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OCT 23 2017

The Supreme Court of South Carolina Court of Appeals

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211  
TELEPHONE: (803) 734-1080  
FAX: (803) 734-1499

October 20, 2017

Mr. Shawn Bethea  
P.O. Box 721  
Dillion, SC 29535

RE: Bank of America v. Shawn L. Bethea  
Appellate Court Case No. 2015- 000985  
Lower Court Case No. 2012CP1700060

Dear Mr. Bethea:

This responds to your recent letter regarding the above case.

Please be advised that this Court cannot consider this *ex parte* communication about the above case. I note that if you were aggrieved by the final decision of the South Carolina Court of Appeals in this case, your remedy was to timely seek review from this Court in the manner specified by Rule 242 of the South Carolina Appellate Court Rules.

Sincerely,

Daniel E. Shearouse

cc: Trent M. Grissom, Esquire (with copy of letter minus attachments)  
The Honorable Jenny Abbott Kitchings (with copy of letter minus attachments)

South Carolina Supreme Court  
P. O. Box 11330  
Columbia, SC 29211

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OCT 19 2017

**S.C. SUPREME COURT**

To Whom It May Concern:

I am writing this letter in complaint about the injustice I have faced with the judicial system, from the circuit court to the court of appeals.

I had a mobile home that Bank of America (hereafter "BOA") purported to have a mortgage lien against. BOA alleged I was in default and sought to repossess the mobile home. I advised BOA that it must remove the home from my land immediately, and that the mobile home would be accruing storage charges on a monthly basis until they remove the home. The mobile home incurred a significant storage charge because BOA failed to remove the home or pay storage charges.

In 2011 I obtained an attorney and filed a storageman's lien action in magistrate to recover for the storage cost that had accumulated on the mobile home. BOA was named as a party defendant in the storageman's lien action. BOA failed to answer or otherwise pleading the action. The magistrate judge entered judgement in favor of the Plaintiff (me) and ordered that the mobile home be sold at public auction, with the proceeds to satisfy the storageman's lien charges. The mobile home was legally sold at public auction in September 2011, and I was the highest bidder. Therefore, in October 2011 the South Carolina Department of Motor Vehicle issued a Certificate of Title to the mobile, pursuant to the legal sale at auction. BOA never attended the auction or filed an appeal of the magistrate's judge's final order granting the storageman's lien and ordering the same of the mobile home.

About five (5) months later in February 2012, BOA filed a foreclosure action against me seeking to foreclose on the mobile home that I had been given title to as a result of the storageman's lien action. The case was heard by a special referee who declared that the storageman's lien action was not proper and granted BOA foreclosure complaint.

What the special referee did was in violation of clear long standing doctrines of law. The doctrines of res judicata and collateral estoppel negated the jurisdiction of the special referee to litigate an issue a second time. "The doctrines of res judicata and collateral estoppel are, of course, two different concepts. A final judgment on the merits in a prior action will conclude the parties and their privies under the doctrine of res judicata in a second action based on the same claim as to issues actually litigated and as to issues which might have been litigated in the first action. Under the doctrine of collateral estoppel, on the other hand, the second action is based upon a different claim and the judgment in the first action precludes relitigation of only those issues actually and necessarily litigated and determined in the first suit." *Price v. City of Georgetown*, 297 S.C. 185, 375 S.E.2d 335 (S.C. App. 1988).

The special referee had a clear obligation of uphold the law and he did not. He ignore the law. However, when the case as appeal to the court of appeal, I thought that the justice would ultimately prevail because the court of appeals was justly exercise oversight over the special referee's mistake. However, the court of appeals upheld the referee's mistake. How can this be if the special referee had no authority to relitigate an issue that the magistrate judge had decided. Did the magistrate judge's action have no weight and legitimacy? If BOA disagreed with the storageman's lien action, it had every opportunity to answer the action and fight the action in magistrate court. However, BOA consciously chose to ignore the action.

I believe that the judicial system failed at both the circuit court level and the appellate lever to function the way it was design. I am asking that the Supreme Court initiate and investigation to determine how this failure occurred, correct it, and institute policies to prevent this type of injustice from falling on other citizens. I have lost my home because of this and so much more.

Respectfully yours

Shawn Bethea