



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

May 11, 2017

Yolanda Shatten
141 F Pelham Drive
Suite 114
Columbia SC 29209

Re: Sampit River v. Yolanda Shatten
Appellate Case No. 2017-000145

Dear Ms. Shatten:

Enclosed is the decision of the Court.

The Court has received your filings. Because you are represented by counsel, we are returning your filings to you. See *Miller v. State*, 388 S.C. 347, 347, 697 S.E.2d 527, 527 (2010) ("Since there is no right to 'hybrid representation' that is partially pro se and partially by counsel, substantive documents, with the exception of motions to relieve counsel, filed pro se by a person represented by counsel are not to be accepted unless submitted by counsel.").

Very truly yours,


CLERK

cc: Joseph Clay Hopkins, Esquire
Joseph Henry, Esquire

COPY

The South Carolina Court of Appeals

Sampit River Investments, LLC, Respondent,

v.

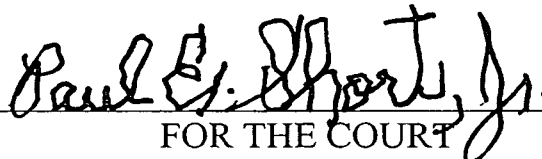
Yolanda Shatten, Benny Shatten, The Futurism Business Group, ABIDAN, Inc., and all persons claiming any right, title, estate interest in or lien upon the real estate described; any unknown adults and those persons who may be in the military services of the United States of America, all of them being 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,

Of whom Yolanda Shatten is Appellant.

Appellate Case No. 2017-000145

ORDER

Appellant has served and filed a notice of appeal from an order denying a motion for remand and denying a motion to recuse the judge. After careful consideration, this appeal is dismissed because the underlying order on appeal is not immediately appealable. *See* S.C. Code Ann. § 14-3-330 (2017); *see also Townsend v. Townsend*, 323 S.C. 309, 474 S.E.2d 424 (1996) (holding the refusal of a judge to recuse himself or herself is not appealable until final judgment). The remittitur will be sent as required by Rule 221, SCACR.


FOR THE COURT

FILED

May 11, 2017

COPY

Columbia, South Carolina

cc:

Yolanda Shatten

Joseph Clay Hopkins, Esquire

Joseph Henry, Esquire

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

**MOTION FOR
ORDER OF REFERENCE**

2016 JUL 13 PM 1:36
JEANNETTE W. MCBRIDE
C.C.P. & G.S.
RICHLAND COUNTY
FILED

The Plaintiff, Sampit River Investments, LLC, pursuant to Rule 53 of the South Carolina Rules of Civil Procedure, hereby moves the court for an order referring this action, being an action to quiet title which is equitable in nature, to the master in order to take testimony arising under the pleadings, to make findings of fact and conclusions of law, and to make a recommended final judgment in the case, with authority to dispose of any and all issues and enter a final judgment in the case, and to hear any issue after said judgment relating to this action. The Plaintiff further moves that the court provide in its order of reference that any appeal from the decision of the master shall be directly to the South Carolina Supreme Court. This Court has previously entered a default judgment against Defendants Yolanda Shatten, The Futurism Business Group, and ABIDAN, Inc.

1

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

ORDER OF REFERENCE

2016 JUL 13 PM 1:36
 ALEANNETTE W. MORRIS
 C.C.P. & G.S.

RICHLAND COUNTY
 FILED

It appearing that pursuant to Rule 53(b) SCRPC the herein action is an appropriate action to be referred to the Honorable Joseph M. Strickland, Master-In-Equity for Richland County with authority to enter a final judgment in the case;

NOW, upon motion by the Plaintiff,

IT IS ORDERED, that this case is referred to the Honorable Joseph M. Strickland, Master-In-Equity for Richland County, who, pursuant to Rule 53(b) SCRPC, shall exercise all power and authority with a circuit judge sitting without a jury would have, including but not limited to, making findings of fact and conclusions of law; directing entry of final judgment in this action under Rule 53(b) SCRPC: to order a sale on any day, to hear any issues, including motions, after sale or judgment; issuing any and all Orders and Supplemental Orders, Writs of Assistance, and hearing any issues involving possession and/or removal of property and appraisal proceedings under Section 29-3-360, et. Seq. of the South Carolina Code. Pursuant to Rule 53(b) SCRPC, any

appeal from the final judgment entered by the Master-In-Equity shall be to the Supreme Court or the Court of Appeals as provided by the South Carolina Appellate Court Rules.

IT IS SO ORDERED.



The Honorable Alison Renee Lee
Chief Administrative Judge
Fifth Circuit of South Carolina

DeAndrea Benjamin

Columbia, South Carolina

7-5, 2016

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2014CP4005023

Sampit River Investments LLC

Yolanda Shatten

PLAINTIFF(S)

Benny Shatten

DEFENDANT(S)

Submitted by: _____

Attorney for : Plaintiff Defendant or Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- 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 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), 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 _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk :

Motion for Default Judgment granted. Attorney Hopkins to submit formal order with 10 days.

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge D. Craig Judge Code 2/60 Date 6-6-16

For Clerk of Court Office Use Only

This judgment was entered on the 9 day of June, 2016 and a copy mailed first class or placed in the appropriate attorney's box on this 9 day of June, 2016 to attorneys of record or to parties (when appearing pro se) as follows:

William E. Hopkins Jr.

Yolanda Shatten

Futurism Business Group

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court Jeanette W. McBride

SCANNED

STATE OF SOUTH CAROLINA)
)
)
COUNTY OF RICHLAND)
)
)
)
)
Sampit River Investments, and)
William Johnson Jr.)
)
Plaintiff,)
vs.)
)
Futurism Group and)
)
)
Yolanda Shatten.)
)
Defendant(s).)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT
CASE NO. 2014-CP-40-5023

**NOTICE OF MOTION AND MOTION TO SET ASIDE
ENTRY OF DEFAULT JUDGMENT PURSUANT TO
FED.R.CIV.P.55 (c)**
Hearing Date: 6/6/16
Hearing Time: 11:00A.M.
Judge: D. Craig Brown
Place: Court Room 2E

JEANNETTE W. McBRIDE
C.C.P. & G.S.
2016 JUN 13 PM 4:01
RICHLAND COUNTY
FILED

TO THE HONORABLE COURT AND TO ALL PARTIES:

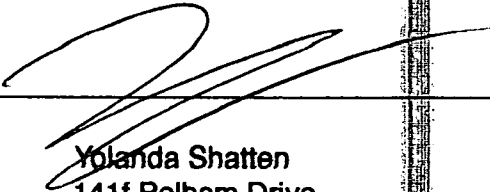
PLEASE TAKE NOTICE that on June 13th, 2016 or as soon thereafter as this matter may be heard in the above-entitled Court located at The Court of Common Pleas Fifth Judicial Circuit, Futurism Group and Yolanda Shatten, the Defendant in this case, will Notice of Motion and Motion to Set Aside Entry of Default Pursuant to Fed. R. Civ. P. 55(c) move this Court to set aside entry of default for good cause, pursuant to Rule 55(c) of the Federal Rules of Civil Procedure.

This motion is based upon the attached Memorandum of Points and Authorities, Declaration(s) in Support, the complete files and records in this action, and upon such oral and documentary evidence as may be allowed at the hearing of this motion.

This motion is made following the hearing of counsel pursuant to default judgement which took place on June 6th, 2016.

DATED: June 13th, 2016

By: _____


Yolanda Shatten
141f Pelham Drive
Ste 114
Columbia SC 29209
Defendant in Pro Per

COPY

STATE OF SOUTH CAROLINA)
)
)
COUNTY OF RICHLAND)
)
)
)
Sampit River Investments, and)
William Johnson Jr.)
)
Plaintiff,)
vs.)
)
Futurism Group and)
)
)
Yolanda Shatten.)
)
Defendant(s).)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT
CASE NO. 2014-CP-40-5023

**NOTICE OF MOTION AND MOTION TO SET ASIDE
ENTRY OF DEFAULT JUDGMENT PURSUANT TO
FED.R.CIV.P.55 (c)**
Hearing Date: 6/6/16
Hearing Time: 11:00A.M.
Judge: D. Craig Brown
Place: Court Room 2E

JEANNETTE W. MCBRIDE
C.C.P. & G.S.
2016 JUN 13 PM 4:00
RICHLAND COUNTY
FILED

TO THE HONORABLE COURT AND TO ALL PARTIES:

PLEASE TAKE NOTICE that on June 13th, 2016 or as soon thereafter as this matter may be heard in the above-entitled Court located at The Court of Common Pleas Fifth Judicial Circuit, Futurism Group and Yolanda Shatten, the Defendant in this case, will Notice of Motion and Motion to Set Aside Entry of Default Pursuant to Fed. R. Civ. P. 55(c) move this Court to set aside entry of default for good cause, pursuant to Rule 55(c) of the Federal Rules of Civil Procedure.

This motion is based upon the attached Memorandum of Points and Authorities, Declaration(s) in Support, the complete files and records in this action, and upon such oral and documentary evidence as may be allowed at the hearing of this motion.

This motion is made following the hearing of counsel pursuant to default judgement which took place on June 6th, 2016.

DATED: June 13th, 2016

By: 

Yolanda Shatten
141f Pelham Drive
Ste 114
Columbia SC 29209
Defendant in Pro Per

COPY

STATE OF SOUTH CAROLINA)
)
)
 COUNTY OF RICHLAND)
)
)
)
 Sampit River Investments, and)
 William Johnson Jr.)
)
 Plaintiff,)
)
 vs.)
)
 Futurism Group and)
)
)
 Yolanda Shatten.)
)
 Defendant(s).)

IN THE COURT OF COMMON PLEAS
 FIFTH JUDICIAL CIRCUIT
 CASE NO. 2014-CP-40-5023

MEMORANDUM OF POINTS AND AUTHORITIES
 IN SUPPORT OF MOTION TO SET ASIDE
 ENTRY OF DEFAULT JUDGMENT PURSUANT TO
 FED.R.CIV.P.55 (c)
 Hearing Date: 6/6/16
 Hearing Time: 11:00A.M.
 Judge: D. Craig Brown
 Place: Court Room 2E

JEANNETTE W. MCBRIDE
 C. C. P. & G.S.
 2016 JUN 13 PM 4:01
 RICHLAND COUNTY
 FILED

Defendant respectfully submits this Memorandum of Points and Authorities in Support of Defendant's Motion to Set Aside Entry of Default Memorandum of Points and Authorities in Support of Motion to Set Aside Entry of Default Pursuant to Fed. R. Civ. P. 55(c)

TABLE OF CONTENTS
 I. INTRODUCTION.....
 II. STATEMENT OF FACTS AND PROCEDURAL HISTORY
 III. ARGUMENT.....
 A. Defendant's Delay in Responding to the Lawsuit was Not Culpable.
 B. Defendant Has a Meritorious Defense to the Lawsuit.....
 C. Plaintiff Will Not Suffer Prejudice If Entry of Default Is Set Aside.....
 IV. CONCLUSION.....

Statutes

Fed. R. Civ. P. 55(c)..... 1, 3, 4, 8 Fed. R. Civ.
 P. 60(b)(1).....3, 4

Memorandum of Points and Authorities in Support of
 Motion to Set Aside Entry of Default Pursuant to Fed. R. Civ. P. 55(c)

I. INTRODUCTION

The Court should set aside entry of default against Defendant pursuant to Fed. R. Civ. P. 55(c) because there is good cause for Defendant's delay in appearing in this action. Defendant Yolanda Shatten appears pro se on behalf of Defendant individually and doing business as Defendant's sole proprietorship The Futurism Group.

II. STATEMENT OF FACTS AND PROCEDURAL HISTORY

1. Plaintiff filed a lawsuit against Defendant on: August 15th 2014. According to the Proof of Service on file with this Court, Defendant was served on (date): November 20th 2014.

The Court entered default against Defendant on (date): June 6th 2016.

2. Defendant became aware of the lawsuit on: December 22nd 2015.

3.) Defendant found out about the lawsuit because: I was notified by Richland County Treasury when I went to pay my property taxes that a case was pending in The Court Of Common Pleas involving my property.

4. Defendant took the following actions in response to the lawsuit:

I went to court of The Court Of Common Pleas and got a copy of this case and filed an answer with the Plaintiff's Attorney and filed my answer with the court.

Courts have recognized that a sole proprietorship may appear pro se. See *United States v. Hagerman*, 545 F.3d 579, 581 (7th Cir. 2008) (holding that a sole proprietorship may appear pro se, but a limited liability company may not) (citations omitted); see also *Clark v. Amazon.com*, 2007 U.S. Dist. LEXIS 34314, at *1 (E.D. Cal. May 10, 2007) and *Crossbow Tech., Inc. v. YH Tech.*, 2007 U.S. Dist. LEXIS 8028, at *2 (N.D. Cal. Jan. 22, 2007) (noting that plaintiff, a sole proprietorship, was proceeding pro se). Memorandum of Points and Authorities in Support of Motion to Set Aside Entry of Default Pursuant to Fed. R. Civ. P. 55(c)

Defendant did not file a response to the lawsuit with the Court on time for the following reasons:

I did not become aware of this lawsuit until long after my 30 days to respond had passed. Also the address in which I was supposedly served I no longer reside. I was living in Georgia during this time whereas my father had just passed. At this time I was handling funeral arrangements, burial and the estate of my father.

The following facts support Defendant's defenses to this lawsuit:

The Plaintiff Sampit River Investment llc and William Johnson Jr. and Attorney William E. Hopkins Jr. have willfully committed Realestate Fraud. They have presented false documents to the court in order to fraudulently steal my property. Attorney William E. Hopkins Jr. and William S. Johnson Jr. DBA Sampit River Investment llc have violating the civil and criminal laws. To include willful misrepresentation, fraud, deceit, misappropriation, theft, conspiracy and moral turpitude. All parties was notified of these misconduct and continue in professional misconduct. All parties have knowing and willfully conspired and illegally aided each other Realestate Fraud and was fully aware of all fraudulent action that was/ being committed by all parties involve have participated with each other in this Realestate scam, Tax deed sale fraud, I believe he has profit from illegal anti-competitive conduct, violated Sherman Act, Racketeering and violation of civil and due process rights, denied me due process of law, denied me legal notification, breach of fiduciary care, conspired to participate in rig bids for fraud property tax sales, professional misconduct for pursuing frivolous claims and contentions fraudulent, filed frivolous court case with intent to commit fraud and pursuit of frivolous claims, intentional violations of deceptive consumer sales act, violated the home loan practices act by making misrepresentations concealments of false terms in

COPY

connection with real estate transaction and engaging in real estate transaction without proper licensing, abusing the court system with intent to commit fraud. conspired to coordinate their bids and allocate tax sales amongst themselves at the expense of distressed property owners, breach of fiduciary duty, I was denied due process of law, legal notification and redemption period (if taxes wasn't not paid but I paid all taxes that was due). William Johnson Jr is using cooperation name Sampit River Investment llc to buy fraudulent property tax sales and then file fraudulent court motion to transfer property title interest and sell property for profit. They have offered to sell my property back to me for \$46,000.00.

At this time a police report has been filed against William Johnson. Attorney William Hopkins is being investigated by South Carolina Bar. All parties are under investigation by the Office of the Inspector General.

III. ARGUMENTS

Federal Rule of Civil Procedure 55(c) provides that an entry of default may be set aside upon a showing of good cause. Fed. R. Civ. P. 55(c). The Ninth Circuit's good cause standard for setting aside entry of default is the same as that for setting aside default judgment under Rule 60(b), but the test for setting aside entry of default is less rigid and is more generous to the party in default. *Franchise Holding II, LLC v. Huntington Rests. Group, Inc.*, 375 F.3d 922, 925 (9th Cir. 2004).

The Court considers three factors when deciding whether to set aside default: (1) whether the defendant's culpable conduct led to the default; (2) whether the defendant has a meritorious defense; and (3) whether setting aside default would prejudice the plaintiff. *Id.* at 925-26. In addition, "[t]he law does not favor defaults," and "therefore, any doubts as to whether a party is in default should be decided in favor of the defaulting party." *Bonita Packing Co. v. O'Sullivan*,

165 F.R.D. 610, 614 (C.D. Cal. 1995).

A. Defendant's Delay in Responding to the Lawsuit was Not Culpable.

In the Ninth Circuit, analysis of "culpability" for the purposes of demonstrating "good cause" under Rule 55(c) overlaps with the standard for "excusable neglect" under Rule 60(b)(1). *TCI Group Life Ins. Plan v. Knoebber*, 244 F.3d 691, 696 (9th Cir. 2001) (questioned on other grounds); also see *Meadows v. Dominican Republic*, 817 F.2d 517, 522 (9th Cir. 1987) (finding that the conduct of defendants in district court was culpable because defendants were aware of federal law, and their intentional failure to respond to the action was not excusable neglect). The Ninth Circuit finds a negligent failure to respond excusable if the defaulting party offers a credible, good-faith explanation for the delay that negates "any intention to take advantage of the opposing party, interfere with judicial decision-making, or otherwise manipulate the legal process." *Knoebber*, 244 F.3d at 697-98. Further, in analyzing culpability, the Court may consider a defendant's exigent personal matters, his mental state, and his lack of familiarity with legal matters. See *id.* at 699 (finding defendant's delay in response not culpable because she was grieving the death of her husband and was not familiar with the legal system).

While Defendant did not file a response with the Court in time, Defendant's conduct was excusable because: Defendant had no intent to gain an advantage over the opposing party or to delay legal proceedings. As Defendant's delay in response was due to excusable neglect, the Court should find that Defendant's conduct was not culpable.

B. Defendant Has a Meritorious Defense to the Lawsuit.

A defense is considered meritorious if "there is some possibility that the outcome of the suit after a full trial will be contrary to the result achieved by the default." *Hawaii Carpenters' Trust Funds v. Stone*, 794 F.2d 508, 513 (9th Cir. 1986). All that is required is an assertion of "a factual or legal basis that is sufficient to raise a particular defense; the question of whether a particular factual allegation is true is resolved at a later stage." *Audio Toys, Inc. v. Smart AV Pty Ltd.*, 2007

U.S. Dist. LEXIS 44078, *8 (N.D. Cal. June 6, 2007).

Defendant has the following defenses to this lawsuit: Realestate Fraud.

If Defendant prevails on these defenses, the outcome would be contrary to the result achieved by default. Therefore, Defendant has set forth a meritorious defense and satisfies the second good cause factor.

C. Plaintiff Will Not Suffer Prejudice If Entry of Default Is Set Aside.

Prejudice is determined by whether a party will be hindered in pursuing its claim. See Knoebber, 244 F.3d at 701. The fact that a party may be denied a quick victory is not sufficient to deny relief from default judgment. Bateman v. United States Postal Service, 231 F.3d 1220, 1225 (9th Cir. 2000). "The delay must result in tangible harm such as loss of evidence, increased difficulties of discovery, or greater opportunity for fraud or collusion." Audio Toys, 2007 U.S. Dist. LEXIS at *9.

Allowing the case to move forward on the merits after only a short delay should not prejudice Plaintiff's ability to litigate its case. The only prejudice that might result to Plaintiff by a denial of default judgment is that Plaintiff will not be able to ensure an easy victory. As no prejudice will result to Plaintiff in reopening this case, the third and final good cause factor is satisfied.

Defendant is ready and willing to litigate this lawsuit. Defendant's delay in responding was not culpable, Defendant has meritorious defenses, and Plaintiff will not suffer any prejudice in pursuing its claims if default is set aside. Therefore, Defendant has met the good cause standard of Rule 55(c) and this Court should set aside the entry of default against him.

IV. CONCLUSION

Based on the above reasons, this Court should grant Defendant's motion.

DATED: June 13th 2016

By:



Yofanda Shatten
141f Pelham Drive
Ste 114
Columbia SC 29209
Defendant in Pro Per

COPY

STATE OF SOUTH CAROLINA)
)
)
 COUNTY OF RICHLAND)
)
)
)
)
 Sampit River Investments, and)
 William Johnson Jr.)
)
 Plaintiff,)
)
 vs.)
)
 Futurism Group and)
)
)
 Yolanda Shatten.)
)
)
 Defendant(s).)

IN THE COURT OF COMMON PLEAS
 FIFTH JUDICIAL CIRCUIT
 CASE NO. 2014-CP-40-5023

DEFENDANT'S DECLARATION
 IN SUPPORT OF MOTION TO SET ASIDE
 ENTRY OF DEFAULT JUDGMENT PURSUANT TO
 FED.R.CIV.P.55 (c)

Hearing Date: 6/6/16
 Hearing Time: 11:00A.M.
 Judge: D. Craig Brown

Place: Court Room 2E

2016 JUN 13 PM 4:01
 RICHLAND COUNTY
 FILED
 C.C.P. & G.S.
 KANETTE W. MCBRIDE

1. I Yolanda Shatten am the Defendant in the above-entitled case.
2. I have personal knowledge of the following facts and, if called as a witness, I could and would competently testify thereto.
3. Plaintiff filed a lawsuit against Defendant on (date): August 15th 2014. According to the Proof of Service on file with this Court, Defendant was served on (date): November 20th 2014. The Court entered default against Defendant on (date): June 6th 2016.
4. Defendant became aware of the lawsuit on (date): December 22nd 2015 (Decl. of Defendant ¶ 1)
- 5.) Defendant found out about the lawsuit because : I was notified by Richland County Treasury when I went to pay my property taxes that a case was pending in The Court Of Common Pleas with my property.. (Decl. of Defendant ¶ 3.)
6. Defendant took the following actions in response to the lawsuit (include specific dates): I went to court of The Court Of Common Pleas and got a copy of this case and filed an answer with the Plaintiff's Attorney and filed my answer with the court.

7. My delay in filing a response to the lawsuit was not intentional. I did not file a timely formal response to the lawsuit for the following reasons:

I did not become aware of this lawsuit until long after my 30 days to respond had passed. Also the address in which I was supposedly served I no longer reside. I was living in Georgia during this time whereas my father had just passed. At this time I was handling funeral arrangements, burial, estate of my father.

8. The following facts support my defenses to this lawsuit:

The Plaintiff Sampit River Investment llc and William Johnson Jr. and Attorney William E. Hopkins Jr. have willfully committed Realestate Fraud. They have presented false documents to the court in order to fraudulently steal my property. Attorney William E. Hopkins Jr. and William S. Johnson Jr. DBA Sampit River Investment llc have violating the civil and criminal laws. To include willful misrepresentation, fraud, deceit, misappropriation, theft, conspiracy and moral turpitude. All parties was notified of these misconduct and continue in professional misconduct. All parties have knowing and willfully conspired and illegally aided each other Realestate Fraud and was fully aware of all fraudulent action that was/ being committed by all parties involve have participated with each other in this Realestate scam, Tax deed sale fraud, I believe he has profit from illegal anti-competitive conduct, violated Sherman Act, Racketeering and violation of civil and due process rights, denied me due process of law, denied me legal notification, breach of fiduciary care, conspired to participate in rig bids for fraud property tax sales, professional misconduct for pursuing frivolous claims and contentions fraudulent, filed frivolous court case with intent to commit fraud and pursuit of frivolous claims, intentional violations of deceptive consumer sales act, violated the home loan practices act by making misrepresentations concealments of false terms in

COPY

connection with real estate transaction and engaging in real estate transaction without proper licensing, abusing the court system with intent to commit fraud. conspired to coordinate their bids and allocate tax sales amongst themselves at the expense of distressed property owners, breach of fiduciary duty, I was denied due process of law, legal notification and redemption period (if taxes wasn't not paid but I paid all taxes that was due). William Johnson Jr is using cooperation name Sampit River Investment llc to buy fraudulent property tax sales and then file fraudulent court motion to transfer property title interest and sell property for profit. They have offered to sell my property back to me for \$46,000.00.

At this time a police report has been filed against William Johnson. Attorney William Hopkins is being investigated by South Carolina Bar. All parties are under investigation by the Office of the Inspector General.

9. I have no reason to believe Plaintiff will suffer prejudice if the Court grants this motion.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 13th 2016, in Columbia, South Carolina.

Sign:


Yolanda Shatten Defendant in Pro Per

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND)

FIFTH JUDICIAL CIRCUIT

CASE NO. 2014-CP-40-5023

Sampit River Investments, and
William Johnson Jr.)

PROOF OF SERVICE BY MAIL

Plaintiff,)

vs.)

Futurism Group and)

Yolanda Shatten.)

Defendant(s).)

RICHLAND COUNTY
FILED
2016 JUN 13 PM 4:01
JEANNETTE W. MCBRIDE
C.C.P. & G.S.

I hereby certify that on the 13th day of June, 2016. I will served a copy of Notice of motion and motion to set aside entry of default judgement upon the below named Pro Se plaintiff by depositing a copy in the U.S. mail with sufficient postage.

affixed thereto addressed as follows:

William Hopkins Jr.
12019 Ocean Highway
PO BOX 1885
Pawleys Island, SC 29585

By: Yolanda Shatten
141f pelham dr
Columbia SC 29209
PMB 114



COPY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 Sampit River Investments, and)
 William Johnson Jr.)
)
 Plaintiff,)
 vs.)
)
 Futurism Group and)
)
 Yolanda Shatten.)
)
 Defendant(s).)

IN THE COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

CASE NO. 2014-CP-40-5023

RECEIVED

MAR 16 2017

SC Court of Appeals

NOTICE OF MOTION AND MOTION TO SET ASIDE ENTRY OF DEFAULT JUDGMENT PURSUANT TO

FED.R.CIV.P.55 (c)

Hearing Date: 6/6/16

Hearing Time: 11:00A.M.

Judge: D. Craig Brown

Place: Court Room 2E

RICHLAND COUNTY
 FILED
 2016 JUN 13 PM 4:00
 JEANNETTE W. MOBRIDE
 C.C.P. & G.S.

TO THE HONORABLE COURT AND TO ALL PARTIES:

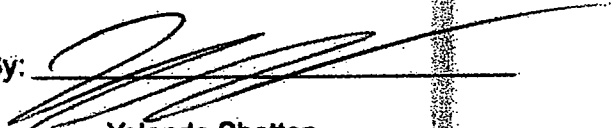
PLEASE TAKE NOTICE that on June 13th, 2016 or as soon thereafter as this matter may be heard in the above-entitled Court located at The Court of Common Pleas Fifth Judicial Circuit, Futurism Group and Yolanda Shatten, the Defendant in this case, will Notice of Motion and Motion to Set Aside Entry of Default Pursuant to Fed. R. Civ. P. 55(c) move this Court to set aside entry of default for good cause, pursuant to Rule 55(c) of the Federal Rules of Civil Procedure.

This motion is based upon the attached Memorandum of Points and Authorities, Declaration(s) in Support, the complete files and records in this action, and upon such oral and documentary evidence as may be allowed at the hearing of this motion.

This motion is made following the hearing of counsel pursuant to default judgement which took place on June 6th, 2016.

DATED: June 13th, 2016

By:



Yolanda Shatten
141f Pelham Drive
Ste 114
Columbia SC 29209
Defendant in Pro Per

COPY

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS)

COUNTY OF RICHLAND)

FIFTH JUDICIAL CIRCUIT)

CASE NO. 2014-CP-40-5023)

Sampit River Investments, and)
William Johnson Jr.)

Plaintiff,)

MEMORANDUM OF POINTS AND AUTHORITIES)
IN SUPPORT OF MOTION TO SET ASIDE)
ENTRY OF DEFAULT JUDGMENT PURSUANT TO)
FED.R.CIV.P.55 (c))

vs.)

Futurism Group and)

Hearing Date: 6/6/16)
Hearing Time: 11:00A.M.)
Judge: D. Craig Brown)

Yolanda Shatten.)

Place: Court Room 2E)

Defendant(s).)

2016 JUN 13 PM 4:01
RICHLAND COUNTY
FILED
JENNIFER W. MCBRIDE
C.C.P. 205

Defendant respectfully submits this Memorandum of Points and Authorities in Support of Defendant's Motion to Set Aside Entry of Default Memorandum of Points and Authorities in Support of Motion to Set Aside Entry of Default Pursuant to Fed. R. Civ. P. 55(c)

TABLE OF CONTENTS

I. INTRODUCTION.....

II. STATEMENT OF FACTS AND PROCEDURAL HISTORY

III. ARGUMENT.....

A. Defendant's Delay in Responding to the Lawsuit was Not Culpable.

B. Defendant Has a Meritorious Defense to the Lawsuit.....

C. Plaintiff Will Not Suffer Prejudice If Entry of Default Is Set Aside.....

IV. CONCLUSION.....

Statutes

Fed. R. Civ. P. 55(c)..... 1, 3, 4, 8 Fed. R. Civ. P. 55(c)

P. 60(b)(1).....3, 4

Memorandum of Points and Authorities in Support of Motion to Set Aside Entry of Default Pursuant to Fed. R. Civ. P. 55(c)

I. INTRODUCTION

The Court should set aside entry of default against Defendant pursuant to Fed. R. Civ. P. 55(c) because there is good cause for Defendant's delay in appearing in this action. Defendant Yolanda Shatten appears pro se on behalf of Defendant individually and doing business as Defendant's sole proprietorship The Futurism Group.

II. STATEMENT OF FACTS AND PROCEDURAL HISTORY

1. Plaintiff filed a lawsuit against Defendant on: August 15th 2014. According to the Proof of Service on file with this Court, Defendant was served on (date): November 20th 2014.

The Court entered default against Defendant on (date): June 6th 2016.

2. Defendant became aware of the lawsuit on: December 22nd 2015.

3.) Defendant found out about the lawsuit because: I was notified by Richland County Treasury when I went to pay my property taxes that a case was pending in The Court Of Common Pleas involving my property.

4. Defendant took the following actions in response to the lawsuit:

I went to court of The Court Of Common Pleas and got a copy of this case and filed an answer with the Plaintiff's Attorney and filed my answer with the court.

Courts have recognized that a sole proprietorship may appear pro se. See *United States v. Hagerman*, 545 F.3d 579, 581 (7th Cir. 2008) (holding that a sole proprietorship may appear pro se, but a limited liability company may not) (citations omitted); see also *Clark v. Amazon.com*, 2007 U.S. Dist. LEXIS 34314, at *1 (E.D. Cal. May 10, 2007) and *Crossbow Tech., Inc. v. YH Tech.*, 2007 U.S. Dist. LEXIS 8028, at *2 (N.D. Cal. Jan. 22, 2007) (noting that plaintiff, a sole proprietorship, was proceeding pro se). Memorandum of Points and Authorities in Support of Motion to Set Aside Entry of Default Pursuant to Fed. R. Civ. P. 55(c)

COPY

Defendant did not file a response to the lawsuit with the Court on time for the following reasons:

I did not become aware of this lawsuit until long after my 30 days to respond had passed. Also the address in which I was supposedly served I no longer reside. I was living in Georgia during this time whereas my father had just passed. At this time I was handling funeral arrangements, burial and the estate of my father.

The following facts support Defendant's defenses to this lawsuit:

The Plaintiff Sampit River Investment llc and William Johnson Jr. and Attorney William E. Hopkins Jr. have willfully committed Realestate Fraud. They have presented false documents to the court in order to fraudulently steal my property. Attorney William E. Hopkins Jr. and William S. Johnson Jr. DBA Sampit River Investment llc have violating the civil and criminal laws. To include willful misrepresentation, fraud, deceit, misappropriation, theft, conspiracy and moral turpitude. All parties was notified of these misconduct and continue in professional misconduct. All parties have knowing and willfully conspired and illegally aided each other Realestate Fraud and was fully aware of all fraudulent action that was/ being committed by all parties involve have participated with each other in this Realestate scam, Tax deed sale fraud, I believe he has profit from illegal anti-competitive conduct, violated Sherman Act, Racketeering and violation of civil and due process rights, denied me due process of law, denied me legal notification, breach of fiduciary care, conspired to participate in rig bids for fraud property tax sales, professional misconduct for pursuing frivolous claims and contentions fraudulent, filed frivolous court case with intent to commit fraud and pursuit of frivolous claims, intentional violations of deceptive consumer sales act, violated the home loan practices act by making misrepresentations concealments of false terms in

connection with real estate transaction and engaging in real estate transaction without proper licensing, abusing the court system with intent to commit fraud. conspired to coordinate their bids and allocate tax sales amongst themselves at the expense of distressed property owners, breach of fiduciary duty, I was denied due process of law, legal notification and redemption period (if taxes wasn't not paid but I paid all taxes that was due). William Johnson Jr is using cooperation name Sampit River Investment llc to buy fraudulent property tax sales and then file fraudulent court motion to transfer property title interest and sell property for profit. They have offered to sell my property back to me for \$46,000.00.

At this time a police report has been filed against William Johnson. Attorney William Hopkins is being investigated by South Carolina Bar. All parties are under investigation by the Office of the Inspector General.

III. ARGUMENTS

Federal Rule of Civil Procedure 55(c) provides that an entry of default may be set aside upon a showing of good cause. Fed. R. Civ. P. 55(c). The Ninth Circuit's good cause standard for setting aside entry of default is the same as that for setting aside default judgment under Rule 60(b), but the test for setting aside entry of default is less rigid and is more generous to the party in default. *Franchise Holding II, LLC v. Huntington Rests. Group, Inc.*, 375 F.3d 922, 925 (9th Cir. 2004).

The Court considers three factors when deciding whether to set aside default: (1) whether the defendant's culpable conduct led to the default; (2) whether the defendant has a meritorious defense; and (3) whether setting aside default would prejudice the plaintiff. *Id.* at 925-26. In addition, "[t]he law does not favor defaults," and "therefore, any doubts as to whether a party is in default should be decided in favor of the defaulting party." *Bonita Packing Co. v. O'Sullivan*,

165 F.R.D. 610, 614 (C.D. Cal. 1995).

A. Defendant's Delay in Responding to the Lawsuit was Not Culpable.

In the Ninth Circuit, analysis of "culpability" for the purposes of demonstrating "good cause" under Rule 55(c) overlaps with the standard for "excusable neglect" under Rule 60(b)(1). *TCI Group Life Ins. Plan v. Knoebber*, 244 F.3d 691, 696 (9th Cir. 2001) (questioned on other grounds); also see *Meadows v. Dominican Republic*, 817 F.2d 517, 522 (9th Cir. 1987) (finding that the conduct of defendants in district court was culpable because defendants were aware of federal law, and their intentional failure to respond to the action was not excusable neglect). The Ninth Circuit finds a negligent failure to respond excusable if the defaulting party offers a credible, good-faith explanation for the delay that negates "any intention to take advantage of the opposing party, interfere with judicial decision-making, or otherwise manipulate the legal process." *Knoebber*, 244 F.3d at 697-98. Further, in analyzing culpability, the Court may consider a defendant's exigent personal matters, his mental state, and his lack of familiarity with legal matters. See *id.* at 699 (finding defendant's delay in response not culpable because she was grieving the death of her husband and was not familiar with the legal system).

While Defendant did not file a response with the Court in time, Defendant's conduct was excusable because: Defendant had no intent to gain an advantage over the opposing party or to delay legal proceedings. As Defendant's delay in response was due to excusable neglect, the Court should find that Defendant's conduct was not culpable.

B. Defendant Has a Meritorious Defense to the Lawsuit.

A defense is considered meritorious if "there is some possibility that the outcome of the suit after a full trial will be contrary to the result achieved by the default." *Hawaii Carpenters' Trust Funds v. Stone*, 794 F.2d 508, 513 (9th Cir. 1986). All that is required is an assertion of "a factual or legal basis that is sufficient to raise a particular defense; the question of whether a particular factual allegation is true is resolved at a later stage." *Audio Toys, Inc. v. Smart AV Pty Ltd.*, 2007

U.S. Dist. LEXIS 44078, *8 (N.D. Cal. June 6, 2007).

Defendant has the following defenses to this lawsuit: Realestate Fraud.

If Defendant prevails on these defenses, the outcome would be contrary to the result achieved by default. Therefore, Defendant has set forth a meritorious defense and satisfies the second good cause factor.

C. Plaintiff Will Not Suffer Prejudice If Entry of Default Is Set Aside.

Prejudice is determined by whether a party will be hindered in pursuing its claim. See Knoebber, 244 F.3d at 701. The fact that a party may be denied a quick victory is not sufficient to deny relief from default judgment. *Bateman v. United States Postal Service*, 231 F.3d 1220, 1225 (9th Cir. 2000). "The delay must result in tangible harm such as loss of evidence, increased difficulties of discovery, or greater opportunity for fraud or collusion." *Audio Toys*, 2007 U.S. Dist. LEXIS at *9.

Allowing the case to move forward on the merits after only a short delay should not prejudice Plaintiff's ability to litigate its case. The only prejudice that might result to Plaintiff by a denial of default judgment is that Plaintiff will not be able to ensure an easy victory. As no prejudice will result to Plaintiff in reopening this case, the third and final good cause factor is satisfied.

Defendant is ready and willing to litigate this lawsuit. Defendant's delay in responding was not culpable, Defendant has meritorious defenses, and Plaintiff will not suffer any prejudice in pursuing its claims if default is set aside. Therefore, Defendant has met the good cause standard of Rule 55(c) and this Court should set aside the entry of default against him.

IV. CONCLUSION

Based on the above reasons, this Court should grant Defendant's motion.

COPY

DATED: June 13th 2016

By:



Yefanda Shatten
141f Pelham Drive
Ste 114
Columbia SC 29209
Defendant in Pro Per

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND)

FIFTH JUDICIAL CIRCUIT

CASE NO. 2014-CP-40-5023

Sampit River Investments, and
William Johnson Jr.

Plaintiff,

vs.

Futurism Group and

Yolanda Shatten.

Defendant(s).

DEFENDANT'S DECLARATION
IN SUPPORT OF MOTION TO SET ASIDE
ENTRY OF DEFAULT JUDGMENT PURSUANT TO
FED.R.CIV.P.55 (c)

Hearing Date: 6/6/16
Hearing Time: 11:00A.M.
Judge: D. Craig Brown

Place: Court Room 2E

2016
ANNETTE M. MCBRIDE
C.C.P. & G.S.
JUN 13 PM 4:01
RICHLAND COUNTY
FILED

1. I Yolanda Shatten am the Defendant in the above-entitled case.
2. I have personal knowledge of the following facts and, if called as a witness, I could and would competently testify thereto.
3. Plaintiff filed a lawsuit against Defendant on (date): August 15th 2014. According to the Proof of Service on file with this Court, Defendant was served on (date): November 20th 2014. The Court entered default against Defendant on (date): June 6th 2016.
4. Defendant became aware of the lawsuit on (date): December 22nd 2015 (Decl. of Defendant ¶ 1)
- 5.) Defendant found out about the lawsuit because : I was notified by Richland County Treasury when I went to pay my property taxes that a case was pending in The Court Of Common Pleas with my property.. (Decl. of Defendant ¶ 3.)
6. Defendant took the following actions in response to the lawsuit (include specific dates): I went to court of The Court Of Common Pleas and got a copy of this case and filed an answer with the Plaintiff's Attorney and filed my answer with the court.

2

7. My delay in filing a response to the lawsuit was not intentional. I did not file a timely formal response to the lawsuit for the following reasons:

I did not become aware of this lawsuit until long after my 30 days to respond had passed. Also the address in which I was supposedly served I no longer reside. I was living in Georgia during this time whereas my father had just passed. At this time I was handling funeral arrangements, burial, estate of my father.

8. The following facts support my defenses to this lawsuit:

The Plaintiff Sampit River Investment llc and William Johnson Jr. and Attorney William E. Hopkins Jr. have willfully committed Realestate Fraud. They have presented false documents to the court in order to fraudulently steal my property. Attorney William E. Hopkins Jr. and William S. Johnson Jr. DBA Sampit River Investment llc have violating the civil and criminal laws. To include willful misrepresentation, fraud, deceit, misappropriation, theft, conspiracy and moral turpitude. All parties was notified of these misconduct and continue in professional misconduct. All parties have knowing and willfully conspired and illegally aided each other Realestate Fraud and was fully aware of all fraudulent action that was/ being committed by all parties involve have participated with each other in this Realestate scam, Tax deed sale fraud, I believe he has profit from illegal anti-competitive conduct, violated Sherman Act, Racketeering and violation of civil and due process rights, denied me due process of law, denied me legal notification, breach of fiduciary care, conspired to participate in rig bids for fraud property tax sales, professional misconduct for pursuing frivolous claims and contentions fraudulent, filed frivolous court case with intent to commit fraud and pursuit of frivolous claims, intentional violations of deceptive consumer sales act, violated the home loan practices act by making misrepresentations concealments of false terms in

COPY

connection with real estate transaction and engaging in real estate transaction without proper licensing, abusing the court system with intent to commit fraud. conspired to coordinate their bids and allocate tax sales amongst themselves at the expense of distressed property owners, breach of fiduciary duty, I was denied due process of law, legal notification and redemption period (if taxes wasn't not paid but I paid all taxes that was due). William Johnson Jr is using cooperation name Sampit River Investment llc to buy fraudulent property tax sales and then file fraudulent court motion to transfer property title interest and sell property for profit. They have offered to sell my property back to me for \$46,000.00.

At this time a police report has been filed against William Johnson. Attorney William Hopkins is being investigated by South Carolina Bar. All parties are under investigation by the Office of the Inspector General.

9. I have no reason to believe Plaintiff will suffer prejudice if the Court grants this motion.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 13th 2016, in Columbia, South Carolina.

Sign: 
 Yolanda Shatten Defendant in Pro Per

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS)

COUNTY OF RICHLAND)

FIFTH JUDICIAL CIRCUIT)

CASE NO. 2014-CP-40-5023)

Sampit River Investments, and)
William Johnson Jr.)

Plaintiff,)

(PROPOSED) ORDER GRANTING)
DEFENDANT'S MOTION TO SET ASIDE)
ENTRY OF DEFAULT JUDGMENT PURSUANT TO)
FED.R.CIV.P.55 (c))

vs.)

Futurism Group and)

Yolanda Shatten.)

Defendant(s).)

Having considered Defendant's Motion and finding good cause therefore,

IT IS HEREBY ORDERED that Defendant's Motion to Set Aside Entry of Default is GRANTED. Defendant is ORDERED to file an answer or a motion pursuant to Rule 12 of the Federal Rules of Civil Procedure by _____.

DATED: _____

Signed: _____

Hon. _____

(Judge's name)

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

) FIFTH JUDICIAL CIRCUIT

) CASE NO. 2014-CP-40-5023

Sampit River Investments, and
William Johnson Jr.

) PROOF OF SERVICE BY MAIL

Plaintiff,

vs.

Futurism Group and

Yolanda Shatten.

Defendant(s).

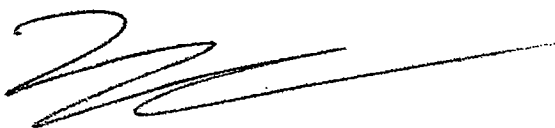
RICHLAND COUNTY
FILED
2016 JUN 13 PM 4:01
JEANNETTE W. MCBRIDE
C.C.P. & G.S.

I hereby certify that on the 13th day of June, 2016. I will served a copy of Notice of motion and motion to set aside entry of default judgement upon the below named Pro Se plaintiff by depositing a copy in the U.S. mail with sufficient postage.

affixed thereto addressed as follows:

William Hopkins Jr.
12019 Ocean Highway
PO BOX 1885
Pawleys Island, SC 29585

By: Yolanda Shatten
141f pelham dr
Columbia SC 29209
PMB 114



STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
 Sampit River Investments, and)
 William Johnson, Jr.,)
 Plaintiff,)
)
 v.)
)
 Yolanda Shatten, The Futurism)
 Group,)
 Defendants.)
 _____)

IN TH COURT OF COMMON PLEAS
 FOR THE FIFTH JUDICIAL CIRCUIT

CASE NO.: 2014-cp-40-5023

MOTION FOR REMAND

TO: SAMPIT RIVER INVESTMENTS , LLC AND WILLIAM JOHNSON, JR., PLAINTIFF IN THE ABOVE --
 ENTITLED ACTION, AND WILLIAM HOPKINS, JR., ESQUIRE, THEIR ATTORNEY:

YOU WILL PLEASE TAKE NOTICE, that Defendant, by and through her undersigned counsel, will
 move before the Honorable Joseph M. Strickland, Master-in-Equity for Richland County, ten (10) days
 after service hereof or as soon thereafter as counsel may be heard, for an Order remanding the above-
 referenced matter to the Court of Common Pleas for the Fifth Judicial Circuit. The motion will be based
 upon, but not limited to, the following:

1. The Order of Reference is improper as it was never served upon counsel for Defendant, there is
 an outstanding Order for Default Judgment that has not been finalized (no signed Order has
 been served on Defendant's counsel), that there is a pending *pro se* Motion to Set Aside Default
 filed by Defendant to preserve her right to challenge the, as yet unofficial Order for Default
 Judgment.
2. That Defendant hereby reserves her right to mount an appropriate challenge to the Order
 granting a Default Judgment at the appropriate time.
3. That the Order of Reference is premature as the Circuit Court judge has not filed his final Order
 on the Default judgment thereby creating an issue to invoke jurisdiction for reference to the
 Master-in -equity.
4. That the Motion to Set Aside Default Judgment needs to be heard by the Honorable D. Craig
 Brown as he is the judge whose Order granted the Entry of Default Judgment.

The Motion will further be based upon the arguments of counsel, legal memorandum, and such
 other and further evidence as the Court may allow.

COPY

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Circuit Court]

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Joseph M. Strickland, Master-In-Equity Judge

Appellate Case No. 2017-000145

**Sampit River Investments,
LLC,**

Respondent,

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 as Richard Roe, whose true name is unknown Defendants,

OF whom Yolanda Shatten is Appellant.

MEMORANDUM

Appellant submits this Memorandum in response to the Court's request to have the issue

1

RECEIVED
MAR 16 2017
SC Court of Appeals

of the appealability of Judge Strickland's Order denying remand of her case to the Court of Common Pleas for Richland County and refusal to recuse himself as the judge to hear the case. Appellant initiated this appeal to address the rulings entered by Judge Strickland on the above-referenced motions because she believes that a fair reading of Judge Strickland's Order would indicate that it affects substantial rights that go to the crux of her case. The Order contained rulings indicating that the case should not be remanded and that the judge should not be recused because of his inadvertent ex parte communication with Plaintiff's counsel outside of the presence of Defendant's counsel and the judge's classification of Defendant's counsel's motion as "dilatatory". In addition, the Order contains language seeking to address the Order of a previous Circuit Court Judge who entered a default judgment which is currently challenged in a Motion to Set Aside Default. This substantive issue alone is evidence that the Master-in-Equity was seeking to rule upon the substance of Defendant's claims without allowing her to present a defense to the underlying claims of Plaintiff, thus ending the case on its merits.

Appellant adopts Respondent's recitation of the law and the cases interpreting the same as outlined in his brief. However, Appellant disagrees with Respondent's application of the law outline in his brief. Appellant believes the rulings contained in Judge Strickland's Order do affect substantial rights and are immediately appealable as it meets at least the first two prongs of the test found in *Hagood v. Summerville*, 362 S.C. 191, 195, 607 S.E. 2d 707, 709(2005). The Order in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action and it grants or refuses a new trial. The Order, if allowed to stand, would deny Appellant the opportunity to address the right to challenge the Default Judgment entry when she has a meritorious defense to the same which will never be heard. In

addition, the Order would prevent the Appellant from having a trial on the merits of the case, period, as the Default would prevent argument on the underlying meritorious claims that could be asserted in a trial.

It appears that Respondent is also of the opinion that Judge Strickland's Order would end the case as evidenced by his preparation and filing of a Motion for Summary Judgment filed on the heels of Judge Strickland's Order. The fact of Respondent's having filed a motion for Summary Judgment makes his argument that the Order is interlocutory appear somewhat disingenuous as Summary Judgment would only be appropriate if no genuine issues of material fact remained in the case to be tried and Plaintiff was entitled to judgment as a matter of law. Respondent's Motion for Summary Judgment is clearly indicative of the fact that he believes Judge Strickland's Order is outcome determinative thereby rendering it immediately appealable in accordance with the standard outlined in *Haygood*. Judge Strickland also appeared to adopt this posture as indicated by his attempt to schedule Respondent's Summary Judgment Motion for hearing (See, Copy of Summary Judgment Motion and Notice of Hearing attached as Exhibits "A" and "B" respectively).

CONCLUSION

The Order issued by Judge Strickland in the underlying case does attempt to address Appellants substantial rights and would prevent her from presenting any defensive arguments she has against the Default Judgment Order by motion which is currently pending to challenge the Order of Judge Craig Brown. Respondent has essentially conceded this point by piggy backing on Judge Strickland's Order denying the remand with a Motion for Summary Judgment and the

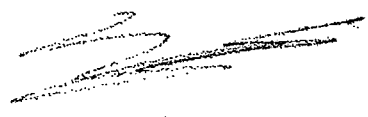
COPY

Court has attempted the schedule the motion to affirm Respondent's belief. Therefore, for the foregoing reasons, the Order should be immediately appealable as it would effectively end Appellant's case on substantive grounds, if not reversed on appeal.

Respectfully submitted, this 16th day of March, 2017.

March 16, 2017

Yolanda Shatten
141 F Pelham Dr. Ste. 114
Columbia, South Carolina 29209
(864) 670-5102
Pro'se Appellant



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

COPY

Page 12 of 9

about:blank

HOPKINS LAW FIRM, LLC

12019 OCEAN HIGHWAY
POST OFFICE BOX 1885
PAWLEYS ISLAND, SOUTH CAROLINA 29585
TELEPHONE: 843-314-4202
FACSIMILE: 843-314-9365
WWW.HOPKINSFIRM.COM

WILLIAM E. HOPKINS JR. *
J. CLAY HOPKINS

*ALSO ADMITTED IN
DISTRICT OF COLUMBIA
SOUTH CAROLINA
CERTIFIED MEDIATOR

January 13, 2017

VIA REGULAR FIRST CLASS MAIL.

The Honorable Joseph M. Strickland
Richland County Master-In-Equity
Richland County Judicial Center
1701 Main Street, Room 212
Columbia, SC 29201



RE: Sampit River Investments, LLC v. Yolanda Shatten, et al.
Civil Action No.: 2014-CP-40-5023
Our File No.: 1236

Dear Judge Strickland:

Enclosed is the filed Plaintiff's Motion for Summary Judgment in the above-referenced matter. We would like to schedule this matter to be heard at your earliest convenience, which complies with Defendants' option to file appropriate responses. By copy of this letter, I am serving a copy of the foregoing upon Joseph Henry, Esquire.

As always, please feel free to contact me if you have any questions or concerns

Sincerely,

J. Clay Hopkins

JCH/dab

Enclosures

cc: Joseph Henry, Esquire
Client

1

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

**PLAINTIFF'S MOTION
 FOR SUMMARY JUDGMENT**

2017 JAN 13 PM 1:02
 JEANETTE H. MCBRIDE
 C.P. & G.S.

Sampit River Investments, LLC ("Plaintiff") hereby moves this Honorable Court for summary judgment pursuant to Rule 56(c) of the South Carolina Rules of Civil Procedure. The undisputed facts and legal conclusions therefrom establish that there is no genuine issue of material fact regarding Plaintiff's ownership and exclusive right in the property in dispute because Defendants Yolanda Shatten, Benny Shatten, The Futurism Group, and ABIDAN, Inc.: (1) failed to redeem the property within twelve (12) months after a Richland County Tax Sale pursuant to S.C. Code Ann. § 12-51-90(A); and (2) any right the above-named parties allegedly had in the subject property has been extinguished as a matter of law by way of those parties having failed to maintain an action for the recovery of the possession of that property pursuant to S.C. Code Ann. § 12-51-160.

2

PROCEDURAL HISTORY

Pursuant to an execution deed dated June 3, 2013, and subsequent levy, the Treasurer of Richland County, South Carolina, acting in his official capacity and through the Delinquent Tax Collector of Richland County, South Carolina, offered for sale the real property of Yolanda Shatten for non-payment of 2010 real property taxes. (See Compl. ¶ 5). Yolanda Shatten signed such notice on June 10, 2013. (*Id.*) The property is described as follows:

All that certain piece, parcel or lot of land, with improvements thereon, situate, lying and being in the County of Richland, State of South Carolina, being shown and delineated as Parcel B-2, containing 3.68 acres, more or less on a plat prepared for Yolanda Shatten [sic] by Arthur E. White, Jr., dated May 15, 2001, to be recorded, and having such metes and bounds as reference to said plat will show, with all measurements being a little more or less. This being the same property conveyed from Burgess Coles & Co's Burgess Coles unto Yolanda Y. Shatten and recorded on September 8, 2001 at the Richland County ROD in Deed Book R 563 at Page 1163.

Tax Map Number: 32600-02-17- (*Id.*) On December 5, 2011, the above-described property of Yolanda Shatten was sold at public auction for unpaid taxes in 2010 and, upon Sampit River Investments LLC's compliance with the terms of its bid and pursuant to the terms of sale, after the time for redemption had expired, a tax title dated May 29, 2013, was issued by Richland County and subsequently recorded in the Office of the Clerk of Court for Richland County on June 3, 2013. (*Id.*, ¶ 6) (A copy of the tax title is attached and marked as Exhibit A).

On August 15, 2014, this action was filed in the Court of Common Pleas for Richland County. Thereafter, on January 25, 2015, Plaintiff's counsel filed an Affidavit of Default, which was entered by the Clerk of Court. On February 10, 2016, more than a year after Default was entered, Defendants filed a purported Answer. On June 8, 2016, a hearing was held on Plaintiff's Motion for Default Judgment, which was memorialized in a signed Order on June 30, 2016. In the meantime, Defendants filed a purported Motion to Set Aside the Default. Thereafter, the case was

2

COPY

2

referred to the Richland County Master-in-Equity by Order signed by Judge DeAndrea Benjamin. On December 15, 2016, a hearing was held on Defendants' Motion to Remand, which was denied by Judge Joseph Strickland.¹

LEGAL STANDARD

"The purpose of summary judgment is to expedite disposition of cases which do not require the services of a fact finder." George v. Fabri, 345 S.C. 440, 452, 548 S.E.2d 868, 874 (2001). "Summary judgment is proper when 'there is no genuine issue as to any material fact and ... the moving party is entitled to judgment as a matter of law.'" Rule 56(c), SCRPC; Baughman v. American Tel. and Tel. Co., 306 S.C. 101, 114-15, 410 S.E.2d 537, 545 (1991). In determining whether summary judgment is appropriate, the evidence and its reasonable inferences must be viewed in the light most favorable to the nonmoving party. Id. at 115, 410 S.E.2d at 545.

ARGUMENT

I. It is Undisputed That the Redemption Period Passed.

In their Answer, Defendants do not dispute that the redemption period passed, and only assert that "this property sale was rescinded by Richland County Treasurer and bidder was refunded all monies and this transaction was terminated." This is unfounded and untrue.

In fact, the Richland County's records indicate that the Owner of the property is Plaintiff, and includes the sale date as June 3, 2013. (See Owner Information for 1323 Haystack Road, Eastover, SC at <http://www.richlandonline.com/OnlineServices/PropertyValueTaxEstimate.aspx>, last visited Jan. 11, 2017) (attached hereto as Exhibit B).

Plaintiff has discerned through Defendants' counsel and Defendants that both allege Defendant Yolanda Shatten paid the tax bills for the subject property, purportedly satisfying the

¹ At this hearing, Plaintiff's counsel agreed to withdraw Default against Defendants.

9 10 11 12

about:blank

period of redemption. Although Ms. Shatten did pay some tax bills², she did not pay any bills within the statutory redemption period. After a tax sale, the defaulting taxpayer, a grantee, a mortgagee, or judgment creditor may redeem the real property within the following twelve months. S.C. Code Ann. § 12-51-90. If the property is not redeemed within the allotted time, a county must deliver a tax title to the purchaser. S.C. Code Ann. § 12-51-130.

Here, Richland County Treasurer's tax receipts indicate that Ms. Shatten paid the tax bills on the property for tax years 2012, 2013, and 2014 (Tax receipts for tax years 2009-2015 attached hereto as Exhibit C). However, as the tax receipts indicate, Ms. Shatten paid *all of these bills on December 4, 2015*, well after the redemption period had lapsed. Therefore, it is undisputed that Ms. Shatten had not satisfied the statutory requirements for redemption of the subject property within twelve (12) months after the tax sale.

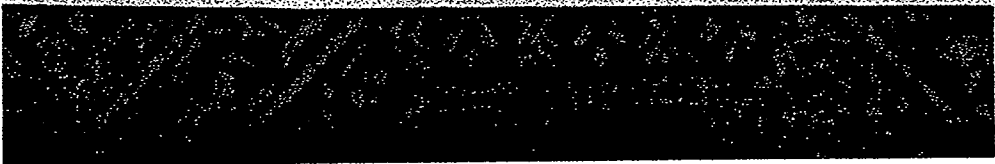
II. The Statute of Limitations for Defendants to Recover the Property has Lapsed.

Although Defendants are still in possession of the subject property, Plaintiff is entitled to summary judgment since they asserted no counterclaim asserting any rights of ownership or interest in the subject property in their Answer. Section 12-51-160, S.C. Code Ann. provides: "No action for the recovery of land sold under the provisions of this chapter or for the recovery of the possession may be maintained unless brought within *two years from the date of sale*." (emphasis added).

The Supreme Court found the former version of this statute of limitations³ inapplicable to one in possession of property asserting a claim of ownership in defense of an action brought by

² Plaintiff submits that Ms. Shatten's actions were deceptive and, possibly, fraudulent. Ms. Shatten went to the Richland County Treasurer's office and had the tax information in the property changed to her name, although the tax payer address remained at Plaintiff's address. This is how Plaintiff became aware of Ms. Shatten's activities.

³ The former version of the statute of limitations provided: "[n]o action for ... recovery ... shall be



COPY

Page 1 of 1

the purchaser at a tax sale more than two years after receiving the tax deed. Dibble v. Bryant, 274 S.C. 481, 487, 265 S.E.2d 671, 677 (1980). The court found the "statute was intended to bar a defaulting and ousted taxpayer from maintaining an action to defeat the title of the tax sale purchaser and recover the land if brought more than two years from the date the purchaser came into possession." Id. The court explained: [i]f to deny the possessor a claim of rightful ownership would be to deny him any defense, and would enable a purchaser at a tax sale to circumvent the valid legal remedies available to the defendant in possession of the property by merely waiting more than two years to bring his action to oust the defendant. Id. at 487-88, 265 S.E.2d at 677.

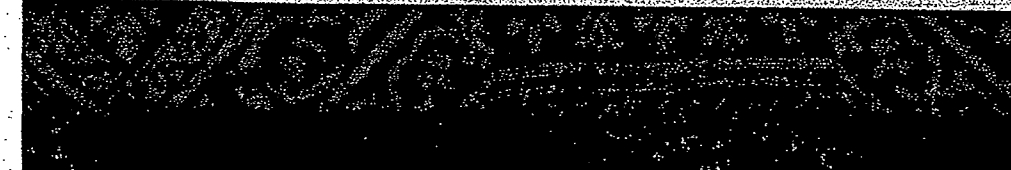
Here, as in Dibble, Defendants are still in possession of the land. However, Defendants filed a purported Answer in this case, and did not assert any counterclaim asserting any right to the property other than vague mentions that the tax sale was rescinded and all proceeds were refunded, which is overwhelmingly untrue. Furthermore, since the tax receipts paid by Ms. Shatten show that she paid the Richland County Treasurer on December 4, 2015 (Ex. C), more than two (2) years after the property was decided to Plaintiff, this Court should find that the statute of limitations for her to bring an action for recovery of the property has lapsed, and, therefore, summary judgment is appropriate.

CONCLUSION

For the reasons stated above, Plaintiff is entitled to summary judgment as to these Defendants on its claims to quiet title, and believe that this Court should award Plaintiff the relief requested in its Complaint.

[Signature Block on Following Page]

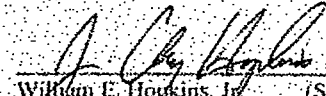
maintained unless brought within two years from the date of such [tax] sale." Dibble, 274 S.C. at 487, 265 S.E.2d at 677 (quoting S.C. Code Ann. § 12-49-570 (1976)).



Page 13 of 16

about:blank

HOPKINS LAW FIRM, LLC



William E. Hopkins, Jr. (SC Bar # 066474)

L. Clay Hopkins (SC Bar # 102053)

12019 Ocean Highway
Post Office Box 1885
Pawleys Island, South Carolina 29585

T: (843) 314-4202

F: (843) 314-9365

Email: clay@hopkinsfirm.com

bill@hopkinsfirm.com

Attorneys for the Plaintiff

Pawleys Island, South Carolina

January 12, 2017

COPY

9

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Sampit River Investments, LLC

Plaintiff

vs.

Yolanda Shatten, et al.

Defendant

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NO. 2014-CP-41-5023

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Plaintiff's Attorney:
J. Clay Hopkins, Bar No. 102053
Address:
Hopkins Law Firm, LLC
P.O. Box 1885
Pawleys Island, SC 29585
Phone: 843-314-4202 Fax 843-314-9365
E-mail: clay@hopkinsfirm.com Other:

Defendant's Attorney:
Joseph Henry, Bar No. 7898
Address:
1708 B Richland Street
Columbia, SC 29201
Phone: 803-929-3484 Fax 803-929-3485
E-mail: josephhenry929@bellsouth.net Other:

- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
- FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
- PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: Motion for Summary Judgment

Estimated Time Needed: 30 Minutes

Court Reporter Needed:

YES NO

SECTION II: Motion/Order Type

- Written motion attached
- Form Motion/Order

I hereby move for relief of action by the court as set forth in the attached proposed order.

J. Clay Hopkins
Signature of Attorney for Plaintiff / Defendant

January 13, 2017

Date submitted

SECTION III: Motion Fee

PAID - AMOUNT: \$ 25.00

EXEMPT:
(check reason)

- Rule to Show Cause in Child or Spousal Support
 - Domestic Abuse or Abuse and Neglect
 - Indigent Status State Agency v. Indigent Party
 - Sexually Violent Predator Act Post-Conviction Relief
 - Motion for Stay in Bankruptcy
 - Motion for Publication Motion for Execution (Rule 69, SCRPC)
 - Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
- Name of Court Reporter: _____
- Other: _____

JUDGE'S SECTION

Motion Fee to be paid upon filing of the attached order

Other:

JUDGE CODE _____

Date _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____

MOTION FEE COLLECTED: \$ _____

CONTESTED - AMOUNT DUE: \$ _____

2017 JAN 13 PM 1:02
COMPTON, MCBRIDE
SCRPC

COPY

2

NOTICE OF ROSTER SCHEDULING

STATE OF
SOUTH CAROLINA

February 01, 2017



"Plaintiff's Motion For Summary Judgment" for Case: 2014CP4005023 - Sampit River Investments LLC vs Yolanda Shatten , defendant, et al has been added to the following Roster:

838 - MIE - Monday, March 13th, 2017

This hearing has been scheduled for 3/13/2017 at 10:00 AM.

The above referenced case is scheduled for a Hearing before Judge Strickland. All requests for continuances must be in writing with a \$25.00 filing fee and received by the Master In Equity prior to the hearing. A request for a continuance does not guarantee that a case will be continued. Please notify the Court in writing if the issues are resolved prior to the hearing. Please file any briefs or memorandum the Wednesday before the week of the hearing.

Mail Notice To:	Court Info:
<p>Yolanda Shatten 141 F Pelham Dr Suite 114 Columbia, SC 29209</p>	<p>Richland County Master In Equity Richland County Judicial Center 1701 Main Street Columbia, SC 29201-9201</p>

If you have any questions regarding the scheduling of this hearing, please contact the court at (803) 576-1901.

Judge Joseph M. Strickland
Master in Equity
Fifth Judicial Circuit

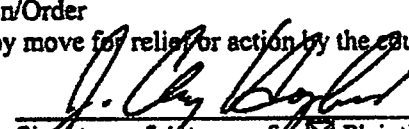
2

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 Sampit River Investments, LLC)
 Plaintiff,)
 vs.)
 Yolanda Shatten, et al.)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 FIFTH JUDICIAL CIRCUIT

CASE NO.: 2014-CP-40-5023

MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET

Plaintiff's Attorney: J. Clay Hopkins, Bar No. 102053 Address: PO Box 1885 Pawleys Island, SC 29585 Phone: 843-314-4202 Fax 843-314-9365 E-mail: clay@hopkinsfirm.com Other:	Defendant's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____										
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTION I and III) <input checked="" type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)											
SECTION I: Hearing Information											
Nature of Motion: _____ Estimated Time Needed: _____ Court Reporter Needed: <input type="checkbox"/> YES / <input type="checkbox"/> NO											
SECTION II: Motion/Order Type											
<input checked="" type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. <div style="text-align: center;">  Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant </div> <div style="text-align: right;"> June 29, 2016 Date submitted </div>											
SECTION III: Motion Fee											
<input checked="" type="checkbox"/> PAID - AMOUNT: \$ 25.00 <input type="checkbox"/> EXEMPT: (check reason) <table border="0" style="width: 100%;"> <tr> <td><input type="checkbox"/> Rule to Show Cause in Child or Spousal Support</td> <td><input type="checkbox"/> State Agency v. Indigent Party</td> </tr> <tr> <td><input type="checkbox"/> Domestic Abuse or Abuse and Neglect</td> <td><input type="checkbox"/> Post-Conviction Relief</td> </tr> <tr> <td><input type="checkbox"/> Indigent Status</td> <td><input type="checkbox"/> Motion for Stay in Bankruptcy</td> </tr> <tr> <td><input type="checkbox"/> Sexually Violent Predator Act</td> <td><input type="checkbox"/> Motion for Execution (Rule 69, SCRCP)</td> </tr> <tr> <td><input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions</td> <td></td> </tr> </table> Name of Court Reporter: _____ <input type="checkbox"/> Other: _____		<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support	<input type="checkbox"/> State Agency v. Indigent Party	<input type="checkbox"/> Domestic Abuse or Abuse and Neglect	<input type="checkbox"/> Post-Conviction Relief	<input type="checkbox"/> Indigent Status	<input type="checkbox"/> Motion for Stay in Bankruptcy	<input type="checkbox"/> Sexually Violent Predator Act	<input type="checkbox"/> Motion for Execution (Rule 69, SCRCP)	<input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions	
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support	<input type="checkbox"/> State Agency v. Indigent Party										
<input type="checkbox"/> Domestic Abuse or Abuse and Neglect	<input type="checkbox"/> Post-Conviction Relief										
<input type="checkbox"/> Indigent Status	<input type="checkbox"/> Motion for Stay in Bankruptcy										
<input type="checkbox"/> Sexually Violent Predator Act	<input type="checkbox"/> Motion for Execution (Rule 69, SCRCP)										
<input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions											
JUDGE'S SECTION											
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____										
CLERK'S VERIFICATION											
Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____											

RICHLAND COUNTY
 FILED
 JF ANNETTE W. HOGS
 C.C.P. & G.S.
 2016 JUL 13 PM 1:55

COPY

1

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

**MOTION FOR
ORDER OF REFERENCE**

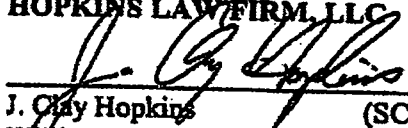
JEANNETTE W. MCBRIDE
C.C.P. & G.S.
2016 JUL 13 PM 1:36
RICHLAND COUNTY
FILED

The Plaintiff, Sampit River Investments, LLC, pursuant to Rule 53 of the South Carolina Rules of Civil Procedure, hereby moves the court for an order referring this action, being an action to quiet title which is equitable in nature, to the master in order to take testimony arising under the pleadings, to make findings of fact and conclusions of law, and to make a recommended final judgment in the case, with authority to dispose of any and all issues and enter a final judgment in the case, and to hear any issue after said judgment relating to this action. The Plaintiff further moves that the court provide in its order of reference that any appeal from the decision of the master shall be directly to the South Carolina Supreme Court. This Court has previously entered a default judgment against Defendants Yolanda Shatten, The Futurism Business Group, and ABIDAN, Inc.

COPY

WHEREFORE, Plaintiff requests that the court refer this matter to the master and for such other and further relief in favor of Plaintiff as the court deems just and appropriate.

HOPKINS LAW FIRM, LLC



J. Clay Hopkins (SC Bar #102053)

William E. Hopkins, Jr. (SC Bar #66474)

2019 Ocean Highway

Post Office Box 1885

Pawleys Island, SC 29585

T: 843-314-4202

F: 843-314-9365

Email: clay@hopkinsfirm.com

bill@hopkinsfirm.com

Attorneys for the Plaintiff

June 28, 2016

Pawleys Island, South Carolina

COPY

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

ORDER OF REFERENCE

2016 JUL 13 PM 1:36
 ELEANOR J. W. MCBRIDE
 C.C.P. & G.S.

RICHLAND COUNTY
 FILED

It appearing that pursuant to Rule 53(b) SCRPC the herein action is an appropriate action to be referred to the Honorable Joseph M. Strickland, Master-In-Equity for Richland County with authority to enter a final judgment in the case;

NOW, upon motion by the Plaintiff,

IT IS ORDERED, that this case is referred to the Honorable Joseph M. Strickland, Master-In-Equity for Richland County, who, pursuant to Rule 53(b) SCRPC, shall exercise all power and authority with a circuit judge sitting without a jury would have, including but not limited to, making findings of fact and conclusions of law; directing entry of final judgment in this action under Rule 53(b) SCRPC: to order a sale on any day, to hear any issues, including motions, after sale or judgment; issuing any and all Orders and Supplemental Orders, Writs of Assistance, and hearing any issues involving possession and/or removal of property and appraisal proceedings under Section 29-3-360, et. Seq. of the South Carolina Code. Pursuant to Rule 53(b) SCRPC, any

1

COPY

appeal from the final judgment entered by the Master-In-Equity shall be to the Supreme Court or the Court of Appeals as provided by the South Carolina Appellate Court Rules.

IT IS SO ORDERED.

WB

The Honorable ~~Alison Renee Lee~~
Chief Administrative Judge
Fifth Circuit of South Carolina

DeAndrea Benjamin

Columbia, South Carolina

7-5, 2016

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND)

FIFTH JUDICIAL CIRCUIT

CASE NO. 2014-CP-40-5023

Sampit River Investments, and
William Johnson Jr.)

Plaintiff,)

vs.)

Futurism Group and)

Yolanda Shatten.)

Defendant(s).)

**NOTICE OF MOTION AND MOTION TO SET ASIDE
ENTRY OF DEFAULT JUDGMENT PURSUANT TO
FED.R.CIV.P.55 (c)**

Hearing Date: 6/6/16

Hearing Time: 11:00A.M.

Judge: D. Craig Brown

Place: Court Room 2E

2016 JUN 13 PM 4:01
JEANNETTE W. MCBRIDE
C.C.P. & G.S.
RICHLAND COUNTY
FILED

TO THE HONORABLE COURT AND TO ALL PARTIES:

PLEASE TAKE NOTICE that on June 13th, 2016 or as soon thereafter as this matter may be heard in the above-entitled Court located at The Court of Common Pleas Fifth Judicial Circuit, Futurism Group and Yolanda Shatten, the Defendant in this case, will Notice of Motion and Motion to Set Aside Entry of Default Pursuant to Fed. R. Civ. P. 55(c) move this Court to set aside entry of default for good cause, pursuant to Rule 55(c) of the Federal Rules of Civil Procedure.

This motion is based upon the attached Memorandum of Points and Authorities, Declaration(s) in Support, the complete files and records in this action, and upon such oral and documentary evidence as may be allowed at the hearing of this motion.


This motion is made following the hearing of counsel pursuant to default judgement which took place on June 6th, 2016.

DATED: June 13th, 2016

COPY

2

By: _____



**Yolanda Shatten
141f Pelham Drive
Ste 114
Columbia SC 29209
Defendant in Pro Per**