

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Sampit River Investments, LLC,)
)
)
Plaintiff,)
)

v.)

Yolanda Shatten, Benny Shatten, The)
Futurism Business Group, ABIDAN, Inc.,)
and all persons claiming any right, title,)
estate interest in or lien upon the real estate)
described; any unknown adults and those)
persons who may be in the military services)
of the United States of America, all of them)
being a class designated as John Doe,)
whose true name is unknown; any unborn)
infants or persons under disability being a)
class designated as Richard Roe, whose true)
name is unknown,)
)
Defendants.)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT
C/A No.: 2014-CP-40-5023

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JAN 25 2017
SC Court of Appeals

**ORDER DENYING
DEFENDANTS' MOTION FOR REMAND**

JAN 17 AM 9:32
FILED
CLAYTON COUNTY

This matter came before the Court on Defendants' Yolanda Shatten's and The Futurism Business Group's Motion for Remand, which was filed with the Court on or around November 23, 2016. The matter was heard on December 15, 2016. Present at the hearing were J. Clay Hopkins, Esquire for the Plaintiff, and Joseph Henry, Esquire for the Defendants.

Defendants' Motion was based on several points. The first, was that the undersigned judge should be recused "due to prior inadvertent involvement with Defendant and Plaintiff's counsel which may create the appearance of impropriety." Defendants' counsel also took objection to the undersigned classifying his Motion as "dilatatory." Because the Court finds there was no prior involvement between Defendant and Plaintiff's counsel that the Defendants did not initiate, Defendants' Motion is denied on that ground.

¹ Defendants' Motion included an inaccurate caption with William Johnson, Jr. as a party-plaintiff.

The next point that Defendants raised in furtherance of their Motion was that Defendants filed a *pro se* Motion to Set Aside Default, which they believed could only be heard by Judge Craig Brown, who granted Plaintiff's Default Judgment by way of an Order. In response², Plaintiff's counsel agreed to withdraw Default against the Defendants.³ However, Defendant's counsel objected to this, as well, indicating that he believed only the judge who granted the Default had the power to rescind or overturn the Default. Defendant's counsel was unable to point the Court to any statutory or case law supporting this notion, though.

Because this Court, by the power invested in it when the case was referred by Judge Benjamin on July 5, 2016, has the power to hear and rule upon all issues outstanding, this Court finds that Defendant's Motion is moot on this ground in that Plaintiff has agreed to provide Defendant with the relief sought in their Motion.

After consideration, the Court hereby denies Defendants' Motion.

IT IS SO ORDERED.


The Honorable Joseph M. Strickland
Richland County Master-In-Equity

Dated this 11th day of January, 2017

Columbia, South Carolina

² Plaintiff's counsel mailed a letter dated August 16, 2016, asking this Court to set aside Plaintiff's Entry of Default.

³ Defendants filed a Motion to Set Aside the Default Judgment before the Order of Reference was entered in this case, and before Plaintiff's counsel withdraw the Default.

cc: J. Clay Hopkins
Post Office Box 1885
Pawleys Island, South Carolina 29585
(843) 314-4202
Attorney for Respondent

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JAN 25 2017

SC Court of Appeals

**RULE 201
RIGHT TO APPEAL**

(a) Judgments, Orders and Decisions Subject to Appeal. Appeal may be taken, as provided by law, from any final judgment, appealable order or decision. The procedure for petitioning for a writ of certiorari to review final judgments in post-conviction relief cases is provided by Rule 243. Further, the review of decisions of the State Board of Canvassers in election cases shall be by petition for a writ of certiorari under S.C. Code Ann. §§ 7-17-250 and 7-17-270.

(b) Who May Appeal. Only a party aggrieved by an order, judgment, sentence or decision may appeal.

Last amended by Order dated January 29, 2009, effective April 29, 2009, by Order of the same d

**RULE 203
NOTICE OF APPEAL**

(a) Notice. A party intending to appeal must serve and file a notice of appeal and otherwise comply with these Rules. Service and filing are defined by Rule 262.

(b) Time for Service.

(1) Appeals From the Court of Common Pleas. A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment. When a timely motion for judgment n.o.v. (Rule 50, SCRCP), motion to alter or amend the judgment (Rules 52 and 59, SCRCP), or a motion for a new trial (Rule 59, SCRCP) has been made, the time for appeal for all parties shall be stayed and shall run from receipt of written notice of entry of the order granting or denying such motion. When a form or other short order or judgment indicates that a more full and complete order or judgment is to follow, a party need not appeal until receipt of written notice of entry of the more complete order or judgment.

(4) Appeals From Masters and Special Referees. The notice of appeal from an order or judgment issued by a master or special referee shall be served in the same manner as provided by Rule 203(b)(1).