843) 881-6530

Fax: (843) 881-5433

This 6<sup>th</sup> day of August, 2009  
Mt. Pleasant, SC

OPINION 25168 ?

SEPTEMBER 200

2

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF DORCHESTER )  
 )  
 RENE MCMASTERS now known )  
 as RENE MCMASTERS )  
 RONAGHAN )  
 )  
 Plaintiff, )  
 )  
 )  
 H. WAYNE CHARPIA a/k/a )  
 HOWARD W. CHARPIA )  
 and JODY E. CHARPIA )  
 )  
 Defendants. )

IN THE COURT OF COMMON PLEAS  
 FIRST JUDICIAL CIRCUIT  
 CASE NO.: 2009-CP-18-22(X)

NOTICE OF MOTION AND MOTION  
 FOR COMPULSORY ORDER OF  
 REFERENCE

TO: H.WAYNE CHARPIA a/k/a HOWARD W. CHARPIA AND JODY E.  
 CHARPIA, DEFENDANT:

YOU WILL PLEASE TAKE NOTICE that the undersigned attorneys, on behalf of Plaintiff will, not sooner than ten (10) days from the service hereof, or as soon thereafter as counsel may be heard, move before the Presiding Judge of the Court of Common Pleas for Dorchester County that the within action be referred to the Master-In-Equity for Dorchester County for purposes of conducting a hearing, making findings of fact and conclusions of law and to render a final decree with direct appeal to the South Carolina Court of Appeals in accordance with Section 14-11-85, Code of Laws of South Carolina, 1976, as amended.

The basis of this motion is that the Complaint filed by Plaintiff seeks the foreclosure of a Judgment filed against Defendants' real property which attached to such real property, that the defenses and Answer asserted by Defendant do not involve any issues properly determined by a jury, and that the action is properly referred to the Master-In-Equity for

40

IN AN ACTION WHERE THE PARTIES CONSENT.



Dorchester County in accordance with Rules 53(h) and 71, South Carolina Rules of Civil Procedure.

Plaintiff's counsel certifies that consultation with the Defendants would serve no useful purpose.

RESPECTFULLY SUBMITTED,

CISA & DODDS, LLP

BY:

Frank M. Cisa  
858 Lowcountry Blvd, Suite 101  
Mt. Pleasant SC 29464  
(843)881-6530  
ATTORNEY FOR PLAINTIFF

Mt. Pleasant, SC

September 22<sup>nd</sup>, 2009

5

STATE OF SOUTH CAROLINA  
COUNTY OF DORCHESTER

CERTIFIED COPY  
2012 APR 11 PM 1:48

JUDGMENT IN A CIVIL CASE  
CASE NO.: 2009-CP-18-2200

Rene McMasters now known as  
Rene McMasters Ronaghan

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

Plaintiff(s)

Defendants(s)

- Decision by the Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.
- Action dismissed. Reason: [ ] Rule 12(b), SCRPC. [ ] Rule 41(a), SCRPC (Vol. Nonsuit). [ ] Rule 43(k), SCRPC (Settled). [ ] Other: \_\_\_\_\_
- Action stricken. Reason: [ ] Rule 40(j), SCRPC. [ ] Bankruptcy. [ ] Other: \_\_\_\_\_

IT IS ORDERED AND ADJUDGED: [ ] See attached order. [X] Statement by the Court.

**ORDER OF RECUSAL AND REMAND TO CIRCUIT COURT**

I HEREBY RECUSE MYSELF FROM HEARING OR RULING UPON ANY MATTER RELATED TO THIS CASE. THIS ACTION IS HEREBY REMANDED TO THE CIRCUIT COURT.

AND IT IS SO ORDERED!

April 10, 2012  
St. George, South Carolina

Maite' Murphy  
Maite' Murphy  
Master in Equity

This judgment was entered on April 11, 2012, and a copy mailed first class on April 11, 2012, to attorneys of record or to pro se parties as follows.

Frank M. Cisa, Esquire

H. Wayne Charpia a/k/a

Howard Wayne Charpia

Attorney(s) for Plaintiff(s)

Jody E. Charpia

Attorney(s) for Defendants(s)

Clerk of Court



STATE OF SOUTH CAROLINA  
COUNTY OF DORCHESTER

CERTIFIED COPY

2012 OCT 19 AM 9:22

COMMON PLEAS  
FIRST JUDICIAL DISTRICT  
CASE # 2004-CV-1499

RENE McMASTERS

*Cheryl Graham*  
CLERK OF COURT  
DORCHESTER COUNTY

Plaintiff,

vs.

JODY E. CHARPIA

Defendant,

**MOTION TO VOID and  
VACATE ORDER**

**TO THIS COURT AND THE PLAINTIFF:**

**PLEASE BE ADVISED** that the Defendant , Jody E. Charpia will move before this Court , within 10 days or sooner for an Order to Void and Vacate said Order signed by Judge James C. Williams on February 6, 2006.

Judge Williams did not have "personal nor subject matter" jurisdiction in the above case and / or hearing . Judge Williams allowed a non-lawyer to argue said Motion for the Defendant , Jody E. Charpia . Judge Williams failed to follow the statutory rules of the Court and the laws of South Carolina.

Subject matter jurisdiction may be raised at any time and there is no statute of limitations for "fraud upon the Court".

The Defendant prays that this Court hear her Motion and void / vacate said Order from Judge Williams.

44

With kind regards,

*Jody E. Charpia*

Jody E. Charpia  
1450 Jahnz Ave.  
Summerville, SC 29485

cc: Attorney Frank M. Cisa

45

STATE OF SOUTH CAROLINA  
COUNTY OF DORCHESTER

RENE McMASTERS

Plaintiff,

Vs.

HOWARD W. CHARPIA and  
JODY E. CHARPIA  
Defendants,

COMMON PLEAS  
FIRST JUDICIAL CIRCUIT  
CASE # 2009-CP-18-2200

MOTION TO RECONSIDER

FILED - RECORDED  
2012 DEC -3 AM 11:08  
CHERYL G. ...  
CLERK OF COURT  
DORCHESTER COUNTY

TO THIS COURT and THE ABOVE-NAMED PLAINTIFF

**PLEASE BE ADVISED** that the Defendant will move before this Court within 10 days or sooner for a hearing to be heard in a meaningful way and judicial review. The Defendant will move for an Order to Reconsider said ruling of October 29, 2012. The Defendant received the signed Order by Judge Edgar W. Dickson on November 30, 2012. Howard W. Charpia seeks to **Void and vacate Order.** *TWC*

Said Motion is made pursuant to the SCRPC and the laws of South Carolina.

46

**STATEMENT OF THE CASE**

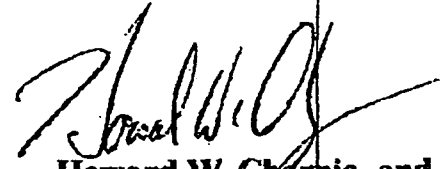
1. **The Defendants request that Judge Steven H. John preside over motion hearing .**
2. **Hearing of July 30 , 2012 and case # 2009-CP-18-2200 is barred by "res judicata" and " collateral estoppel."**
3. **Res Judicata bars subsequent actions by the same parties when claims arise out of the same transaction or occurrence that was the subject of a prior action between those parties. Prior case # 2002-CP-18-932**
4. **Judge Dickson denied the Defendants their right to legal counsel on July 30 , 2012.**
5. **The Defendant , Jody E. Charpia , was never notified of said hearing on July 30 , 2012.**
6. **The Defendant , Jody E. Charpia , was not present at hearing on July 30, 2012.**
7. **Subject matter jurisdiction was challenged at hearing on July 30, 2012.**
8. **The Defendants were not properly notified on subject matter for said hearing on July 30 , 2012.**
9. **The Defendants filed Motions and paid required fees to be heard that preceded said hearing on July 30 , 2012 .**
10. **The Complaint is inaccurate on case # 2009-CP-18-2200 .**
11. **The Defendant , Jody E. Charpia , is not a party to said judgment of Howard W. Charpia and Charpia Residentials LLC .**
12. **This Motion is made pursuant to Rule 59 , SCRPC and Rule 7 , SCRPC and Rule 12 (h)(3) , SCRPC.**

FILED-RECORDED  
2012 DEC 13 AM 11:18  
CLERK OF COURT  
ORCHESTER COUNTY

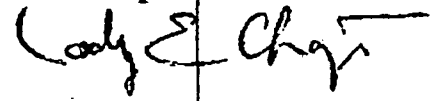
47

PURSUANT to Rule 59, SCRPC, I will provide copy of this Motion  
to the Judge within 10 days of receipt of signed Order.

**LETTER ATTACHED**



Howard W. Charpia and  
Jody E. Charpia



cc: Frank M. Cisa  
Judge Diane Goodstein, Admin. Judge  
Edgar W. Dickson  
SC Court of Administration  
Clerk of Court (Dorchester County)  
Judge Steven H. John

48





THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED

APPEAL FROM DORCHESTER COUNTY  
COURT OF COMMON PLEAS

JUN 22 2015

SC Court of Appeals

EDGAR W. DICKSON, FIRST CIRCUIT

Case # 2009-CP-18-2200

RENE McMASTERS (RONAGHAN).....Respondent

vs.

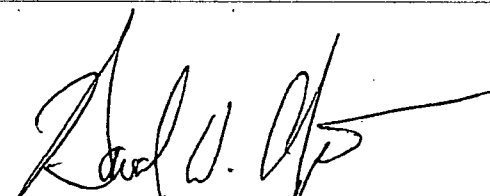
HOWARD W. CHARPIA and JODY E. CHARPIA.....Appellants

PROOF OF SERVICE

I, Howard W. Charpia, hereby certify that I mailed fourteen (14) copies  
of the SUPPLEMENTAL RECORD to :

SC Court of Appeals  
1015 Sumter Street  
Columbia, SC 2920

Date (s) mailed 6-19, 2015

  
Howard W. Charpia, et al

51

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM DORCHESTER COUNTY  
COURT OF COMMON PLEAS

EDGAR W. DICKSON , First Circuit

---

Case # 2009-CP-18-2200

---

RENE McMASTERS (RONAGHAN).....Respondent

V.

HOWARD W. CHARPIA and JODY E. CHARPIA.....Appellants

---

INITIAL BRIEF

---

“Motion to Reconsider” and “Motion to Vacate”  
Appellant # 2013-002311

Howard W. Charpia  
Jody E. Charpia  
1450 Jahnz Ave.  
Summerville, SC 29485  
843-873-0976

---

Attorney Frank M. Cisa , for respondent

**TABLE OF CONTENTS**

**Table of Authorities.....ii**

**Statement of the Issues.....1**

**Statement of the Case.....1**

**Facts.....2**

**Arguments.....3**

**1. The Court erred in violating the Appellant’s rights of due process  
and the due process clause.**

**Conclusion.....4**

## TABLE OF AUTHORITIES

**Webster v. Clanton , 259 S.C. 387 , 391 (1972) Supreme Court**

**Moore v. Moore , 376 S.C. 467 , 657 S.E. 2d 743 (2008)**

**Cameron & Barkley Co. v. SC Procurement Panel , 317 S.C.**

**Dept. Social Services v. Holden , 319 S.C. 72, 78) (1995)**

**Ballenger v. SC Dep't of Health and Env'tl. Control , 331 S.C )**

**Tyron Federal Savings v. Phelps , 307 S.C. 361 ) (1992)**

## STATEMENT OF THE ISSUES

1. Did the Court violate the Appellant's "due process" and the "due process clause" ?
2. Did the Court follow the SCRCF and the rules of the legislature ?
3. Did the Court violate Canon 3 of the Code of Judicial Conduct ?

## STATEMENT OF THE CASE

Howard W. Charpia and Jody E. Charpia (Appellants) are the Defendants in this case # 2009-CP-18-2200 . The Respondent , McMasters , seeks to foreclose on a judgment lien against a piece of property located in Dorchester County. The judgment is against Howard W. Charpia only and *not* against Jody E. Charpia . Jody E. Charpia owns one-half interest in said property.

Howard W. Charpia made a "Motion to Reconsider" and Jody E. Charpia made a "Motion To Vacate" with Dorchester County in December 2012. A hearing was held on January 9 , 2013 in Dorchester County with Judge Edgar Dickson presiding for these two (2) motions .

---

The Appellants *were not notified* of this hearing .

## FACTS

The Appellants were never notified of the hearing on January 9, 2013.

Procedural “due process” requires notice and the opportunity to be heard .  
(Cameron & Barkley Co. v. SC Procurement Panel , 317 S.C.)

The Clerk of Court was sworn in at this hearing and testified that Howard W. Charpia (Appellant) was E-mailed for the hearing of 1-9-13 . The Court did not ask the Clerk for a copy of said E-mail to verify notice. On January 10 ,2013 , the Clerk of Court E-mailed Howard W. Charpia stating that the Clerk’s office had a technical error and that they *did not* send the Appellants notice of this hearing . (exhibit 1)

The Appellant , Howard W. Charpia , received an E-mail from Judge Dickson’s law clerk (Drew Evans) on January 10 , 2013 apologizing for the oversight of not notifying the Appellants. ( exhibit 2)

“Due Process” requires notice and the opportunity to be heard at a meaningful time and a meaningful manner .  
( Dept. Social Services v. Holden , 319 S.C. 72, 78) (1995)

The Court reversed a decision where it found substantial prejudice from *lack of notice* and when a party receives inadequate notice , he must demonstrate prejudice resulting from the insufficient notice.  
(Ballenger v. SC Dep’t of Health and Env’tl. Control , 331 S.C )

## ARGUMENTS

**It is fundamental that no judgment or order affecting the rights of a party to the causes shall be made or rendered without notice to the party whose rights are to be affected.**

**(Tyron Federal Savings v. Phelps , 307 S.C. 361 ) (1992)**

**It is a fundamental doctrine of the Law that a party whose personal rights are to be affected by a personal judgment must have his day in Court , or the opportunity to be heard , and that without due notice and an opportunity to be heard , a Court has no jurisdiction to adjudicate such personal rights.**

**(Moore v. Moore . 376 S.C. 467 , 657 S.E. 2d 743 2008 )**

**The requirements of “due process” not only include notice , but also an opportunity to be heard in a meaningful way and judicial review.**

**( Grannis v. Ordean , 234 S.C. 1914)**

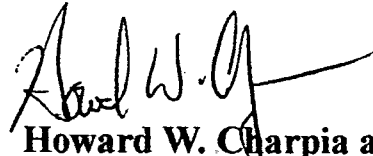
**CONCLUSION**

**The Appellants , Howard W. Charpia and Jody E. Charpia were *never notified* of said hearing of January 9, 2013 . (exhibits 1, 2, 3)**

**Judge Dickson's Order is incomplete and ambiguous , it sets forth neither findings of fact *nor* conclusions of Law and it fails to set forth the Court's reasoning for it's ruling.**

**The Court did not comply with the Rule that these issues should be decided with a full and complete record .**

**WHEREFORE , the Appellants pray this Court reverse the decision of Judge Dickson's order and grant them a new trial .**

  
**Howard W. Charpia and  
Jody E. Charpia**

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM DORCHESTER COUNTY  
COURT OF COMMON PLEAS

EDGAR W. DICKSON , FIRST CIRCUIT

---

Case # 2009-CP-18-2200

---

RENE McMASTERS (RONAGHAN).....Respondent

vs.

HOWARD W. CHARPIA and JODY E. CHARPIA.....Appellants

---

DESIGNATION OF MATTER TO BE INCLUDED  
IN THE RECORD ON APPEAL

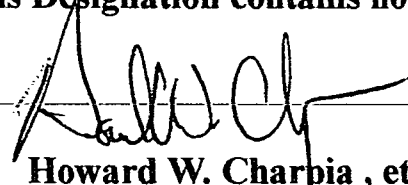
---

Appellants propose the following be included in the RECORD ON APPEAL :

1. Orders signed by Judge Dickson , dated October 29 , 2012 .
2. Exhibits 1, 2, 3 from Dorchester County Clerk of Court .
3. Transcript of hearing from January 9 , 2013 . ( 6 pages )

We , the Appellants , hereby certify that this Designation contains no matter  
Which is irrelevant to this Appeal.

---



Howard W. Charpia , et al  
1450 Jahnz Ave.  
Summerville , SC 29485

# 2013-002311

59

51

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM DORCHESTER COUNTY  
COURT OF COMMON PLEAS

EDGAR W. DICKSON , FIRST CIRCUIT JUDGE

---

CASE # 2009-CP-18-2200

---

RENE McMASTERS (RONAGHAN) .....RESPONDENT

VS.

HOWARD W. CHARPIA and JODY E. CHARPIA.....APPELLANTS

---

PROOF OF SERVICE

---

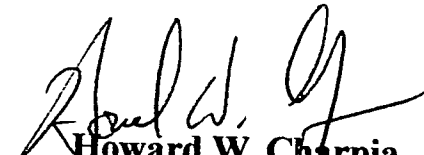
I , Howard W. Charpia , et al ; hereby certify that I mailed the "INITIAL BRIEF" to :

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

South Carolina Court of Appeals  
1015 Sumter Street  
Columbia , SC 29201

Date mailed 6-20, 2014

"Motion To Reconsider"  
"Motion to Vacate"

  
Howard W. Charpia , et al  
quarterback@sc.rr.com

60

THE STATE OF SOUTH CAROLINA  
In the Court of Appeal

---

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

---

Case No.:2009-CP-18-2200  
EDGAR W. DICKSON

---

Howard W. Charpia and Jody E. Charpia.....Appellants

Rene McMasters Ronaghan.....Respondent

---

RESPONDENT'S INITIAL BRIEF

---

CISA & DODDS, LLP

Frank M. Cisa  
858 Lowcountry Blvd., Suite 101  
Mt. Pleasant, SC 29464  
Phone: (843) 881-6530  
Fax: (843) 881-5433  
E-mail: [frank@cisadodds.com](mailto:frank@cisadodds.com)

Attorneys for the Respondent,  
Rene McMasters Ronaghan

---

61

TABLE OF CONTENTS

Table of Authorities.....ii

Statement of Case.....1

Statement of Facts.....2

Argument.....3

1. The Court did not err in ruling on the Appellant’s Motion to Void and Vacate the Court’s Compulsory Order of Reference dated April 27, 2010 without a hearing.....3

2. The Court did not err in ruling on the Appellant’s Motion to Reconsider the Order of Foreclosure and Sale dated October 29, 2012 without a hearing.....3

Conclusion.....4

**TABLE OF AUTHORITIES**

*In Pollard v. County of Florence*, 314, S.C., 397, 402,444 S.E.2d 534, 536 Ct. App.  
(1994).....4

**Other Authorities:**

Rule 59(F) SCRPC

---

63

STATEMENT OF THE CASE

The Respondent filed this action in the Court of Common Pleas for Dorchester County on August 10, 2009, wherein the Respondent sought the foreclosure of a judgment lien that the Respondent obtained against the Appellant, Howard W. Charpia (Complaint).

The Respondent filed a Motion for Compulsory Order of Reference on September 24, 2009 ("Motion for Compulsory Order of Reference). By Order dated April 27, 2010, Judge Edgar Warren Dickson granted the Respondent's Motion for Compulsory Order of Reference (Order Granting Compulsory Order of Reference). The Appellant then appealed Judge Dickson's Order Granting Compulsory Order of Reference to the Court of Appeals. The Court of Appeals affirmed Judge Dickson's Order Granting Compulsory Order of Reference in an Unpublished Opinion filed on October 11, 2011 (Unpublished Opinion number 2011-UP-445).

By Order dated April 10, 2012, the then sitting Master, Maite' Murphy, issued an Order of Recusal and Remand to the Circuit Court (Order of Judge Maite' Murphy dated April 10, 2012).

On July 30, 2012, the case came before Judge Dickson for trial. By Order dated October 29, 2012, Judge Dickson issued an Order of Foreclosure and Sale (Order of Foreclosure and Sale).

On October 19, 2012, the Appellant filed a Motion to Void and Vacate the Order of Compulsory Order of Reference issued by Judge Edgar Warren Dickson dated April 27, 2010.

~~(Motion to Void and Vacate Order filed on October 19, 2012).~~

On December 3, 2012 the Appellant filed a Motion to Reconsider Judge Dickson's Order of Foreclosure and Sale dated October 29, 2012. (Motion to Reconsider filed December 3, 2012).

**64**

The Appellant's Motion to Void and Vacate Judge Dickson's Order of Compulsory Order dated April 27, 2010 and the Appellant's Motion to Reconsider Judge Dickson's Order of Foreclosure and Sale dated October 29, 2012 came before Judge Dickson on January 9, 2013 for hearing. (Email from Judge Dickson's law clerk dated January 10, 2013). The Appellant did not attend the hearing. The Appellant contends that he was not notified of the hearing. (Email from Judge Dickson's law clerk dated January 10, 2013).

Judge Dickson's law clerk then advised Respondent's counsel and the Appellant that the Court wished to make a ruling on the Appellant's two motions without any further argument and directed Respondent's counsel to prepare an Order denying both motions. (Email from Judge Dickson's law clerk dated January 10, 2013).

Judge Dickson issued an Order Denying Appellant's Motion to Void Order on June 26, 2013 on the basis that his Order Granting Compulsory Order of Reference dated April 27, 2010 was affirmed by the Court of Appeals in an Unpublished Opinion number 2011-UP-445 filed on October 11, 2011. (Order Denying Motion to Void Order). Judge Dickson also issued an Order Denying Appellant's Motion to Reconsider by Order dated June 26, 2013 on the basis that the

Denying Motion to Reconsider dated June 26, 2013).

#### STATEMENT OF THE FACTS

Appellant's Motion to Void and Vacate the Compulsory Order of Reference signed by Judge Edgar W. Dickson on April 27, 2010 was filed in the Clerk's office for Dorchester County on October 19, 2012. (Motion to Void and Vacate Order). The Respondent's Order Granting a Compulsory Order of Reference had already been affirmed by the Court of Appeals on October

65

11, 2011 by an Unpublished Opinion number 2011-UP-445. The Appellant's Motion to Void and Vacate the Order of Reference was filed more than a year after the Order was affirmed by the Court of Appeals.

Appellant's Motion to Reconsider sets forth grounds for Judge Dickson to review. (Motion to Reconsider filed December 3, 2012). Judge Dickson, in his discretion, decided to rule on the Appellant's two (2) motions without any further argument. Judge Dickson consulted the court file, written submissions, and his notes from the prior hearing. (Email from Judge Dickson's law clerk dated January 10, 2013).

#### ARGUMENT

**I. The trial Court did not err in ruling on the Appellant's Motion to Void and Vacate the Court's Compulsory Order of Reference dated April 27, 2010 without a hearing.**

The Appellant sought to void and vacate the Compulsory Order of Reference signed by Judge Edgar W. Dickson on April 27, 2010. The Appellant, however, had previously appealed Judge Dickson's Compulsory Order of Reference to the Court of Appeals. By Unpublished Opinion filed October 11, 2011, the Court of Appeals affirmed Judge Dickson's Compulsory Order of Reference. (Unpublished Opinion number 2011-UP-445).

Since the Court of Appeals had already affirmed Judge Dickson's Compulsory Order of Reference, the Appellant had no legal basis to request that Judge Dickson's void or vacate his Order Granting Compulsory Order.

**II. The trial court did not err in ruling on the Appellant's Motion to Reconsider the Order of Foreclosure and Sale dated October 29, 2012 without further**

66

**argument.**

Rule 59(f) SCRPC provides that a motion to alter or amend "may in the discretion of the Court be determined on briefs filed by the parties without oral argument (Rule 59(f) SCRPC).

The Appellant set forth the grounds for his argument in his motion to reconsider. Since the Appellant's motion set forth the grounds for his arguments, the trial court was not required to hold oral argument.

*In Pollard v. County of Florence, 314, S.C., 397, 402,444 S.E.2d 534, 536 Ct. App. (1994)*, the Court of Appeals held the trial court did not err in declining to entertain oral argument on a motion to alter or amend as the arguments were raised in the motion.

CONCLUSION

Based upon the foregoing it is respectfully requested that the Order of Foreclosure and Sale dated October 29, 2012; the trial court's Order Denying Motion to Void Order dated June 26, 2013; and the trial court's Order Denying Motion to Reconsider dated June 26, 2013 be affirmed.

CISA & DODDS, LLP



Frank M. Cisa  
858 Lowcountry Blvd., Suite 101  
Mt. Pleasant, SC 29464  
(843) 881-6530  
Fax: (843) 881-5433

This <sup>9<sup>th</sup></sup> day of August, 2014  
Mt. Pleasant, SC



THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM DORCHESTER COUNTY  
COURT OF COMMON PLEAS

EDGAR W. DICKSON , First Circuit

---

Case # 2009-CP-18-2200

---

RENE McMASTERS (RONAGHAN).....Respondent

V.

HOWARD W. CHARPIA and JODY E. CHARPIA.....Appellants

---

REPLY BRIEF

---

“Motion to Reconsider” and “Motion to Vacate”  
Appellant # 2013-002311

Howard W. Charpia  
Jody E. Charpia  
1450 Jahnz Ave.  
Summerville, SC 29485  
843-873-0976

---

Attorney Frank M. Cisa , for respondent

68

## TABLE OF CONTENTS

Table of Authorities.....	ii
Statement of the Issues.....	1
Statement of the Case.....	1 ,2
Facts.....	2
Conclusion.....	3

## TABLE OF AUTHORITIES

- Cheraw & C.R. Co. v. Marshall , 40 S.C. 59 , 63**
- Hardee v. Lynch , 212 S.C. 6 , 46 SE 2d 179 (1948)**
- Garrison v. Owens , 258 S.C. 442 (1972)**
- Webster v. Clanton , 259 S.C. 387 , 391 (1972) Supreme Court**
- Moore v. Moore , 376 S.C. 467 , 657 S.E. 2d 743 (2008)**
- Cameron & Barkley Co. v. SC Procurement Panel , 317 S.C.**
- Dept. Social Services v. Holden , 319 S.C. 72, 78) (1995)**
- Ballenger v. SC Dep't of Health and Env'tl. Control , 331 S.C )**
- Tyron Federal Savings v. Phelps , 307 S.C. 361 ) (1992)**

Rule 59 (F)

## STATEMENT OF THE ISSUES

1. Did the Court violate the Appellant's "due process" and the "due process clause" ?

## STATEMENT OF THE CASE

A judgment was rendered against Charpia Residential LLC and Howard W. Charpia on August 5, 2004; Dorchester County; case # 2002-CP-18-932. Said judgment has lost its "active energy" as of August 5, 2014. South Carolina Courts have consistently held that a judgment is utterly extinguished ten years from the date of entry. (Hardee v. Lynch, 212 S.C)

*Execution is the only process to enforce a judgment.* (Cheraw & C.R Co. V. Marshall, 40 S.C)

Any question whether a judgment can be enforced more than ten years after it was filed is answered conclusively by S.C. Code 15-39-130. Execution and final process ceases when the "active energy" ends as provided by law. This is a statute of repose.

This Appeal deals / entails case # 2009-CP-18-2200 , Howard W. Charpia and Jody E. Charpia as Defendants . There is *no judgment* within and/or under this case # 2009-CP-18-2200.

### FACTS

The Order granting Compulsory Order of Reference was signed beyond the allowance of time to refer this matter to a Master in Equity .  
( six months to refer Rule)

The unpublished Opinion of the Court of Appeals # 2011-UP-445 was *never* appealed by Jody E. Charpia. ( Order to Void)

The Compulsory Order from Judge Dickson *was never nor yet to be heard* by the Master-in-Equity. (transcript)

The Order of Foreclosure & Sale dated October 29, 2012 was an error of law decided on a ground not before the Court . (Griffin v. Capital Cash , 310 S.C. Court of Appeals 1992)

The Order of Foreclosure and Sale (s) Appeal has not been heard by the Court . ( filed with the Court of Appeals November 6 , 2013)

---

This Appeal , file # 2013-002311 , deals only with the “Motion to Vacate” and the “Motion to Reconsider” ; appeal from a hearing of January 9 , 2013.

## CONCLUSION

The Appellants were never notified to appear at said hearing of January 9, 2013 . ( E-mails from Clerk of Court & Law Clerk )

Due process requires that a litigant be placed on notice of the issues which the Court is to consider. *Bass v. Bass* , 272 S.C 1978)

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.

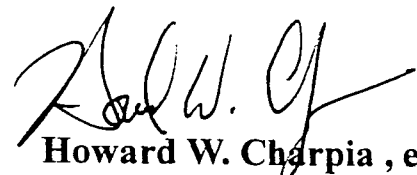
*Moore v. Moore* , 376 SC 467 , 657 S.E. 2d 743 (2008)

This Appeal deals strickly with the “Motion to Reconsider” and the “Motion to Vacate” by Order of the Court of Appeals dated December 16 , 2013 . ( Order from Court of Appeals)

This Case # 2009-CP-18-2200 does not have a judgment against the Appellants , Howard W. Charpia and Jody E. Charpia .

The Appellants pray that the Court of Appeals will *hear* the Appellants oral arguments and dismiss case # 2009-CP-18-2200.

Said judgment has lost its “active energy” and is extinguished.

  
Howard W. Charpia , et al

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM DORCHESTER COUNTY  
COURT OF COMMON PLEAS

EDGAR W. DICKSON , FIRST CIRCUIT JUDGE

---

CASE # 2009-CP-18-2200

---

RENE McMASTERS (RONAGHAN) .....RESPONDENT

VS.

HOWARD W. CHARPIA and JODY E. CHARPIA.....APPELLANTS

---

PROOF OF SERVICE

---

I, Howard W. Charpia , et al ; hereby certify that I mailed the "REPLY  
BRIEF" to :

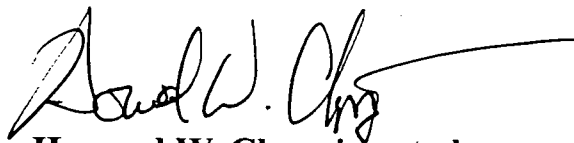
Attorney Frank M. Cisa  
858 Lowcountry Blvd Suite 101  
Mt. Pleasant, SC 29464

South Carolina Court of Appeals  
1015 Sumter Street  
Columbia , SC 29201

---

Date mailed August 22 , 2014

"Motion To Reconsider"  
"Motion to Vacate"

  
Howard W. Charpia , et al  
[quarterback@sc.rr.com](mailto:quarterback@sc.rr.com)

74

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM DORCHESTER COUNTY  
COURT OF COMMON PLEAS

EDGAR W. DICKSON , First Circuit

---

Case # 2009-CP-18-2200

---

RENE McMASTERS (RONAGHAN).....Respondent

V.

HOWARD W. CHARPIA and JODY E. CHARPIA.....Appellants

---

FINAL BRIEF

---

“Motion to Reconsider” and “Motion to Vacate”  
Appellant # 2013-002311

---

Howard W. Charpia  
Jody E. Charpia  
1450 Jahnz Ave.  
Summerville, SC 29485  
843-873-0976

Attorney Frank M. Cisa , for respondent

75



## TABLE OF AUTHORITIES

- Home Port rentals , Inc. v. Roger Moore , 369 S.C 493 # 26182
- The Linda McCompany, Inc. v James G. Shore SC Opinion # 26878
- Linda LaRosa v. Debra Johnston , Court of Appeals South Carolina # 2735
- Barnett v. Piedmont Shirt Corp , 230 S.C. 34 , 38, 94 S.E. 2d 1, 3
- Cheraw & C.R. Co. v. Marshall , 40 S.C. 59 , 63
- Hardee v. Lynch , 212 S.C. 6 , 46 SE 2d 179 (1948)
- Garrison v. Owens , 258 S.C. 442 (1972)
- Webster v. Clanton , 259 S.C. 387 , 391 (1972) Supreme Court
- Moore v. Moore , 376 S.C. 467 , 657 S.E. 2d 743 (2008)
- Cameron & Barkley Co. v. SC Procurement Panel , 317 S.C.
- Dept. Social Services v. Holden , 319 S.C. 72, 78) (1995)
- Ballenger v. SC Dep't of Health and Env'tl. Control , 331 S.C)
- Tyron Federal Savings v. Phelps , 307 S.C. 361 ) (1992)
- Rule 59 , SCRCF

77

903 E L 499  
15-39-30  
2014-CP-07-20

## STATEMENT OF THE ISSUES

1. Judgment rendered August 5 , 2004 is extinguished and has lost its active energy.
1. Did the Court violate the Appellant's "due process" and the "due process clause" ?

## STATEMENT OF THE CASE

The judgment rendered against Charpia Residentials LLC and Howard W. Charpia on August 5 , 2004 has lost its active energy , case # 2002-CP-18-932 , i.e ten years .

There is no judgment in this case # 2009-CP-18-2200 . The Defendants in this case are Howard W. Charpia and Jody E. Charpia .

This judgment falls within Section 15-39-30 , which is a statute of repose. A statute of repose is an absolute time limit beyond which liability no longer exists and is not tolled for any reason . *Id at 404 , 438 S.E. 2d at 243*

---

*Execution is the only process to enforce a judgment.* (Cheraw & C.R Co.

V. Marshall , 40 S.C . 59, 63, 18 S.E. 247 , 249 ( 1893 )

A Compulsory Order of Reference was signed by Judge Edgar Dickson On April 27 , 2010 referring this matter to the Master-In-Equity for the purposes of conducting a hearing , making findings of facts and conclusions of law and to render a final decree with direct appeal to the South Carolina Court of Appeals in accordance with Section 14-11-85 .

This hearing has *never* been held .

Once the Judge issues a ruling disposing of the case , his jurisdiction of the matter , except for the correction of merely clerical errors , ends .

( Barnett v. Piedmont Shirt Corp , 230 S.C. 34 , 38, 94 S.E. 2d 1, 3 )

The Defendants were not properly notified of the hearings on July 30 , 2012 and January 9 , 2013.

#### FACTS

1. Judgment rendered on August 5, 2004 . ( page 24 / record on appeal )
2. Compulsory Order of Reference signed on April 27 , 2010 . ( page 10,11 )
3. ~~There has never been a hearing by the Master-in-Equity . (page 12)~~
4. Improper notice for an Order of Foreclosure Sale on July 30 , 2012 ( pages 5 , 6 ) ( subject matter or grounds of argument )
5. Defendant (Appellant) was not listed for hearing on roster for July 30 , 2012 . ( pages 7 , 8 , 9 )

79

6. Improper notice for hearing of January 9 , 2013 . (pages 1, 2, 3, 4)
7. Perjury by Clerk on January 9 , 2013 ( page 14 lines 13-25 ) and ( page 15 lines 1-19 ) Defendants never notified of hearing 1-9-13 .
8. January 9 , 2013 hearing was for a “foreclosure of a judgment lien”. ( page 16 lines 20-24 )
9. *Execution is the only process to enforce a judgment* . ( Cheraw & C.R Co. V. Marshall , 40 S.C . 59, 63, 18 S.E. 247 , 249 .
10. Case *never* heard by Master-in-Equity per AFFIRMED order by the Appellant Court . ( pages 21 , 22 no. 1 )
11. A “nulla bona” was issued on May 19 , 2010 . ( page 23 )
12. Judge Edgar Dickson was a Defendant in a civil action brought by the Appellant in 2012 , case # 2012-CP-18-2380 .
13. Motion to Disqualify Judge Dickson filed on October 12 , 2012 . ( pages 25 , 26 ) *Motion never heard* .

### CONCLUSION

This judgment rendered on August 5 , 2004 has lost its “active energy “ and is extinguished . A judgment lien is purely statutory , its duration as fixed by the legislature may not be prolonged by the Courts . ( Garrison , 258 , S.C at 446-47 , 189 S.E. 2d at 33 )

Judgment falls within Section 15-39-30 , a statute of repose . A statute of repose is an absolute time limit beyond which liability no longer exists and is not tolled for any reason . ( Id at 404 , 438 S.E. 2d at 243)



South Carolina Courts will not permit a litigant to bypass the ten-year limitation on executions by styling an action as something other than an action to execute . ( Garrison v. Owens , 258 S.C. 442,445, 189 SE 2d 31,32)

South Carolina Courts have consistently held that a judgment is utterly extinguished ten years from date of entry . ( Hardee v. Lynch , 212 S.C 6 , 46 S.E. 2d 179 1948 )

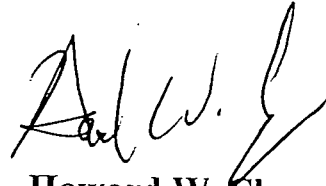
Appellant was not properly notified for the hearing on July 30 , 2012 .  
It is an error of law for the Court to decide a case on a ground not before it.  
(Griffin v. Capital Cash , 310 S.C. 288 , 294 , 423 S.E. 2d 143 , 147 )

Procedural “due process” requires notice and the opportunity to be heard at a meaningful time and a meaningful manner . ( Cameron & Barkley v SC Procurement Panel , 317 S.C )

If a Judge permits an ex parte attachment , i.e seizure of real estate without giving you notice of a hearing in a State Court proceeding , this is a deprivation of property without “ due process “ , violating the 5<sup>th</sup> and 14<sup>th</sup> Amendment.

---

WHEREFORE , the Appellants pray that they may be heard on this matter and pray that this Court void and /or reverse all Orders in case # 2009-CP-18-2200 . Said judgment has lost its "active energy " and is extinguished .



Howard W. Charpia  
Jody E. Charpia  
1450 Jahnz Ave.  
Summerville , SC 29485  
843-873-0976  
quarterback@sc.rr.com

---

82

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM DORCHESTER COUNTY  
COURT OF COMMON PLEAS

EDGAR W. DICKSON , FIRST CIRCUIT

---

Case # 2009-CP-18-2200

---

RENE McMASTERS (RONAGHAN).....Respondent

vs.

HOWARD W. CHARPIA and JODY E. CHARPIA.....Appellants

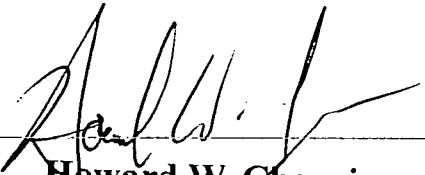
---

CERTIFICATION

---

I, Howard W. Charpia , hereby state that to the best of my knowledge ,  
the FINAL BRIEF , complies with Rule 211 (b) .

---



Howard W. Charpia , et al  
1450 Jahnz Ave.  
Summerville , SC 29485

83

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM DORCHESTER COUNTY  
COURT OF COMMON PLEAS

EDGAR W. DICKSON , FIRST CIRCUIT

---

Case # 2009-CP-18-2200

---

RENE McMASTERS (RONAGHAN).....Respondent

vs.

HOWARD W. CHARPIA and JODY E. CHARPIA.....Appellants

---

PROOF OF SERVICE

---

I , Howard W. Charpia , hereby certify that I mailed the FINAL BRIEF  
to:

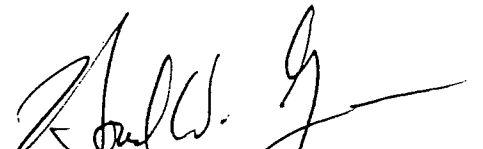
Attorney Frank M. Cisa  
858 Lowcountry Blvd.  
Suite 101  
Mt. Pleasant ,SC 29464

SC Court of Appeals  
1015 Sumter Street  
Columbia , SC 29201

---

Date mailed 10-14 , 2014

84

  
Howard W. Charpia , et al



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

October 28, 2014

Mr. Frank M. Cisa, Esquire  
858 Lowcountry Blvd.  
Ste. 101  
Mt. Pleasant SC 29464

Re: Rene McMasters v. H. Wayne Charpia  
Appellate Case No. 2013-002311

Dear Counsel:

Please be advised our records indicate that you have not served and filed a respondent's final brief, which was due on October 14, 2014. Therefore, the appellant's final brief and the record on appeal are accepted as filed and this matter will be considered without the respondent's brief.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Howard W. Charpia  
Jody E. Charpia

85

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM DORCHESTER COUNTY  
COURT OF COMMON PLEAS

---

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

---

CASE # 2009-CP-18-2200

---

RENE McMASTERS.....Respondent

Vs.

HOWARD W. CHARPIA and JODY E. CHARPIA.....Appellants

---

PETITION / MOTION FOR REHEARING

---

---

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

Attorney Frank M. Cisa , for Respondent



**AUTHORITIES**

**Thomas M. Toggas and Kathryn Toggas v. RRR , Inc**  
**Case # 2014-CP-18-2016..... pages 13 - 20**

**Linda Mc Co., Inc. v. Shore , 390 S.C. 543 , 554 , 703 S.E. 2d 499 505**  
**( 2010 )**

**GLASSCOCK , Inc V. US FIDELITY & GUAR., 348 S.C. 76 (Ct. App. ( 2001 )**

**PON LLC V. TOWN OF MT. PLEASANT , 338 S.C. 406 , 422 S.E. 2D**  
**716 , 724 ( 2000 )**

**Green v. Ford Opinion # 2016-UP-279 Appellant case # 2014-002730....pages**  
**10,11**

**Deutsche Bank v. Morrow Opinion # 2016-UP-264 App. Case # 2014-002381**  
**Pages....7,8,9**

**Rule 62 SCRPC (a) (d).....page 32**

**Section 18-9-130 ( a ) ( 1 ) SC Code of Laws.....page 31**

***Home Port Rentals v. Moore Opinion # 261182***

87

## MEMORANDUM

PER CURIAM , states : The Charpias argue

- (1) The judgment underlying the foreclosure is void because 10 years has expired without execution of the judgment .

The issue of a / the judgment being void was not presented to the trial Court before this Appeal . This issue was not presented at the hearing of January 9 , 2013 ; which initiated this Appeal .

This issue was not presented to the Appellate Court in the Initial Brief , the Designation of Matter , the Final Brief nor the Respondent's Brief ( s ) .

An issue cannot be raised for the first time on Appeal , but must have been raised to and ruled upon by the trial Judge to be preserved for appellate review . *Deutsche Bank v. Morrow* , appellant case # 2014-002381 ( 2016 ) see pages .....7 , 8 , 9

It is axiomatic that an issue cannot be raised for the first time on appeal , but must have been raised to and ruled upon by the trial Court to be preserved For appellate review. *Green v. Ford* , appellant case # 2014-002730 ( 2016 ) see page.....10 , 11

An issue not argued in the brief (s) is deemed abandoned and will not be considered by the appellate Court. *GLASSCOCK , Inc V. US FIDELITY & GUAR.*, 348 S.C. 76 (Ct. App. ( 2001 )

As Appellant did not present this argument to the trial Court , they are not properly before the Appellant Court . *I'On LLC v. Town of Mt. Pleasant*, 338 S.C. 406, 422 S.E. 2d 716 ( 2000 )

---

There is *no* judgment lien within case # 2009-CP-18-2200 , said judgment is / was rendered in case # 2002-CP-18-932 , against Howard W. Charpia and Charpia Residentials LLC on August 5 , 2004. See page.....12

**Respondent should have filed their action under case # 2002-CP-18-932.**

**Should the Appellant Court entertain said judgment against Howard W. Charpia and Charpia Residential LLC being *active or void*.**

**The Appellant Court refers to Linda McCompany v. Shore and SC Code 15-39-30 in their PER CURIAM .**

**Execution is the only process to enforce the judgment and the right to execute on a judgment does not constitute a cause of action . Execution is not initiated by bringing an action . *Home Port Rentals v. Moore Opinion # 261182***

**The Court's Order of Foreclosure and Sale and the Respondent's action to foreclose on a judgment lien is not an "execution " on the judgment.**

**In Linda McCompany , the Court created a "narrow' exception to the bright line rule regarding extinguishment of a judgment after 10 years. The Court stated that 15-39-30 is not a statute of limitations , but operated like one *under the facts of that case.***

**In this case and Appeal , 15-39-30 is a statute of repose.**

**Here , in this Appeal and Case ; the Respondent (Plaintiff ) has not complied with the applicable statutes in South Carolina to collect on its Judgment . It is undisputed that there were no collection efforts pending.**

**See Toggas v. RRR, Inc pages.....13 - 20**

**The Respondent received an Order from Judge James C. Williams dated February 6, 2006 to execute on said property to satisfy the judgment.**

**See attached Order pages.....21**

---

**The Respondent has made no effort to execute by Order of February 6, 2006.**

**89**

The parties had a trial on July 30 , 2012 during a non-jury term in St. George , SC . And the Court found in favor of the Respondent (Plaintiff) .

The Court ordered the property to be sold by the Clerk of Court .

The Respondent (Plaintiff) received an Order of Foreclosure and Sale dated October 29 , 2012 from the hearing of July 30, 2012 .

See attached Order.....pages 22 - 23

The Respondent has made no effort to execute by order of October 29, 2012 .

The Respondent and Court had a Judicial Sale in May 2009 in which McMasters (Respondent) was the high bidder at the Sheriff's sale.

McMasters nor her Attorney (Cisa) consummated this sale.

The Sheriff had an upset bid sale in June 2009 . Masters did not consummate this sale .

McMasters and her Attorney (Cisa) cancelled this sale without a cogent reason (s). See attached page.....24

The decision and findings in Linda McCompany v. Shore was that the only act remained to be done was the issuance of an Order by the Court .

In this case , the Respondent had received two Orders and *has not* acted to execute on said Orders . See Toggas v. RRR, Inc pages....13 - 26

Respondent's Attorney (Cisa) filed a WRIT OF EXECUTION on 9-2-04.  
See Writ pages.....25 - 26

---

A NULLA BONA was issued on 9-28-04 .  
See attached.....page 27

Respondent's Attorney filed another WRIT OF EXECUTION on 8-29-08.  
See attached....pages 28 - 29

A NULLA BONA was issued on 5-19-10 . Page 30

**Respondent failed to act on said executions .**

**The Appellant's ( Defendant) appeal did not prevent McMasters from immediately pursuing collection of the judgment.**

**The 10 year period that a judgment has active energy in South Carolina is not tolled by Appeal. Wells ex. rel. AC Sutton & Sons v. Sutton, 382 SE 2d Court of Appeals 1989 .**

**Pursuant to Section 18-9-130 (a)(1) and (2) , an Appeal does not stay an execution . page 31**

**Pursuant to Rule 62 (d) , this statute clearly defines that an Appeal does not "stay" an execution unless a supersedeas bond is posted or given . page 32**

**South Carolina Courts will not permit a litigant to bypass the 10 year limitation on "executions" by styling an action as something other than an action to execute . *Garrison v. Owens , 258 S.C.442 S.E. 2d 31, 33 (1972)***

**McMasters cannot complain now that the judgment has expired when she failed to pursue her rights during the Appeals , which *did not toll* the 10 year span of the judgment. See *Toggas v. RRR, Inc.* pages 13 - 20**

**( 2 ) We find the Circuit Court properly exercised jurisdiction .**

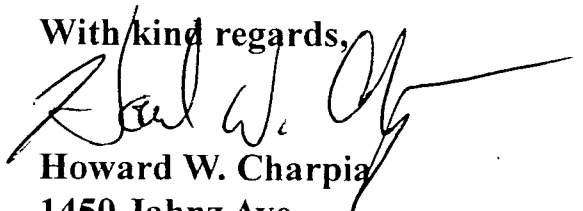
**Chief Justice Jean Toal signed an Order on June 9 , 2008 ; transferring the case to Judge Perry M. Buckner . All hearings and Orders since this date are null and void . See attached Order pages 33 , 34 , 35**

**The Appellant ( Defendant ) challenged jurisdiction at the hearing of July 30 , 2012 with Judge Edgar Dickson in Dorchester County.**

Wherefore , as the Respondent has not acted upon the state's applicable statutes to execute on said property *and* *Toggas v. RRR , Inc* dated January 26 , 2015 sets new precedence on judgments *and* 15-39-30 being a "statute of repose" *and* Rule 62 , SCRCP *and* SC Code 18-9-130 , in which an Appeal does not toll an execution *and* Chief Justice Jean Toal's order transferring said case to Judge Buckner for jurisdiction *and* the essential element of "laches" is an unreasonable delay by the Respondent in acting on the applicable statutes to execute which is an equitable defense .

The Appellant , Howard W. Charpia , prays that this Court reverse and remand this back to the lower Court , Common Pleas ; for the parties to address the extinguishment of said judgment pursuant to the Rules and Statutes and South Carolina and new precedence of Toggas v. RRR , Inc .  
( case # 2014-CP-07-2016 )

With kind regards,



Howard W. Charpia  
1450 Jahnz Ave.  
Summerville , SC 29485  
[quarterback@sc.rr.com](mailto:quarterback@sc.rr.com)  
843-873-0976

cc: Attorney Frank M. Cisa

93 .

**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**

Deutsche Bank National Trust Company as Trustee for  
First Franklin Mortgage Loan Trust 2006-FFI Pass-  
Through Certificates, Series 2006-FFI, Respondent,

v.

Dora S. Morrow, Ray Martin, and Lease and Rental  
Management Corp. d/b/a Auto Use and Auto Loan, a  
Massachusetts Corporation, Southern New Hampshire  
Bank and Trust Company, a New Hampshire Bank, and  
Edman Hackworth, Defendants.

Edman Hackworth, 3rd Party Plaintiff,

v.

John Morrow, 3rd Party Defendant.

John Morrow and Dora Morrow, 3rd Party Plaintiffs,

Of Whom John Morrow and Dora Morrow are the  
Appellants,

v.

---

Edman Hackworth and Debbie Hackworth, 3rd Party  
Defendants,

Of Whom Edman Hackworth is a Respondent.

Appellate Case No. 2014-002381

94

---

Appeal From Greenville County  
Charles B. Simmons, Jr., Master-in-Equity

---

Unpublished Opinion No. 2016-UP-264  
Submitted February 1, 2016 – Filed June 8, 2016

---

**AFFIRMED**

---

David Richard Price, Jr., of David R. Price, Jr., P.A., of  
Greenville, for Appellants.

Daniel Quigley Orvin and Matthew Tillman, both of  
Womble Carlyle Sandridge & Rice, LLP, of Charleston,  
for Respondent Deutsche Bank National Trust Company  
as Trustee for First Franklin Mortgage Loan Trust 2006-  
FFI Pass-Through Certificates, Series 2006-FFI.

Thomas Elihue Dudley, III, of Kenison Dudley &  
Crawford, LLC, of Greenville, for Respondent Edman  
Hackworth.

---

**PER CURIAM:** Affirmed pursuant to Rule 220(b), SCACR, and the following  
authorities: *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998)  
("[A]n issue cannot be raised for the first time on appeal, but must have been raised  
to and ruled upon by the trial judge to be preserved for appellate review."); *Mize v.*  
*Blue Ridge Ry. Co.*, 219 S.C. 119, 129-30, 64 S.E.2d 253, 258 (1951) (finding if an  
appellant does not raise an issue at trial, but the trial judge addresses it, it is still not  
preserved for appeal because it was not raised by the appellant); *Johnson v. Sonoco*  
*Prods. Co.*, 381 S.C. 172, 177, 672 S.E.2d 567, 570 (2009) ("An issue may not be  
raised for the first time in a motion to reconsider.").

95

**AFFIRMED.**<sup>1</sup>

**HUFF, A.C.J., and KONDUROS and GEATHERS, JJ., concur.**

---

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

1

FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF DORCHESTER  
IN THE COURT OF COMMON PLEAS  
RENE' MCMASTERS

JUDGMENT IN A CIVIL CASE  
2002CP1800932

CHARPIA RESIDENTIAL, LLC  
AND HOWARD W. CHARPIA, IND.

PLAINTIFF(S)

DEFENDANT(S)

CHECK ONE

- ~~XXXXX~~ 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 12b, SCRPC;  RULE 41a SCRPC (VOL NONSUIT);  RULE 43k, 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

FILED-RECORDED  
2004 AUG -5 AM 9:46  
CLERK OF COURT  
DORCHESTER COUNTY

IT IS ORDERED AND ADJUDGED:  See Attached order;  Statement of Judgment by the court. WE THE JURY FIND FOR THE PLF. AGAINST THE DEFENDANT FOR  
BREACH OF CONTRACT IN THE AMOUNT OF \$3,400.00 ACTUAL DAMAGES,  
IMPLIED WARRANTY OF HABITABILITY IN THE AMOUNT OF \$100.00,  
AND NEGLIGENCE IN THE AMOUNT OF \$188,100.00.

DATED AT ST. GEORGE, S.C. THIS 4TH DAY OF AUGUST, 2004.

  
HON. ROGER M. YOUNG  
PRESIDING JUDGE

THIS JUDGMENT WAS ENTERED ON THE 5TH DAY OF AUGUST, 2004  
AND A COPY WAS MAILED FIRST CLASS THIS 5TH DAY OF AUGUST  
2004 TO ATTORNEY OF RECORD OR TO PARTIES WHEN APPEARING PRO SE  
AS FOLLOWS:  
FRANK CISA

WAYNE CHARPIA, PRO SE

97

Exhibit A

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS

COUNTY OF BEAUFORT )

Civil Action No. 2014-CP-07-2016

THOMAS M. TOGGAS and  
KATHRYN TOGGAS,

Plaintiffs,

v.

RRR, INC. d/b/a Maximum Resort Rentals,

Defendant.

**ORDER GRANTING PLAINTIFFS'  
MOTION FOR JUDGMENT ON THE  
PLEADINGS  
AND  
DENYING DEFENDANT'S MOTION TO  
DISMISS**

2015 JAN 23 11:08 AM

This declaratory judgment action is before the court on two motions: (1) Plaintiffs' motion for judgment on the pleadings, or in the alternative for summary judgment, and (2) Defendant's motion to dismiss. The parties submitted briefs in support and in opposition to the motions in advance of the hearing. The court has considered the memoranda and other documents submitted and the oral arguments of counsel presented at the December 9, 2014 hearing, and hereby grants Plaintiffs' motion and denies Defendant's motion as discussed more fully below.

**PROCEDURAL BACKGROUND**

This is a declaratory judgment action seeking an order by the court that a judgment entered against Plaintiffs on July 24, 2003 (the "Judgment"), has expired and has no active energy. Plaintiffs moved for judgment on the pleadings pursuant to Rule 12(c) or, in the alternative, for summary judgment pursuant to Rule 56 SCRPC, alleging that pursuant to S.C. Code Ann. § 15-39-30 the judgment was extinguished as a matter of law and had no further "active energy" as of July 24, 2013. Defendant moved to dismiss the declaratory judgment action based upon two arguments: (1) Plaintiffs lacked standing to bring the action due to the Plaintiffs' personal bankruptcy filings in which the Plaintiffs were both granted discharges, and (2) this court should decline to hear the

98

Certified - A True Copy

Jerri Ann Rosoneau - Clerk of Court  
Beaufort County, SC - Melissa Kilby

matter because a court in Washington, D.C. has already ruled on the issue in a preliminary order in a proceeding in that jurisdiction.

**FINDING OF FACTS**

The court finds that the material facts relevant to Plaintiffs' and Defendant's motions are as follows:

- (1) The subject Judgment was entered on July 24, 2003;
- (2) July 24, 2013 was ten years after the entry of the Judgment;
- (3) There are no pending efforts in South Carolina to execute on the Judgment;
- (4) July 24, 2013 passed almost a year and half ago;
- (5) Both of the Plaintiffs have received discharges in their separate bankruptcy proceedings;
- (6) The bankruptcy trustee has no property interest in this declaratory judgment action.

Defendant raised and argued facts relating to the merits of the underlying judgment. None of those facts are material or relevant in any way to the lifespan of a judgment under South Carolina law.

**CONCLUSIONS OF LAW**

Plaintiffs are entitled to a judgment on the pleadings (Rule 12(c)) or, in the alternative, summary judgment (Rule 56) because, pursuant to S.C. Code Ann. § 15-39-30, the judgment was extinguished and had no further "active energy" on July 24, 2013.

- I. Any execution upon the judgment had "active energy" for ten years from the date the judgment was entered and expired as a matter of law on July 24, 2013.

---

The time period within which to execute upon a South Carolina judgment is controlled by S.C. Code Ann. §§ 15-39-20 and 15-39-30 (2005). Section 15-39-30 states as follows:

**Issuance of executions; effective period.**

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, and this whether any return may or may not have been made during such period on such executions.

According to the plain language of § 15-39-30, executions therefore have “active energy” for ten years after the date of the original entry of the judgment.

South Carolina courts have repeatedly held that a judgment is extinguished after the expiration of ten years from the date of entry. See *Hardee v. Lynch*, 46 S.E.2d 179, 183 (S.C. 1948) (noting that the effect of the 1946 Act repealing prior law on judgment executions, including the right to extend judgments beyond ten years, was to “utterly extinguish a judgment after the expiration of ten years from the date of entry”) (*emphasis added*); See also *Home Port Rentals, Inc. v. Moore*, 632 S.E.2d 862, 863 (S.C. 2006) (stating S.C. Supreme Court has “consistently held that under [§ 15-39-30], a judgment becomes stale and a judgment lien is extinguished after ten years.”)

As soon as a judgment becomes ten years old, the holder loses his or her status as a judgment creditor. See *Carr v. Guerard*, 616 S.E.2d 429, 430 (S.C. 2005). Even if an action is brought to enforce the judgment before the time expires, the judgment extinguishes if the ten-year period expires before the action is tried. See *Garrison v. Owens*, 189 S.E.2d 31, 33 (S.C. 1972) (holding judgment lien on real estate is absolutely extinguished after expiration of ten years from date of entry, and bringing action to enforce judgment lien will not preserve it beyond time fixed by statute if such time expires before action is tried). The only “narrow” exception to this rule is if the judgment creditor has completed all of its efforts under the South Carolina execution and Supplementary Proceedings (S.C. Code Ann. §§ 15-39-310 – 15-39-490) processes prior to the ten-year expiration date and is awaiting the issuance of an execution order by the court. See *Linda Mc Co., Inc.*, 703 S.E.2d at 505. The South Carolina Supreme Court’s decision

in *Linda Mc Co., Inc.* expressly reversed *Garrison* to the extent the holding in *Garrison* was inconsistent with *Linda Mc Co., Inc.*

In the present case, the South Carolina Judgment was entered on July 24, 2003. Therefore, on July 24, 2013 the South Carolina Judgment became utterly extinguished as a matter of law. Because the South Carolina Judgment is extinguished as a matter of law, Plaintiffs no longer owe any debts to RRR and RRR is no longer a judgment creditor of Plaintiffs.

**II. The “narrow” holding in *Linda Mc Co., Inc. v. Shore*, 703 S.E.2d 499, 505 (S.C. 2010) does not extend the life of the Judgment here or change the analysis in section I, above.**

In *Linda Mc Co.* the South Carolina Supreme Court created a “narrow” exception to the bright line rule regarding the utter extinguishment of a judgment after ten years. The Court stated in dictum that § 15-39-30 is not a statute of limitations, but operated like a statute of limitations *under the facts of that case*. The court further held that “when a party has complied with the applicable statutes, as [judgment creditor] did in this case, and is *merely waiting on a court's order* regarding execution and levy, the ten-year limitation found in § 15-39-30 is extended to when the court finally issues an order.” *Id.* (*emphasis added*). The Court further stated: “[w]e want to stress that this is a narrow holding limited to facts similar to those at issue in this case.” *Id.* (*emphasis added*).<sup>1</sup>

The facts of *Linda Mc Co.* bear no resemblance to the facts in this case. In *Linda Mc Co.* the judgment creditor had completed all collection efforts (including participating in a hearing before the master in equity) prior to the ten-year expiration of the judgment under § 15-39-30.

---

<sup>1</sup> *Linda Mc Co.* later states “if 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.” *Id.* Although this statement appears to be more expansive than the “narrow holding,” it clearly relates back to the holding and would only apply in those instances involving facts similar to *Linda Mc Co.*, i.e., where the parties are merely waiting on the execution order when the ten-year statutory period expires. To apply a broader interpretation to this subsequent language would render meaningless the Court’s effort to “stress” how “narrow” the holding is.

The only act that remained to be done on the date of the ten-year expiration ~~was the issuance of the~~  
~~order by the court.~~ The court then issued its order to execute and levy on assets of the judgment  
debtor one day after the ten year period had run. Under those limited facts, the Supreme Court held  
that the ten-year deadline should be extended. "To hold otherwise would put those trying to enforce  
their judgments at the mercy of the court system to conclude the matter within the ten-year period."  
*Id.*

Here, Defendant has not complied with any of the applicable statutes in South Carolina to  
collect on its judgment. It is undisputed that there are no collection efforts pending in South  
Carolina. It is further undisputed that there has been no hearing on Supplementary Proceedings, and  
the parties are not awaiting an execution order from any court. And, perhaps most significantly, the  
Court in *Linda Mc Co.* extended the ten-year deadline by one day, whereas Defendant here seeks  
an indefinite extension because the ten-year deadline passed approximately one and a half years  
ago and the parties are not currently awaiting an order on collection.

Defendant argued that the ten-year expiration date should be extended because Plaintiffs  
have delayed Defendant's collection efforts. In support of this argument, Defendant accused  
Plaintiffs of filing meritless appeals on the underlying judgment. This is misleading and  
irrelevant. The underlying judgment resulted from a jury trial conducted in the Plaintiffs'  
absence. Plaintiffs argued that they did not receive notice of the jury trial, but the circuit judge  
denied their post-trial motions on that basis. Plaintiffs appealed the verdict. Although Plaintiffs'  
appeals were ultimately denied by the Court of Appeals and the Supreme Court, there is nothing  
in the record to suggest that the appeals were "meritless" or improper as implied by Defendant's  
argument. ~~In any event, as set forth below, the Plaintiffs' appeals did not prevent Defendant~~  
~~from immediately pursuing collection of the judgment.~~

Moreover, the ten-year period that a judgment has active energy in South Carolina is not tolled by appeal(s). See *Wells ex rel. A.C. Sutton & Sons, Inc. v. Sutton*, 382 S.E.2d 14, 16 (Ct. App. 1989) (denying an appeal seeking to toll the ten-year life of a judgment due to the judgment debtor's appeals). The South Carolina Court of Appeals in *Wells* set forth its analysis for denying the appeal and the state's public policy as follows:

In affirming the trial court, this court emphasizes it does not condone efforts by judgment debtors to secrete assets to avoid payment of judgments. Likewise, *this court does not criticize appropriate use of the appellate process to obtain review of orders or decisions issued by the circuit court.* The reason for our holding is simply our recognition of the public policy of this State as expressed in the statutes to limit the life of judgments to ten years. *A judgment creditor should recognize this policy and proceed expeditiously to conclude his efforts to collect his judgment within the ten year period.*

*Id.* (emphasis added).

In fact, Defendant has never instituted any collection efforts in South Carolina on the judgment despite its right to do so 10 days after the jury verdict was entered as a judgment on July 24, 2003. See *Rule 62(a) SCRPC*. Defendant could have initiated efforts to collect on the judgment as early as August 3, 2003 but chose not to do so. Had Defendant initiated judgment collection efforts in August 2003, Plaintiffs would have had to post a *supersedeas* bond to stay those execution proceedings during their appeals. See *Rule 62(d) SCRPC*. Instead, Plaintiff took no action and, therefore, failed to proceed expeditiously to conclude its efforts to collect its judgment within the ten-year period. *Wells ex rel. A.C. Sutton & Sons* demonstrates that Defendant cannot complain now that the judgment has expired when it failed to pursue its rights during the appeals, which did not toll the ten-year life span of Plaintiff's judgment.

Defendant is currently pursuing a fraudulent transfer action in the District Court for the District of Columbia.<sup>2</sup> However, RRR is not actively trying to execute upon the South Carolina judgment in South Carolina, which is necessary to trigger the “narrow” exception to the statute created by the Supreme Court in *Linda Mc Co.*

Therefore, pursuant to § 15-39-30 the judgment expired on July 24, 2013 and there is no basis upon which Defendant can argue that the “active energy” of the judgment has been extended.

**III. The respective bankruptcy filings of the Plaintiffs have been discharged and otherwise have no impact on this declaratory judgment action.**

Defendant argued that Plaintiffs lack standing to bring this declaratory judgment action in South Carolina. The court disagrees. First, as set forth in the Findings of Fact, both of the Plaintiffs have received discharge orders in their respective bankruptcy proceedings. Second, the trustee has confirmed in writing that he claims no property interest in this declaratory judgment action. Third, even if the Plaintiffs had not obtained discharges and the bankruptcy trustee not disclaimed any interest in this action, this declaratory judgment action is not an asset or property interest of the Plaintiffs’ bankruptcy estates. In fact, the “interest” at stake in this declaratory judgment is the interest of a creditor (the Defendant) and not the bankruptcy debtors (Plaintiffs). In contrast, each of the cases cited by Defendant deals with situations where the debtor has a property interest in the underlying action or cause of action. Here, Plaintiffs seek merely to receive a declaratory judgment as to whether Defendant’s claim against them is valid.

Therefore, Defendant’s argument in support of its motion to dismiss that the Plaintiffs lack standing to bring this declaratory judgment in South Carolina lacks merit and is hereby rejected.

---

<sup>2</sup> A fraudulent transfer action pending in D.C. is not an execution proceeding that would trigger the “narrow” exception under *Linda Mc Co.*

IV. An interim order issued by a judge in Washington D.C. has no impact on this court's decision on whether a South Carolina judgment has been extinguished as a matter of law.

Defendant argues that this court should decline to hear the declaratory judgment action because a judge in Washington D.C. has already decided the issue against the Plaintiffs. Defendant asks this court to use its discretion to decline to hear the declaratory judgment action and defer to the Washington, D.C. court on this matter of South Carolina law.

Plaintiffs assert that this court, rather than a Washington D.C. judge, should determine whether, under South Carolina law, a South Carolina judgment has expired as a matter of law. This court agrees. The order issued by the Washington D.C. judge was an interim order ruling on Plaintiffs' motion to dismiss in the Defendant's fraudulent conveyance action against them. That decision is not binding upon this Court, nor does Defendant make that argument. Therefore, this Court will not defer to the Washington, D.C. judge's interim ruling on the issue presented.

THEREFORE, IT IS HEREBY ORDERED THAT the Plaintiffs' motion for judgment on the pleadings, or in the alternative for summary judgment, is hereby granted.

IT IS HEREBY FURTHER ORDERED THAT Defendant's motion to dismiss is hereby denied.

IT IS HEREBY FURTHER ORDERED THAT, pursuant to S.C. Code Ann. § 15-39-30, the Judgment was extinguished and had no further "active energy" on July 24, 2013, and the ~~Beaufort County Clerk of Court is directed to mark the Judgment expired and extinguished in the~~ Judgment Roll of Beaufort County.

IT IS SO ORDERED.

January 26, 2015  
St. George, South Carolina

  
Maité Murphy, Presiding Circuit Court Judge

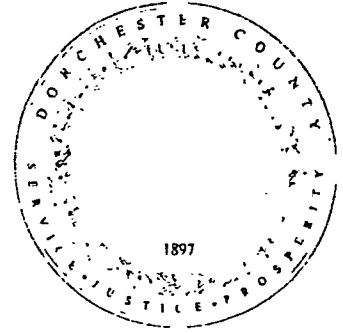
105

DORCHESTER COUNTY CLERK OF COURT

Cheryl Graham, Clerk of Court

5200 East Jim Bilton Blvd.

St. George, SC 29477



*September 16, 2015*

*Wayne Charpia*

*1450 Jahnz Ave.*

*Summerville, S.C. 29485-\_\_\_\_*

*2009CPI802200*

*McMasters vs. Charpia*

*Mr. Charpia,*

*In response to your request for a statement for the Clerk of Court stating that Plaintiff's counsel did not file a "Motion for a Foreclosure hearing", I have reviewed the file and the file does not reflect a "Motion for a Foreclosure Hearing" having been filed by Plaintiff's Attorney.*

*Best Regards,*

*Carolyn Ayer*

*Civil Court Coordinator*

*Dorchester County*

106

ORDERED, that the Plaintiff, Renee McMasters, may seek levy and execution upon the residence located at 1450 Jahnz Avenue Summerville, SC as more particularly described on the attached Exhibit "A" in satisfaction or partial satisfaction of the judgement she obtained against Howard W. Charpia in Case Number 2002-CP-18-932; and it is further

ORDERED, that Summary Judgement is hereby granted to the Plaintiff, Renee McMasters, as to the Defendant's Counterclaim,

AND IT IS SO ORDERED!

*1st James C. Williams, Jr.*

James C. Williams, Jr., Judge

Orangeburg, South Carolina

This 6<sup>th</sup> day of February, 2006

*1st ORDER TO EXECUTE ON PROPERTY, 2006.*

107

1 STATE OF SOUTH CAROLINA )  
2 COUNTY OF DORCHESTER ) COURT OF COMMON PLEAS  
(Non Jury)  
3  
4 RENE MCMASTERS )  
5 Plaintiff ) No. 2009 CP 18 02200  
6 versus ) TRANSCRIPT OF RECORD  
7 )  
8 H. WAYNE CHARPIA, et al )  
9 Defendant )  
10 St. George, South Carolina  
11 July 30, 2012

12  
13 B E F O R E :

14 HONORABLE EDGAR W. DICKSON, Presiding Judge

15 A P P E A R A N C E S:

16 For the Plaintiff: FRANK M. CISA, Esq.

17 For Defendant Charpia: Appearing Pro Se

18 Reporter Present: HARRY DOT WALKER  
19  
20

21 HARRIET P. BENNETT  
Reporter, S.C. Court Administration

22 46 Regency Oaks Drive  
23 Summerville, SC 29485  
24  
25

108

1 (The within matter came before the Court for  
2 hearing on July 30, 2012)

3 THE COURT: All right, Ms. Harry Dot, this is  
4 Case Number 2009 CP 18 200. Rene McMasters, now known  
5 as Rene McMasters Ronaham, Plaintiff, versus H. Wayne  
6 Charpia, also known as Howard W., and Jody Charpia,  
7 Defendants.

8 This is a foreclosure of a Judgment. Is that cor-  
9 rect?

10 MR. CISA: That's correct, Your Honor.

11 THE COURT: All right, and, Mr. Cisa, before we  
12 go forward, I just will note that the Supreme Court  
13 has a rule about mortgage foreclosure actions, so --  
14 this is not a mortgage foreclosure? It's a judgment  
15 foreclosure?

16 MR. CISA: That's correct, Your Honor.

17 THE COURT: Okay.

18 MR. CISA: And I'm familiar with Chief Justice  
19 Toal's Order, and I'm familiar with her memorandum to  
20 Judges and Clerks that specifically talks about fore-  
21 closure intervention which begins when the mortgagor  
22 is served and only applies in my view to mortgage  
23 foreclosure actions.

24 This is a foreclosure of a judgment, so I submit  
25 to the Court that there is no intervention.

1 THE COURT: And I actually pulled the Administra-  
2 tive Order just to be on the safe side, and it says  
3 it is applicable to mortgage foreclosure actions.

4 MR. CISA: Yes, sir.

5 THE COURT: All right. Now, we are here to go  
6 through with the foreclosure action.

7 Mr. Charpia, I think you have filed a number of  
8 motions. Is that correct?

9 MR. CHARPIA: Yes, sir.

10 THE COURT: Okay, sir. Which motions do you have  
11 so I can address them?

12 ~~MR. CHARPIA: First off, I'm not here. I don't~~  
13 ~~know why I'm here today because I haven't been noti-~~  
14 ~~fied properly.~~

15 THE COURT: Okay.

16 MR. CHARPIA: Mr. Cisa sent me a letter of May  
17 24, 2012, Case Number 2009 2200.

18 Dear Mr. Charpia, the above case appears on the  
19 trial roster for a term commencing on July 30th, 2012,  
20 in Dorchester County. This case is currently listed  
21 as number two on the trial roster. It, therefore,  
22 in all likelihood will be reached on Monday, July 30,  
23 2012. The docket meeting is scheduled to commence at  
24 ten o'clock A.M.

25 You will need to be present for the trial of the

The Supreme Court of South Carolina

Rene McMasters

Plaintiff,

Charpia Residential,

v.

Defendant.

Dorchester County  
2002-GP-18-0932

FILED-RECORDED  
2008 JUN 10 PM 2:10  
CLERK OF COURT  
DORCHESTER COUNTY

Ruby M. Byrd,

Plaintiff,

Palmetto Traditional Homes, LLC,

v.

Defendant.

Dorchester County  
2006-CP-18-1626R

FILED-RECORDED  
2008 JUN 10 PM 2:20  
CLERK OF COURT  
DORCHESTER COUNTY

Sherwin Williams Company,

Plaintiff,

Martin A. Giorgi d/b/a Excellence Painting,  
Dorchester County  
2006-CP-18-1771

v.

Defendant.

Berkeley, Charleston, Dorchester  
Council of Governments,

Plaintiff,

Wachovia National Bank,

v.

Defendant.

Dorchester County  
2007-CP-18-0336

D. R. Horton, Inc.,

Plaintiff,

Carolina Drywall, Inc.,

v.

Defendant.

Dorchester County  
2007-CP-18-1805

111

Lisa A. Mitchell,

Plaintiff,

Kb Home,

v.

Defendant.

Dorchester County  
2007-CP-18-1831

Wayne Charpia,

Plaintiff,

Dr. James Spearman,

v.

Defendant.

Dorchester County  
2007-CP-18-2122

John Gamble,

Plaintiff,

Thomas Myers, Sr.

v.

Defendant.

Dorchester County  
2007-CP-18-2487

H. Wayne Charpia,

Plaintiff,

Rutherford Smith,

v.

Defendant.

Dorchester County  
2008-CP-18-0164

---

ORDER

---

The above matters are pending in Dorchester County. The Honorable Diane S. Goodstein, Chief Judge for Administrative Purposes, has recused herself and cannot act as Chief Judge for Administrative Purposes to administer these cases. Therefore,

IT IS ORDERED that the Honorable Perry M. Buckner be assigned as Chief Judge for Administrative Purposes in the First Judicial Circuit for the sole purpose of

administering these cases and preparing them for trial.

IT IS SO ORDERED.

S/Jean Hoefler Toal

---

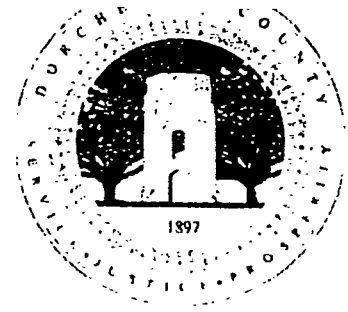
Jean Hoefler Toal  
Chief Justice

June 9, 2008  
Columbia, South Carolina

---

113

DORCHESTER COUNTY CLERK OF COURT  
Cheryl Graham, Clerk of Court  
5200 East Jim Bilton Blvd.  
St. George, SC 29477



December 6, 2016

H. Wayne Charpia  
1450 Jahnz Ave.  
Summerville, SC 29485

Re: Rene' McMasters vs. Charpia Residential, LLC  
Case No: 2002-CP-18-00932

Rene McMasters vs. H Wayne Charpia, et al.  
Case No: 2009-CP-18-2200

FILED-RECORDED  
2016 DEC -6 PM 1:10  
CHERYL GRAHAM  
CLERK OF COURT  
DORCHESTER COUNTY

Mr. Charpia:

Pursuant to your request, please let this letter confirm that there are no pending Writ of Executions in the above-referenced cases.

Sincerely yours,

Cheryl Graham  
Clerk of Court

114



## 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)

December 15, 2016

Howard W. Charpia  
1450 Jahnz Ave.  
Summerville SC 29485

Re: Rene McMasters v. H. Wayne Charpia  
Appellate Case No. 2013-002311

Dear Mr. Charpia:

The Court received your correspondence dated November 25, 2016. As you know from phone conversations with my staff, the next step for review of your appeal is the filing of a petition for writ of certiorari with the Supreme Court, as provided by Rule 242 of the South Carolina Appellate Court Rules (SCACR). If no petition is filed, we will send the remittitur as required by Rule 221(b), SCAR. We do not have a copy of an "execution" as requested, so we are returning your \$5.00 check to you. Finally, it is our Court policy to provide the trial judge a copy of our opinions. We hope this letter satisfactorily addresses your concerns.

---

Very truly yours,

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

CLERK

cc: Jody E. Charpia  
Frank M. Cisa, Esquire

115