

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**

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SC Court of Appeals

JAN 17 AM 9:32  
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This matter came before the Court on Defendants<sup>1</sup> 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.

<sup>1</sup> 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 response<sup>2</sup>, Plaintiff's counsel agreed to withdraw Default against the Defendants.<sup>3</sup> 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 11<sup>th</sup> day of January, 2017

Columbia, South Carolina

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

<sup>3</sup> 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.

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