

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

JUL 12 2017

The Honorable R. Markley Dennis, Jr., Circuit Court Judge ~~908~~ SUPREME COURT

APPELLATE CASE NO. 2017-000822

Johnson Koola,.....Petitioner,

v.

Cambridge Two, LLC, Albert V. Estee, Individually, Cambridge Lakes, LP, Stephen R. Heape, Individually and as General Partner of Cambridge Lakes LP, Cambridge Lakes Apartment Homes, a/k/a Cambridge Lakes Apartments, LP, a/k/a Cambridge Lakes Apartment Homes, LP, Classic Properties of Charleston, Inc., Cambridge Contracting, LP, Trademark Properties, Inc., Carolina One Charleston Home Team Properties, LLC, Charleston Home Team, LLC, Carolina One, and William E. Jenkinson, IV, individually,

Of Whom Trademark Properties, Inc., and Carolina One Real Estate are the Respondents.

MOTION FOR AN ORDER FOR ENTRY OF DEFAULT AGAINST CAROLINA ONE REAL ESTATE AND AN ORDER FOR A HEARING TO DETERMINE DAMAGES AND ENTRY OF DEFAULT JUDGMENT

Petitioner *pro se* Johnson Koola ("Koola") moves this Court for an Order for Entry of Default against Carolina One Real Estate ("Carolina One") and an Order for a hearing to determine damages and Entry of Default Judgment against Carolina One after bifurcating the appeal against Carolina One from that against Trademark Properties, Inc., ("Trademark").

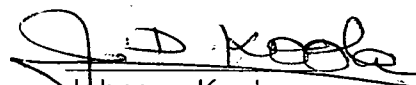
On April 5, 2017, Koola filed the Petition for Writ of Certiorari in the above referenced appellate case, appellate case NO. 2017-000822, and served the same on the counsels of record for the respondents, Carolina One and Trademark. On May 5, 2017, Trademark filed and served the respondent's Return. Carolina One has not yet filed the respondent's Return. "Within thirty (30) days after service of petition, respondent shall serve a copy of his return on opposing counsel, and shall file with the Clerk of the Supreme Court one original and six copies of his return and proof of service showing that the return has been served. Rule 242(f), SCACR. Carolina One's Return is now due by more than sixty-five days. As a matter of law, "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules, and that fact is made to appear by affidavit or otherwise, the clerk shall enter his default upon the calendar." Rule 55(a), SCRCP; *Goodson v. American Bankers, Ins. Co.*, 295 S.C. 400, 403, 368 S.E.2d 687, 689-690 (Ct.App. 1988); *Thynes v. Lloyd*, 294 S.C. 152, 153, 363 S.E.2d 122, 123 (Ct.App. 1987). Carolina One is now in default.

Koola files and serves seven copies of this Motion for an Order for Entry of Default against Carolina One and an Order for a hearing to determine damages and Entry of Default Judgment against Carolina One after bifurcating the appeal against Carolina One from that against Trademark. The Motion is accompanied by the Affidavit of Default. Upon filing the Petition for Writ of Certiorari, this Court has exclusive jurisdiction over the case. Rule 205, SCACR.

Koola would be seriously prejudiced unless this Court bifurcates the appeal against Carolina One, who is now in default, from that against Trademark, and enter an Order for Entry of Default and Order for a hearing to determine Damages and Entry of Default Judgment against Carolina One. The Petition against Trademark may be allowed to proceed on merits.

Respectfully submitted,

July 11, 2017



Johnson Koola
1587 Cambridge Lakes Dr
Mt Pleasant, SC 20464
(843) 849-9241

Petitioner *pro se*

Counsels of Record for the Respondents:
Douglas W. MacKelcan, Esquire and Williams J. Farley, III, Esquire
Michael C. Scarafale, Esquire

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Of Whom Trademark Properties, Inc., and Carolina One Real Estate are theRespondents.

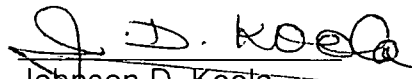
AFFIDAVIT OF DEFAULT

PERSONALLY APPEARED before me, Johnson D. Koola, who being duly sworn, deposes and states:

1. I am over the age of eighteen.
2. I am of sound mind to swear this affidavit.

3. I am the Petitioner *pro se* in the Petition for Writ of Certiorari filed in this Court in the appellate case No. 2017-000822.
4. I filed the Petition for Writ of Certiorari on April 5, 2017.
5. I served copies of the Petition for Writ of Certiorari on the counsels of record for the Respondents, Carolina One Real Estate and Trademark Properties, Inc.
6. Trademark Properties, Inc. filed and served the respondent's Return on May 5, 2017.
7. More than thirty (30) days – to be exact, more than 95 days – have elapsed since the Petition for Writ of Certiorari was filed and served.
8. Carolina One Real Estate has failed to file the respondent's Return even after sixty-five days have elapsed after the due date to file the respondent's Return.

FURTHER, THE DEPONENT SAYETH NOT.



Johnson D. Koola
1587 Cambridge Lakes Dr
Mt Pleasant, SC 20464
(843) 849-9241
Petitioner *pro se*

Sworn to before me on this 11 day of July 2017.


Notary Public of South Carolina

My Commission Expires: My Commission Expires June 22, 2022

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Of Whom Trademark Properties, Inc., and Carolina One Real Estate are theRespondents.

PROOF OF SERVICE

I, Johnson Koola, certify that on June 11, 2017, I served a copy of the petitioner's "Motion for an Oder for Entry of Default against Carolina One Real Estate and an Order for a hearing to determine damages and Entry of Default Judgment" and the "Affidavit of Default" on the counsels of record for the respondents:

Douglas W. MacKelcan, Esq., and Williams J. Farley, III, Esq., Carlock Copeland & Stair, LLP 40, Calhoun Street, Suite 400, Charleston, SC 29401, Counsel for Trademark Properties, Inc. and Michael C. Scarafile, Esq., Counsel for Carolina One Real Estate, Carolina One Real estate, 4024 Salt Pointe Parkway Charleston, SC 29405, Counsel for Carolina One.

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