

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

Adriane Green, individually and as personal  
representative of the estate of Adonous Green, Deceased,  
Respondent,

v.

John Doe, James Cleveland, and James I. Ford, III, aka  
"Big Ford," Defendants,

Of whom James I. Ford, III, aka "Big Ford" is the  
Appellant.

Appellate Case No. 2014-002730

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Appeal From Berkeley County  
Kristi Lea Harrington, Circuit Court Judge

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Unpublished Opinion No. 2016-UP-279  
Submitted March 1, 2016 – Filed June 8, 2016

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**AFFIRMED**

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W. Dean Murphy, III, of Charleston, for Appellant.

Samuel K. Allen, of Clore Law Group, LLC, of  
Charleston, for Respondent.

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**PER CURIAM:** Affirmed pursuant to Rule 220(b), SCACR, and the following authorities: *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998)

("It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial [court] to be preserved for appellate review."); *Herron v. Century BMW*, 395 S.C. 461, 465, 719 S.E.2d 640, 642

(2011) ("Issue preservation rules are designed to give the trial court a fair opportunity to rule on the issues, and thus provide [appellate courts] with a platform for meaningful appellate review." (quoting *Queen's Grant II Horizontal Prop. Regime v. Greenwood Dev. Corp.*, 368 S.C. 342, 373, 628 S.E.2d 902, 919 (Ct. App. 2006))); *Scott v. Porter*, 340 S.C. 158, 169, 530 S.E.2d 389, 394 (Ct. App. 2000) (questioning whether a party's argument that the evidence presented was insufficient to support the damages awarded is preserved where the record on appeal does not include a directed verdict motion); *Chapman v. Upstate RV & Marine*, 364 S.C. 82, 88, 610 S.E.2d 852, 856 (Ct. App. 2005) (finding a party's argument that there was insufficient evidence to support the damages awarded was not preserved where the party filed a directed verdict motion only challenging causation); *Herron*, 395 S.C. at 465, 719 S.E.2d at 642 ("Constitutional arguments are no exception to the preservation rules, and if not raised to the trial court, the issues are deemed waived on appeal.").

**AFFIRMED.**<sup>1</sup>

**HUFF, A.C.J., and SHORT and THOMAS, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.

**RECEIVED**

JUN 23 2014

**THE STATE OF SOUTH CAROLINA SC Court of Appeals  
IN THE COURT OF APPEALS**

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**APPEAL FROM DORCHESTER COUNTY  
COURT OF COMMON PLEAS**

**EDGAR W. DICKSON , First Circuit**

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**Case # 2009-CP-18-2200**

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**RENE McMASTERS (RONAGHAN).....Respondent**

**V.**

**HOWARD W. CHARPIA and JODY E. CHARPIA.....Appellants**

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**INITIAL BRIEF**

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**“Motion to Reconsider” and “Motion to Vacate”  
Appellant # 2013-002311**

**Howard W. Charpia  
Jody E. Charpia  
1450 Jahnz Ave.  
Summerville, SC 29485  
843-873-0976**

**Attorney Frank M. Cisa , for respondent**

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## **TABLE OF AUTHORITIES**

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**Moore v. Moore , 376 S.C. 467 , 657 S.E. 2d 743 (2008)**

**Cameron & Barkley Co. v. SC Procurement Panel , 317 S.C.**

**Dept. Social Services v. Holden , 319 S.C. 72, 78) (1995)**

**Ballenger v. SC Dep't of Health and Env'tl. Control , 331 S.C )**

**Tyron Federal Savings v. Phelps , 307 S.C. 361 ) (1992)**

## STATEMENT OF THE ISSUES

1. **Did the Court violate the Appellant's "due process" and the "due process clause" ?**
2. **Did the Court follow the SCRCP and the rules of the legislature ?**
3. **Did the Court violate Canon 3 of the Code of Judicial Conduct ?**

## STATEMENT OF THE CASE

**Howard W. Charpia and Jody E. Charpia (Appellants) are the Defendants in this case # 2009-CP-18-2200 . The Respondent , McMasters , seeks to foreclose on a judgment lien against a piece of property located in Dorchester County. The judgment is against Howard W. Charpia only and *not* against Jody E. Charpia . Jody E. Charpia owns one-half interest in said property.**

**Howard W. Charpia made a "Motion to Reconsider" and Jody E. Charpia made a "Motion To Vacate" with Dorchester County in December 2012. A hearing was held on January 9 , 2013 in Dorchester County with Judge Edgar Dickson presiding for these two (2) motions .**

**The Appellants *were not notified* of this hearing .**

## FACTS

**The Appellants were never notified of the hearing on January 9, 2013.**

**Procedural “due process” requires notice and the opportunity to be heard .  
(Cameron & Barkley Co. v. SC Procurement Panel , 317 S.C.)**

**The Clerk of Court was sworn in at this hearing and testified that  
Howard W. Charpia (Appellant) was E-mailed for the hearing of 1-9-13 .  
The Court did not ask the Clerk for a copy of said E-mail to verify notice.  
On January 10 ,2013 , the Clerk of Court E-mailed Howard W. Charpia  
stating that the Clerk’s office had a technical error and that they *did not*  
send the Appellants notice of this hearing . (exhibit 1)**

**The Appellant , Howard W. Charpia , received an E-mail from Judge  
Dickson’s law clerk (Drew Evans) on January 10 , 2013 apologizing for the  
oversight of not notifying the Appellants. ( exhibit 2)**

**“Due Process” requires notice and the opportunity to be heard at a  
meaningful time and a meaningful manner .  
( Dept. Social Services v. Holden , 319 S.C. 72, 78) (1995)**

**The Court reversed a decision where it found substantial prejudice from  
*lack of notice* and when a party receives inadequate notice , he must demon-  
strate prejudice resulting from the insufficient notice.  
(Ballenger v. SC Dep’t of Health and Env’tl. Control , 331 S.C )**

## **ARGUMENTS**

**It is fundamental that no judgment or order affecting the rights of a party to the causes shall be made or rendered without notice to the party whose rights are to be affected.**

**(Tyron Federal Savings v. Phelps , 307 S.C. 361 ) (1992)**

**It is a fundamental doctrine of the Law that a party whose personal rights are to be affected by a personal judgment must have his day in Court , or the opportunity to be heard , and that without due notice and an opportunity to be heard , a Court has no jurisdiction to adjudicate such personal rights.**

**(Moore v. Moore . 376 S.C. 467 , 657 S.E. 2d 743 2008 )**

**The requirements of “due process” not only include notice , but also an opportunity to be heard in a meaningful way and judicial review.**

**( Grannis v. Ordean , 234 S.C. 1914)**

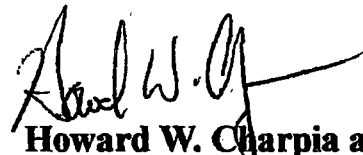
**CONCLUSION**

**The Appellants , Howard W. Charpia and Jody E. Charpia were never notified of said hearing of January 9, 2013 . (exhibits 1, 2, 3)**

**Judge Dickson's Order is incomplete and ambiguous , it sets forth neither findings of fact *nor* conclusions of Law and it fails to set forth the Court's reasoning for it's ruling.**

**The Court did not comply with the Rule that these issues should be decided with a full and complete record .**

**WHEREFORE , the Appellants pray this Court reverse the decision of Judge Dickson's order and grant them a new trial .**

  
**Howard W. Charpia and  
Jody E. Charpia**

## RULE 210 RECORD ON APPEAL

**(a) Time for Service.** Within thirty (30) days after service of the last brief, the appellant shall serve a copy of the Record on Appeal on each party who has served a brief. Proof of service of the Record shall be immediately filed with the clerk of the appellate court.

**(b) Time for Filing.** The appellant must file with the clerk of the appellate court fifteen (15) copies of the Record on Appeal no later than the date his brief(s) are due under Rule 211. As provided by Rule 267(d), one copy filed with the appellate court shall be filed unbound. The appellate court may require an appellant to file additional copies of the Record on Appeal.

**(c) Content.** The Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267. The Record shall not, however, include matter which was not presented to the lower court or tribunal. Matter contained in the Record on Appeal shall be arranged in the following order: the title page, index, orders, judgments, decrees, decisions, pleadings, transcript, charges, exhibits and other materials or documents, and a certificate by appellant. Each page of the Record on Appeal shall be numbered consecutively beginning with the index. Where a portion of a page of the trial transcript, or a page of an exhibit or document, is to be included in the Record on Appeal, the entire page shall be included. When a portion of an order, judgment, decision or pleading is to be included in the Record on Appeal, the entire order, judgment, decision or pleading shall be included in the Record, to include the caption and signature(s); provided, however, that the portion of a pleading showing verification or service shall not be included unless relevant to the appeal. If the original court reporter's numbering has been deleted, the Record on Appeal shall contain ellipses or other notation indicating when pages of the court reporter's transcript have been omitted.

Where witness testimony is included in the Record on Appeal, the first page of each witness's direct, cross, redirect and recross examination must show the name of the witness, the phase of examination and the name of the counsel conducting the examination. If this information is not already reflected on the page, the top of the page shall be annotated with the required information in the following form:  
John H. Doe--Direct (Cross) (Redirect) (Recross) Examination by Mr. Smith.

**(d) Title.** The title page shall contain the caption as set forth in Rule 267. Nothing shall be printed on the title page except the caption.

**(e) Index.** Every Record on Appeal shall contain an index to the principal matters therein to include orders, judgments, decisions, pleadings, pretrial matters, opening statements, testimony, motions, closing arguments, jury charges, post-trial motions and exhibits. For witness testimony, the index shall show the pages on which direct, cross, redirect and recross examination begins.

**(f) Exhibits.** Photographs, plots and diagrams, and other paper exhibits shall be inserted in the Record on Appeal where they can reasonably be reduced or drawn to a size which permits them to be printed and inserted in the Record on Appeal, without folding more than one time. Where they are larger, or do not reasonably lend themselves to accurate reproduction, they need not be included in the Record on Appeal, but shall be filed separately. All exhibits other than paper exhibits must be retained in the trial court and delivered to the appellate court only upon receipt of an order from the clerk of the appellate court.

**(g) Certificate of Counsel.** Appellant or his counsel shall certify that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

(h) **Review Limited to Record on Appeal.** Except as provided by Rule 212 and Rule 208(b)(1)(C) and (2), the appellate court will not consider any fact which does not appear in the Record on Appeal. Last amended by Order dated January 29, 2009, effective April 29, 2009, by Order of the same date

1. 10 YEAR Judgment ENERGY NOT In Record on Appeal.
2. 10 YEAR ARGUMENT WAS NEVER BROUGHT BEFORE Lower Court NOR EVER Ruled upon.

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

Rene McMasters now known as Rene McMasters  
Ronaghan, Respondent,

v.

H. Wayne Charpia a/k/a Howard W. Charpia and Jody E.  
Charpia, Appellants.

Appellate Case No. 2013-002311

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Appeal From Dorchester County  
Edgar W. Dickson, Circuit Court Judge

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Unpublished Opinion No. 2016-UP-423  
Submitted September 1, 2016 – Filed October 5, 2016

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**AFFIRMED**

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Howard W. Charpia and Jody E. Charpia, of  
Summerville, pro se.

Frank M. Cisa, of The Law Firm of Cisa & Dodds, LLP,  
of Mt. Pleasant, for Respondent.

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**PER CURIAM:** Howard W. Charpia and Jody E. Charpia (the Charpias) appeal the denial of their motions to reconsider the granting of a foreclosure of a judgment lien and to vacate or void the compulsory order of reference. ~~The Charpias argue~~

(1) the judgment underlying the foreclosure is void because ten years has expired without execution of the judgment and (2) the circuit court lacked jurisdiction and violated the Due Process Clause because the Charpias were not properly notified of the hearings. We affirm.<sup>1</sup>

1. We find the judgment underlying the foreclosure was not void because Rene McMasters Ronaghan sought to enforce it within the ten-year statutory period. See S.C. Code Ann. § 15-39-30 (2005) ("Executions may issue upon final judgments or decrees at any time within ten years from the date of the original entry thereof and shall have active energy during such period, without any renewal or renewals thereof. . . ."); *Linda Mc Co., Inc. v. Shore*, 390 S.C. 543, 554, 703 S.E.2d 499, 505 (2010) ("[W]hen a party has complied with the applicable statutes . . . and is merely waiting on a court's order regarding execution and levy, the ten[-]year limitation found in section 15-39-30 is extended to when the court finally issues an order."); *id.* at 555, 703 S.E.2d at 505 ("[I]f a party takes action to enforce a judgment within the ten-year statutory period of active energy, the resulting order will be effective even if issued after the ten-year period has expired.").

2. We find the circuit court properly exercised jurisdiction. See *Milgroom v. McDaniel*, 308 S.C. 5, 8-9, 416 S.E.2d 626, 627-28 (1992) (finding the master-in-equity properly returned the matter to the circuit court because of a potential conflict and the circuit court "reached [its] own findings only after conducting an independent hearing and review of the record"). Additionally, the circuit court did not violate the Charpias' due process rights. Although the Charpias were not properly notified of the January 9, 2013 hearing, the circuit court had already held a July 30, 2012 hearing on the foreclosure action that the Charpias attended, and it issued a thorough order granting foreclosure. See *Murdock v. Murdock*, 338 S.C. 322, 334, 526 S.E.2d 241, 248 (Ct. App. 1999) ("It is a fundamental doctrine of the law that a party whose personal rights are to be affected by a personal judgment must have *a day in court, or opportunity to be heard*, and that without due notice and opportunity to be heard a court has no jurisdiction to adjudicate such personal rights." (emphasis added) (quoting *Webster v. Clanton*, 259 S.C. 387, 391, 192 S.E.2d 214, 216 (1972))). Further, the January 9, 2013 hearing consisted primarily of discussion about whether the Charpias received notice, and the circuit court's order did not indicate it considered anything presented at the hearing. Thus, we find the circuit court did not err in denying the Charpias' motion to reconsider. See Rule 59(f), SCRPC ("The motion [to alter or amend the judgment] may in the

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.

discretion of the court be determined on briefs filed by the parties without oral argument.").

**AFFIRMED.**

**WILLIAMS, THOMAS, and GEATHERS, JJ., concur.**

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

Rene McMasters now known as Rene McMasters  
Ronaghan, Respondent,

v.

H. Wayne Charpia a/k/a Howard W. Charpia and  
Jody E. Charpia, Defendants,

Of whom H. Wayne Charpia, a/k/a Howard W.  
Charpia, is the, Appellant.

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Appeal From Dorchester County  
Edgar W. Dickson, Circuit Court Judge

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Unpublished Opinion No. 2011-UP-445  
Submitted October 1, 2011 – Filed October 11, 2011

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**AFFIRMED**  
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Howard W. Charpia, pro se, of Summerville.

Frank M. Cisa, of Mt. Pleasant, for Respondent.

**PER CURIAM:** H. Wayne Charpia appeals the circuit court's grant of Rene McMasters Ronaghan's motion for a compulsory order of reference, arguing the circuit court erred in: (1) not enforcing Rule 53, SCRCP; (2) not enforcing Rule 38, SCRCP; and (3) not accepting a "judicial/execution sale" or "upset bid sale" of the subject property. We affirm<sup>[1]</sup> pursuant to Rule 220(b)(1), SCACR, and the following authorities:

1. As to whether the circuit court erred in not enforcing Rule 53, SCRCP: Rule 71, SCRCP ("Actions to foreclose liens . . . shall ordinarily be referred to a master pursuant to Rule 53."); Rule 53(b); SCRCP (stating an action for foreclosure "may be referred to the master . . . by order of a circuit judge or the clerk of court").

2. As to whether the circuit court erred in not enforcing Rule 38, SCRCP: Lester v. Dawson,



327 S.C. 263, 267, 491 S.E.2d 240, 242 (1997) ("Generally, the relevant question in determining the right to trial by jury is whether an action is legal or equitable; there is no right to trial by jury for equitable actions."); Wilder Corp. v. Wilke, 324 S.C. 570, 576, 479 S.E.2d 510, 513 (Ct. App. 1996) (stating actions for foreclosure are in equity).

3. As to whether the circuit court erred in not accepting a "judicial/execution sale" or the "upset bid sale" of the subject property: S.C. Dep't of Transp. v. First Carolina Corp. of S.C., 372 S.C. 295, 301-02, 641 S.E.2d 903, 907 (2007) (holding an issue must be raised to and ruled upon by the circuit court to preserve the issue for appellate review).

**AFFIRMED.**

**HUFF, PIEPER, and LOCKEMY, JJ., concur.**

[1] We decided this case without oral argument pursuant to Rule 215, SCACR.

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Rate 210 (H)

**ORIGINAL**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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**APPEAL FROM DORCHESTER COUNTY  
COURT OF COMMON PLEAS**

**EDGAR W. DICKSON , FIRST CIRCUIT**

---

**Case # 2009-CP-18-2200**

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Rene McMasters now known as Rene McMasters Ronaghan, Respondent,  
v.  
H. Wayne Charpia a/k/a Howard W. Charpia and Jody E. Charpia,  
Appellants.

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**RECORD ON APPEAL**

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Frank M. Cisa  
858 Lowcountry Blvd. Ste 101  
Mt. Pleasant, SC 29464

**For Respondent**

Howard W. Charpia ,  
1450 Jahnz Ave.  
Summerville , SC 29485  
843-873-0976

Jody Charpia

**RECEIVED**

SEP 25 2014

**SC Court of Appeals**

# Master v. Charpia, 2009-CP-18-2200, Motion to Reconsider/Motion to Set Aside Judgment

Thursday, January 10, 2013 4:35 PM

From:

"Dickson, Edgar W. Law Clerk (Andrew C. Evans)" <edicksonlc@sccourts.org> Add sender to Contacts

To:

"charpia13@bellsouth.net" <charpia13@bellsouth.net>, "frank@cisadodds.com" <frank@cisadodds.com>

Cc:

"Dickson, Edgar W. Secretary (Peggy Smith)" <edicksonsc@sccourts.org>, "Becky Stevens (BStevens@dorchestercounty.net)" <BStevens@dorchestercounty.net>, "Ayer, Carolyn L." <cayer@dorchestercounty.net>

Gentlemen,

It has come to the Court's attention that Mr. Charpia contends that he was not notified of the hearing that took place yesterday, January 9, 2013 in Dorchester County.

The Court would like to apologize for this oversight.

It appearing that this matter is currently before the South Carolina Court of Appeals, the Court feels it no longer has the jurisdiction to hear Motions in the case. However, the Court wishes to make a ruling on Mr. Charpia's two Motions without any further argument.

The Court has taken both Motions under consideration and has consulted the Court file as well as arguments of the parties, written submissions, and its own notes from the prior hearing. The Court has found nothing therein raising grounds to alter or set aside the judgment. As such, both Motions are hereby denied.

Mr. Cisa, Judge Dickson asks that you prepare an Order and send a copy to Mr. Charpia. Please send us a hard copy via US Mail with a self-addressed return envelope.

Thank you. Kind regards,

Drew Evans  
Andrew C. Evans  
Law Clerk, Hon. Edgar Warren Dickson  
First Judicial Circuit  
P. O. Box 1949  
Orangeburg, S. C. 29116

**RE: FW: FW: New Civil Action  
2009-CP-18-2200**

Thursday, January 10, 2013 2:38 PM

From:

"Carolyn Ayer" <CAyer@dorchestercounty.net> [Add sender to Contacts](#)

To:

"HWayne CHARPIA" [charpia13@bellsouth.net](mailto:charpia13@bellsouth.net)

Cc: [frank@cisadodds.com](mailto:frank@cisadodds.com), "Becky Stevens" <BStevens@dorchestercounty.net>

Wayne,

After checking, it seems we had a technical error your email was entered under your name instead of your name as pro se, and that seems to be why you didn't get notice after checking with IT Dept. I will talk to Judge Dickson and get back to you.

Carolyn Ayer  
Deputy/Civil Court Coordinator  
Dorchester County  
5200 East Jim Bilton Blvd.  
St. George, S.C. 29477

[cayer@dorchestercounty.net](mailto:cayer@dorchestercounty.net)

DORCHESTER COUNTY CLERK OF COURT  
Cheryl Graham, Clerk of Court  
5200 East Jim Bilton Blvd.  
St. George, SC 29477



*Case No. 2009CP1802200  
McMasters vs. Charpia  
Motion: Motion for Reconsideration*

*This is to acknowledge that the Clerk of Court Coordinator did not notify the defendant Jody Charpia of the hearing on January 9, 2013 on the above captioned case.*

*May 12, 2014*

*Carolyn Ayer*  
\_\_\_\_\_  
*Carolyn Ayer, Civil Court  
Coordinator  
Dorchester County*

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**CISA & DODDS, LLP**  
**ATTORNEYS AND COUNSELORS AT LAW**

858 Lowcountry Boulevard, Suite 101  
Mt. Pleasant, South Carolina 29464  
Telephone (843) 881-6530 Fax (843) 881-5433

FRANK M. CISA  
JOHN J. DODDS, III  
ROBERT S. DODDS

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john@cisadodds.com  
robert@cisadodds.com

May 24, 2012

H. Wayne Charpia  
1450 Jahnz Ave.  
Summerville, SC 29485

RE: Rene' McMasters. now known as Rene McMasters Ronaghan. v. H. Wayne Charpia, et al  
Case No.: 2009-CP-18-2200  
Our file: 09-084

Dear Mr. Charpia:

The above case appears on the trial roster for a term commencing on Monday, July 30, 2012 in Dorchester County. This case is currently listed as case number #2 on the trial roster and therefore it will in all likelihood be reached on Monday, July 30, 2012. The docket meeting is scheduled to commence at 10:00a.m. You will need to be present for the trial of the above case.

With kindest regards, I am

Very truly yours,



Frank M. Cisa

FMC/alp

cc: Rene McMasters Ronaghan

REC. 5-26-12

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Wendy Young

**From:** HWayne CHARPIA [charpia13@bellsouth.net]  
**Sent:** Thursday, October 17, 2013 12:00 PM  
**To:** wendy.young@cmmcmachine.com  
**Subject:** Fw: 2009-CP-18-2200 Hearing 1-9-13

make me a copy...please

----- Forwarded Message -----

**From:** Carolyn Ayer <CAyer@dorchestercounty.net>  
**To:** HWayne CHARPIA <charpia13@bellsouth.net>  
**Sent:** Thursday, October 17, 2013 10:40 AM  
**Subject:** RE: 2009-CP-18-2200 Hearing 1-9-13

Wayne,  
Morning,  
I have dozens of emails from you also.

The email I forwarded to you from Drew, Judges Clerk states that I did not send you an email and you were not listed as pro se defendant and that is the reason you were not noticed. If we don't enter you as pro se then you will not get a notice. You have always been listed as pro se on every case you have, but it does not generate on every case unless we enter it correctly.

The Dorchester County IT Department is what I am referring to; I think this should clarify what you are asking for: It has come to the Court's attention that Mr. Charpia contends that he was not notified of the hearing that took place yesterday, January 9, 2013 in Dorchester County. The Court would like to apologize for this oversight.

Wayne, we have been over this several times now. The Court has continuously acknowledged that it did not send you notice of the hearing. I am at a loss as to why we are revisiting this issue.

Carolyn Ayer  
Deputy/Civil Court Coordinator  
Dorchester County  
5200 East Jim Bilton Blvd.  
St. George, S.C. 29477.  
[cayer@dorchestercounty.net](mailto:cayer@dorchestercounty.net)

**From:** HWayne CHARPIA [mailto:charpia13@bellsouth.net]  
**Sent:** Thursday, October 17, 2013 6:04 AM  
**To:** Carolyn Ayer  
**Subject:** 2009-CP-18-2200 Hearing 1-9-13

Carolyn,

Morning. Transcript of January 9, 2013, Court addresses Madam Clerk. Was this Cheryl or you? Clerk states that she sent me notice on December 6, 2012; may I please have a copy of this E-mail? Also, may I have a copy of the E-mail Clerk sent me on January 7, 2013 for notice of this hearing?

E-mail from you on January 10, 2013 states "after checking with IT Dept", what & where is the IT Dept.? Whom did you speak with on this in the IT Dept.? I have dozens of E-mails from the Clerk's office over the years and ALL read the same:

[charpia13@bellsouth.net](mailto:charpia13@bellsouth.net)

I don't have an E-mail with "my name as pro se", never had:

# NOTICE OF CASE SCHEDULING

STATE OF  
SOUTH CAROLINA

May 23, 2012



**Case 2009CP1802200 - Rene Mcmasters VS H Wayne Charpia, defendant, et al has been added to the following Court Roster:**

**Roster ID: 117 - Non Jury Trial Roster, July 30, 2012 Hon . Edgar Dickson, Presiding**

This case has been assigned as priority 2 of 19 cases scheduled for the court period of 7/30/2012 through 7/30/2012

Attorneys: Non Jury Roster Meeting July 30, 2012 10:00 a.m. trials will begin immediately after roster meeting. Roster can be found at [www.sccourts.org](http://www.sccourts.org) . Hon. Edgar Dickson Presiding, Dorchester County Courthouse 5200 East Jim Bilton Blvd., St. George, S.C. 29477 if your case has settled please notify [cayer@dorchestercounty.net](mailto:cayer@dorchestercounty.net)

Thank you,  
s/Diane S. Goodstein, Chief Adm. Judge  
Carolyn Ayer  
Civil Court Coordinator  
Dorchester County  
843-823-0108

RECEIVED  
2012 MAY 24 AM 11:38  
CLERK OF COURT  
DORCHESTER COUNTY

Mail Notice to
H Wayne Charpia 1450 Jahnz Ave.  Summerville, SC 29485

Court Info.
Common Pleas 5200 E. Jim Bilton Blvd.  St. George, SC 29477-9477

**If you have any questions regarding the scheduling of this case, please contact the courts at:  
1-843-563-0108**

Respectfully,

Carolyn Ayer  
Civil Court Coordinator

PO Box 234  
29477

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**Dorchester County First Judicial Circuit - Roster Details  
Motions, July 30, 2012, Hon. Edgar Dickson, Presiding**

<b>Court Agency</b>	Common Pleas	<b>Judge</b>	Dickson	<b>Roster Id</b>	109
<b>Roster Type</b>	Motions	<b>Roster Begin Date</b>	07/30/2012	<b>Roster End Date</b>	07/30/2012

Number of motions = 18

Scheduled	#	Time	hr:mn	Description	Filing Party	Filed Date	Case	Case Sub Type	Plaintiff Attorney	Defendant Attorney	Notes
07/30/2012	1	9:30 AM	0:15	Amended Motion to Compel	Carmen Hutto-PLT	07/19/2012	2011CP1802529 Carmen Hutto, plaintiff, et al VS Casey G Carver	Wrongful Death 360	David Wesley Whittington (843) 821-9700	R Bruce Wallace (843) 577-9440	Completed-07/30/2012
07/30/2012	2	9:30 AM	0:15	Notice of Motion & Motion for order of reference	Eleanor Reynolds- PLT	03/12/2012	2010CP1802603 Eleanor Reynolds VS George W Middleton defendant, et al	Foreclosure 420	Gregory Hyland (843) 871-7765 Andrew Shephard (843) 871-7765	Ariethia Cherry Hayes Randall Webb Charpia (843) 261- 7026 Carol Liggins Kenya Hamilton Hayes George Hayes Ralph Clayton	Completed-07/30/2012
07/30/2012	3	9:30 AM	0:15	Motion for Order of Refer to Master	First Federal Savings And Loan Association Of Charleston-PLT	11/22/2011	2011CP1801268 First Federal Savings And Loan Association Of Charleston VS Russell C Davis defendant, et al	Foreclosure 420	Kristen Nichols Voyer ((84) 3) -577 -x2026	Tammy C Davis Russell C Davis	Completed-07/30/2012
07/30/2012	4	10:00 AM	0:15	Notice of Motion and Motion of In Default	William D Waltz- DEF	03/19/2012	2011CP1800466 Tommie J Dangerfield VS William D Waltz	Personal Injury 350	David Wesley Whittington (843) 821-9700	William D Waltz John L McDonald Jr (843) 577-2026	Completed-08/01/2012
07/30/2012	5	2:00 PM	0:15	Def DC School Dist. 2 Motion to Dismiss/Alternatively	Dorchester County School District 2- DEF	10/26/2011	2011CP1801727 Mary Rita Watson VS Dorchester County School District 2, defendant, et al	Breach of Cont 140	Gregg E. Meyers (843) 720-8714	Hugh Willcox Buyck (843) 377-1400 Gordon Wade Cooper (843) 577- 4435 Elizabeth Palmer ((84) 3) -266- x8166	Completed-07/30/2012
07/30/2012	6	2:00 PM	0:15	Def Luther Carl Knights Motion to Dismiss/Alternative/Moti on	Sheriff Dorchester County-DEF	11/16/2011	2011CP1801727 Mary Rita Watson VS Dorchester County School District 2, defendant, et al	Breach of Cont 140	Gregg E. Meyers (843) 720-8714	Hugh Willcox Buyck (843) 377-1400 Gordon Wade Cooper (843) 577- 4435 Elizabeth Palmer ((84) 3) -266- x8166	Completed-07/30/2012
07/30/2012	7	2:00 PM	0:15	Notice of Motion for Temporary Restraining Order	William Blazer-PLT	06/16/2011	2011CP1801233 William Blazer VS Jody Vavra Bentley	Contract/Oth er 199	Margie A Pizarro (843) 285-7100	Russell A. DeMott (843) 695-0830 Jody Vavra Bentley	Completed-04/30/2012
07/30/2012	8	2:00 PM	0:15	Motion for Protective Order/Affidavit		05/11/2012	2011CP1801832 Amber Nicole Thompkins, plaintiff, et al VS Dorchester County School District 2, defendant, et al	Personal Injury 350	David Butler Yarborough Jr (843) 972-0150	Alice F Paylor (843) 266-8105 James A Stuckey Jr (843) 577-9323	Completed-06/22/2012
07/30/2012	9	2:00 PM	0:15	Motion to reopen the Record of a PCR Hearing	Louis Sheppard- PLT	09/08/2011	2010CP1802042 Louis Sheppard VS South Carolina State Of	Post Convict Rel 500	Charles Thomas Brooks (803) 418- 5708	Robert Comey (843) 734-5178	Completed-07/30/2012

**Dorchester County First Judicial Circuit - Roster Details  
Motions, July 30, 2012, Hon. Edgar Dickson, Presiding**

<b>Court Agency</b>	<b>Common Pleas</b>	<b>Judge</b>	<b>Dickson</b>	<b>Roster Id</b>	<b>109</b>
<b>Roster Type</b>	<b>Motions</b>	<b>Roster Begin Date</b>	<b>07/30/2012</b>	<b>Roster End Date</b>	<b>07/30/2012</b>

Number of motions = 18

Scheduled	#	Time	hr:mn	Description	Filing Party	Filed Date	Case	Case Sub Type	Plaintiff Attorney	Defendant Attorney	Notes
									Louis Sheppard		
07/30/2012	10	2:00 PM	0:15	Motion for Substitution of Counsel	Michael Dever-DEF	02/24/2012	2011CP1800508 514 Jump Amusements Llc VS Sarah Rangel defendant, et al	Debt Collections 110	Paul B. Ferrara III (843) 569-5511	Michael Dever (843) 224-1503 Sarah Rangel (843) 224-1503	Completed-07/30/2012
07/30/2012	11	2:00 PM	0:15	Motion to Dismiss/Answer	Us Bank National Association-DEF	03/08/2012	2010CP1802777 Marva A HardeeThomas, plaintiff, et al VS Us Bank National Association	Real Prop/Other 499	Marva A HardeeThomas (843) 553-6363	Mark S. Wierman (704) 338-6000	Completed-07/30/2012
07/30/2012	12	2:00 PM	0:15	Motion/Damages	Beulah Bryant-PLT	02/23/2012	2011CP1800906 Beulah Bryant VS Carl L Felder Sr	Personal Injury 350	Matthew Douglas (843) 821-9700	Carl L Felder Sr	Completed-07/30/2012
07/30/2012	13	3:00 PM	0:15	Motion for Reconsider	Michael Dever-DEF	02/24/2012	2011CP1800508 514 Jump Amusements Llc VS Sarah Rangel, defendant, et al	Debt Collections 110	Paul B. Ferrara III (843) 569-5511	Michael Dever (843) 224-1503 Sarah Rangel (843) 224-1503	Completed-07/30/2012
07/30/2012	14	3:00 PM	0:15	Motion for Dismissal	Michael Dever-DEF	02/24/2012	2011CP1800508 514 Jump Amusements Llc VS Sarah Rangel defendant, et al	Debt Collections 110	Paul B. Ferrara III (843) 569-5511	Michael Dever (843) 224-1503 Sarah Rangel (843) 224-1503	Completed-07/30/2012
07/30/2012	15	3:00 PM	0:15	Motion/Dismiss of defendant Christiane E McNeal	Christiane E McNeal-DEF	05/16/2012	2012CP1800895 Taunya Lou Stephens Jeter, plaintiff, et al VS Department Of Corrections South Carolina, defendant, et al	Wrongful Death 360	C. Carter Elliott Jr. (843) 546-0650	James Edward Scott IV (843) 577-4000 Michael C. Tanner (803) 245-9153 James C. Parham Jr. (803) 749-8555 Randolph L. Lee (919) 439-2221 Jonathan Hopkins Dunlap ((80) 3) - 446- x5606 Donald Jay Davis Jr. (843) 577-4000 David H. Batten (919) 439-2221	Completed-07/26/2012
07/30/2012	16	3:00 PM	0:15	Motion to Dismiss/Answer to Amended Complaint	Trident Medical Center, LLC-DEF	05/14/2012	2012CP1800895 Taunya Lou Stephens Jeter, plaintiff, et al VS Department Of Corrections South Carolina, defendant, et al	Wrongful Death 360	C. Carter Elliott Jr. (843) 546-0650	James Edward Scott IV (843) 577-4000 Michael C. Tanner (803) 245-9153 James C. Parham Jr. (803) 749-8555 Randolph L. Lee (919) 439-2221 Jonathan Hopkins	Completed-07/26/2012

**Dorchester County First Judicial Circuit - Roster Details  
Motions, July 30, 2012, Hon. Edgar Dickson, Presiding**

Court Agency	Common Pleas	Judge	Dickson	Roster Id	109
Roster Type	Motions	Roster Begin Date	07/30/2012	Roster End Date	07/30/2012

Number of motions = 18

Scheduled	#	Time	hr:mn	Description	Filing Party	Filed Date	Case	Case Sub Type	Plaintiff Attorney	Defendant Attorney	Notes	
07/30/2012	17	3:00 PM	0:15	Motion for Summary Judgment	AAA Plumbing LLC -DEF	02/09/2012	2011CP1801400. John Philip Garber, plaintiff, et al VS Keystone Builders Resource Group, defendant, et al	Constructions 100	Ivon Keith McCarty (843) 793-1272	Dunlap, ((80) 3) 446- x5606 Donald Jay Davis Jr. (843) 577-4000 David H. Batten (919) 439-2221	Patrick T. Morrissey (843) 577-2026 S Ross Shealy J David Banner (843) 669-8787 David Starr Cobb (843) 576-2803 Edward Glenn Elliott (843) 669-8787 Roopal Ruparelia Samuels (803) 779-3080	Completed-07/12/2012
07/30/2012	18	3:00 PM	0:15	Motion/Quash deposition	Thomas Quinn-DEF	06/27/2012	2009CP1802698 Boyle Plantation Hca Assn Inc VS Thomas Quinn defendant, et al	Relief 820	Peter Brandt Shelbourne (843) 871-2210 Melanie Anne Maes ((84) 3) -871- x2210	George Hamlin O'Kelley, III (843) 856-4468	Completed-07/09/2012	

9



Based upon the foregoing it is hereby,

ORDERED, that the above captioned action is hereby referred to the Master-in-Equity for  
Dorchester County for purposes of conducting a hearing, making findings of facts and  
conclusions of law and to render a final decree with direct appeal to the South Carolina Court of  
Appeals in accordance with Section 14-11-85 Code of Laws of South Carolina, 1976, as  
amended.

AND IT IS SO ORDERED!



Edgar Warren Dickson, Presiding Judge  
First Judicial Circuit

This 27<sup>th</sup> day of April, 2010.

Orangeburg, S.C.

1 County. I'm going to order that the case be heard by the  
2 Master-In-Equity, unless -- unless he, for some reason,  
3 believes that he has some conflict and should not hear  
4 that.

5 At which time, if y'all cannot agree on a special  
6 referee, I will appoint someone to be the special referee.  
7 But assuming he has no conflict, this case is going to be  
8 referred to the Master-In-Equity, and he's going to hear  
9 it.

10 MR. CHARPIA: Yes, sir.

11 THE COURT: Okay. Thank you, sir.

12 MR. CISA: Thank you, Your Honor.

13 THE COURT: And Mr. Cisa, if you'd prepare me that  
14 order --

15 MR. CISA: Yes, sir.

16 THE COURT: -- I'll be happy to sign it.

17 MR. CISA: I will. Judge, if I prepare the order, I  
18 mail it to your Orangeburg office, correct?

19 THE COURT: Yes, sir.

20 MR. CISA: Do you return the order to me and then I  
21 file it with the Clerk? Some judges will -- will try to  
22 get it to the Clerk themselves, but most judges send them

24 THE COURT: Yeah. I will probably send it back to you

To: Dorchester County Clerk of Court  
Judge Edgar Dickson  
Judge Diane Goodstein  
5200 East Jim Bilton Blvd.  
St. George , SC 29477

8-28-14

From: Howard W. Charpia , et al  
1450 Jahnz Ave.  
Summerville , SC 29485

Re: Case # 2009-CP-18-2200  
McMasters v. Charpia

CERTIFIED COPY  
RECORDED  
2014 AUG 29 PM 2:11  
2014 AUG 29 PM 2:05  
CHERYL GRANHAM  
CLERK OF COURT  
DORCHESTER COUNTY  
DORCHESTER COUNTY

Court ,

**An Order Granting Compulsory Order of Reference**

was signed by Judge Dickson on April 29 , 2010 ; referring this action to the Master-in- Equity for purposes of conducting a hearing , making findings of facts and conclusions of law and to render a final decree with direct appeal to the Supreme Court.

Once the Judge issues a ruling disposing of the case , " his jurisdiction of the matter , except for the correction of clerical errors , ends . ( Barnett v. Piedmont Shirt Corp., 230 S.C. )

This matter / action has never been heard by the Master to render a final decree . Said Order relieves the Judge and the Court of its subject matter jurisdiction.

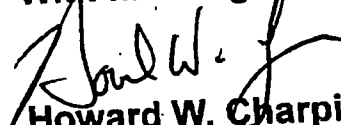
Said Order of Foreclosure and Sale dated October 29 , 2012 and judgment is "void". Void under Rule 60 (b)(4) encompasses judgments from Courts which failed to provide proper due process , or judgments from Courts which lacked subject matter jurisdiction .

This judgment lost its active energy on August 5 , 2014 ; ten years. Said judgment being a statue of repose and a statute of repose destroys any previously existing rights so that the cause of action no longer exists.

Also , Howard W. Charpia , was never given proper notice on the grounds before the Court to be argued and /or addressed , thus violating his due process for hearings of July 30 , 2012 and January 9, 2013 .

The Defendant (s) pray that this Court look into this matter and dismiss case # 2009-CP-18-2200 . This case has no judgment against Howard W. Charpia and Jody E. Charpia .

With kind regards,



Howard W. Charpia  
quarterback@sc.rr.com

CC: FRANK M. CISA

C O P Y

1 STATE OF SOUTH CAROLINA )  
2 COUNTY OF DORCHESTER )

COURT OF COMMON PLEAS  
No. 2009 CP 18 2200

3  
4 RENE McMASTERS )  
5 Plaintiff )

6 versus )

TRANSCRIPT OF RECORD

7  
8 H. WAYNE CHARPIA, )  
also known as HOWARD )  
9 W. CHARPIA, and )  
JODY CHARPIA )

10 Defendants )

St. George, South Carolina

January 9, 2013

11  
12  
13  
14 B E F O R E :

15 HONORABLE EDGAR DICKSON, Presiding Judge

16  
17 A P P E A R A N C E S :

18 For the Plaintiff: FRANK CISA, ESQ.

19 For the Defendants: No Appearance

20 Reporter Present: HARRY DOT WALKER

21

22

23 HARRIET P. BENNETT  
Reporter, S. C. Court Administration  
24 46 Regency Oaks Drive  
Summerville, S. C. 29485

25

1 (The within matter came before the Court on January 9,  
2 2013)

3 THE COURT: All right, what have we got next?

4 CLERK: McMasters versus Wayne Charpia.

5 THE COURT: All right. Ms. Harry Dot, this is Case  
6 2009 CP 18 2200, and this is a Motion -- let's see.

7 This is a Motion to reconsider and a Motion to set  
8 aside a judgment.

9 MR. CISA: I do not see Mr. Charpia here.

10 THE COURT: I don't see him either. Will somebody  
11 go out in the hall and call Mr. Charpia?

12 (Brief pause)

13 THE COURT: Madam Clerk, to your knowledge did Mr.  
14 Charpia receive notice of this?

15 CLERK: Yes, sir, I noticed him.

16 THE COURT: I'm going to swear you in, if you don't  
17 mind.

18 (Clerk sworn by the Court)

19 THE COURT: The title of this case is Rene McMasters  
20 as Plaintiff versus H. Wayne Charpia and Jody Charpia,  
21 Defendants. It is Case Number 2009 CP 18 2200.

22 Okay, Madam Clerk, you are charged with sending out  
23 these notices?

24 CLERK: Yes, sir.

25 THE COURT: And you say you sent notice of this hearing

1 to Mr. Charpia on what date?

2 CLERK: December 6th of 2012 and January 7 of 2013.

3 THE COURT: And the dates didn't change?

4 CLERK: No, sir.

5 THE COURT: And you used an E-mail address?

6 CLERK: Yes, sir.

7 THE COURT: And that was an E-mail address he pro-  
8 vided you with?

9 CLERK: Yes.

10 THE COURT: Is there a way to confirm whether or not  
11 he received it?

12 CLERK: Well, nothing bounced back.

13 THE COURT: Nothing bounced back?

14 CLERK: No, sir.

15 THE COURT: Okay, and you had contacted him that way  
16 before?

17 CLERK: Yes.

18 THE COURT: And he has responded?

19 CLERK: Yes, sir, he has.

20 THE COURT: Okay. All right. We were scheduled to  
21 have a hearing at two o'clock, and it's now two O seven.

22 Mr. Cisa?

23 MR. CISA: Your Honor, I would ask that you deny the  
24 Motions.

25 I have been in contact by E-mail with Mr. Charpia for

1 the past two months, trying to resolve the case.

2 THE COURT: Okay.

3 MR. CISA: But I haven't been able to get to the  
4 finish line on that.

5 I actually can't find a copy of the Motion to recon-  
6 sider in my file.

7 THE COURT: I have it right here if you want it.

8 MR. CISA: Well, I would just request of the Court  
9 -- I know I don't have it, and he didn't serve it on me.

10 THE COURT: He didn't serve it on you?

11 MR. CISA: I don't have it in my file and he didn't  
12 serve it that I can recall. I don't know what it says.

13 I don't think that he did, and I would request that  
14 you deny the Motion for reconsideration.

15 He has filed a lot of Motions, Judge, and one of the  
16 Motions was to void or vacate the Order because there was  
17 no personal jurisdiction -- personal or subject matter  
18 jurisdiction.

19 THE COURT: Yes.

20 MR. CISA: This is an action for foreclosure of a  
21 judgment lien against a piece of property located in  
22 Dorchester County. But I haven't heard anything from him  
23 concerning the Motions, and I would request that the  
24 Court deny the Motions.

25 THE COURT: Is there anything else you want to add?

1 MR. CISA: Mr. Charpia is a resident of Dorchester  
2 County, as is Mrs. Charpia.

3 THE COURT: Right. I haven't heard anything from him  
4 concerning these motions.

5 MR. CISA: We do have an existing judgment, and we  
6 are not denying he has a right to legal counsel, although  
7 Mr. Charpia didn't raise that issue at a previous hearing.

8 THE COURT: I believe he was asked if he wanted legal  
9 counsel again.

10 MR. CISA: Yes, sir, probably so. He has already  
11 been through a number of lawyers, and this, that and the  
12 other.

13 THE COURT: Mr. Cisa, before you go any further, ..

14 MR. CISA: Yes, sir.

15 THE COURT: I am going to grant your Motion.

16 MR. CISA: Thank you, Judge.

17 -----END OF REQUESTED TRANSCRIPT OF RECORD-----

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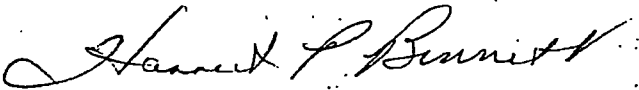
C O P Y

CERTIFICATE

1  
2 I, HARRIET P. BENNETT, Official Court Reporter for  
3 South Carolina Court Administration, hereby certify that  
4 the foregoing Transcript was prepared from the records of  
5 Harry Dot Walker to the best of my ability, having been  
6 heard in the Court of Common Pleas for Dorcheser County  
7 on January 9, 2013.

8 FURTHER, I certify that I am neither of kin nor coun-  
9 sel/ nor do I have any interest in the within matter.

10 May 14, 2014

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**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

Rene McMasters now known as Rene McMasters  
Ronaghan, Respondent,

v.

H. Wayne Charpia a/k/a Howard W. Charpia and  
Jody E. Charpia, Defendants,

Of whom H. Wayne Charpia, a/k/a Howard W.  
Charpia, is the, Appellant.

-----  
Appeal From Dorchester County  
Edgar W. Dickson, Circuit Court Judge

-----  
Unpublished Opinion No. 2011-UP-445  
Submitted October 1, 2011 – Filed October 11, 2011

-----  
**AFFIRMED**  
-----

Howard W. Charpia, pro se, of Summerville.

Frank M. Cisa, of Mt. Pleasant, for Respondent.

**PER CURIAM:** H. Wayne Charpia appeals the circuit court's grant of Rene McMasters Ronaghan's motion for a compulsory order of reference, arguing the circuit court erred in: (1) not enforcing Rule 53, SCRCP; (2) not enforcing Rule 38, SCRCP; and (3) not accepting a "judicial/execution sale" or "upset bid sale" of the subject property. We affirm<sup>[1]</sup> pursuant to Rule 220(b)(1), SCACR, and the following authorities:

1. As to whether the circuit court erred in not enforcing Rule 53, SCRCP: Rule 71, SCRCP ("Actions to foreclose liens . . . shall ordinarily be referred to a master pursuant to Rule 53."); Rule 53(b), SCRCP (stating an action for foreclosure "may be referred to the master . . . by order of a circuit judge or the clerk of court").

2. As to whether the circuit court erred in not enforcing Rule 38, SCRCP: Lester v. Dawson,

327 S.C. 263, 267, 491 S.E.2d 240, 242 (1997) ("Generally, the relevant question in determining the right to trial by jury is whether an action is legal or equitable; there is no right to trial by jury for equitable actions."); Wilder Corp. v. Wilke, 324 S.C. 570, 576, 479 S.E.2d 510, 513 (Ct. App. 1996) (stating actions for foreclosure are in equity).

3. As to whether the circuit court erred in not accepting a "judicial/execution sale" or the "upset bid sale" of the subject property: S.C. Dep't of Transp. v. First Carolina Corp. of S.C., 372 S.C. 295, 301-02, 641 S.E.2d 903, 907 (2007) (holding an issue must be raised to and ruled upon by the circuit court to preserve the issue for appellate review).

**AFFIRMED.**

**HUFF, PIEPER, and LOCKEMY, JJ., concur.**

---

[1] We decided this case without oral argument pursuant to Rule 215, SCACR.

**Dorchester County Sheriff's Office**  
**L C KNIGHT, SHERIFF**  
100 Sears Street  
St. George, South Carolina 29477

FILED MAY 24 11 2:51 AM

**State of South Carolina**  
**County Of Dorchester**

Case Number: 2002CP18-932

Plaintiff: RENE McMASTERS

- VS -

Defendant: CHARPIA RESIDENTIAL, LLC & HOWARD W CHARPIA

**AFFIDAVIT OF EXECUTION**

Clerk of Court:

EXECUTION "NULLA BONA". I hereby certify that after diligent search I have been unable to locate any property in the name of the defendant on which to levy and I request that you please NULLA BONA on the above stated file as of this date.

**JUDGEMENT INFORMATION:**

Judgement Amount:	\$191,600.00
Interest:	\$133,097.87
Sheriffs Comm:	\$13,756.38
Judgement Total:	\$338,454.25
Amount Collected:	\$0.00
Ending Balance:	\$338,454.25

**NULLA BONA**  
5-19-2010  
**L. C. Knight Sheriff**

Nulla Bona was issued for the reason indicated below:

- (1) Could not locate defendant
- (2) No Attachable Property
- (3) Under Bankruptcy
- (4) Lien(s)
- (5) Other (Specified)
- (6) Pending title research
- (7) Pending Property research
- (8) Pending fees received
- (9) Mortgage

*See Attorney Cisa Nulla Bona*

**Notary Statement**

SWORN to before me on this the 19th day of May, 2010.

*Peggy M. Quinn*  
Notary Public For The State of South Carolina

My Commission Expires 03/03/2019

*Joseph Blake W. [Signature]*

1

FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF DORCHESTER  
IN THE COURT OF COMMON PLEAS  
RENE' MCMASTERS

JUDGMENT IN A CIVIL CASE  
2002CP1800932

CHARPIA RESIDENTIAL, LLC  
AND HOWARD W. CHARPIA, IND.

PLAINTIFF(S)

DEFENDANT(S)

CHECK ONE

- ~~XXXXX~~ 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 12b, SCRPC; ( ) RULE 41a SCRPC (VOL NONSUIT); ( ) RULE 43k, 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

FILED-RECORDED  
2004 AUG -5 AM 9:46  
DORCHESTER COUNTY  
CLERK OF COURT

IT IS ORDERED AND ADJUDGED: ( ) See Attached order; ( ) Statement of Judgment by the court. WE THE JURY FIND FOR THE PLF. AGAINST THE DEFENDANT FOR BREACH OF CONTRACT IN THE AMOUNT OF \$3,400.00 ACTUAL DAMAGES, IMPLIED WARRANTY OF HABITABILITY IN THE AMOUNT OF \$100.00, AND NEGLIGENCE IN THE AMOUNT OF \$188,100.00.

DATED AT ST. GEORGE, S.C. THIS 4TH DAY OF AUGUST, 2004.

  
HON. ROGER M. YOUNG  
PRESIDING JUDGE

THIS JUDGMENT WAS ENTERED ON THE 5TH DAY OF AUGUST, 2004  
AND A COPY WAS MAILED FIRST CLASS THIS 5TH DAY OF AUGUST  
2004 TO ATTORNEY OF RECORD OR TO PARTIES WHEN APPEARING PRO SE  
AS FOLLOWS:  
FRANK CISA

WAYNE CHARPIA, PRO SE

74

803-535-2188

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF DORCHESTER )  
 )  
RENE McMASTERS )  
Plaintiff, )  
Vs. )  
HOWARD W. CHARPIA and )  
JODY E. CHARPIA )  
Defendants, )

COMMON PLEAS  
1<sup>ST</sup> JUDICIAL CIRCUIT  
CASE # 2009-CP-18-2200

**MOTION TO DISQUALIFY**

CERTIFIED COPY  
2012 OCT 23 AM 11:30  
Clerk of Court  
DORCHESTER COUNTY

**TO THIS COURT AND THE ABOVE-NAMED PLAINTIFF**

**PLEASE be advised that the Defendants will move before this Court for the disqualification of Judge Edgar W. Dickson in the above-named case. Judge Dickson has shown a bias and prejudicial attitude in his proceedings against the said Defendants. If a party believes that a judge should recuse, but has not, the party can file a Motion for disqualification under Section 455, and the judge's denial of this Motion can be appealed. Defendant, Howard W. Charpia made a verbal Motion on July 30, 2012 for Judge Dickson to recuse and Judge Dickson denied said motion.**

**Judge Dickson has "abused his discretion" in several proceedings with the Defendants. Pursuant to Canon 3 (E)(1)(a) of Rule 501, SCACR, a Judge should disqualify himself in a proceeding in which the judge's impartiality might reasonably be questioned.**

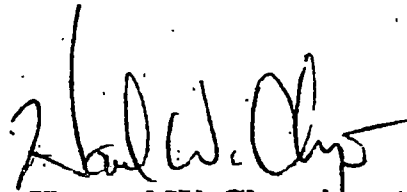
Courts have repeatedly held that positive proof of the partiality of a judge is not a requirement, only the appearance of partiality.

(Liljeberg v. Health Services Corp. 486 U.S. 1988)

The Court has stated that "it is important that the litigant not actually receive justice, but that he believes that he has received justice. (Pfizer Inc. v. Lord 456 F.2d)

Judge Dickson has failed to follow statutory rules and laws in his proceedings with the Defendants.

THE DEFENDANTS pray that this Court look into this matter and grant the Defendants their motion for disqualification of Judge Dickson. And that all Orders signed by Judge Dickson against the Defendants be void and vacated.



Howard W, Charpia, et al  
1450 Jahnz Ave.  
Summerville, SC 29485  
873-0976

cc: Attorney Frank M. Cisa

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

SEP 25 2014

APPEAL FROM DORCHESTER COUNTY  
COURT OF COMMON PLEAS

**SC Court of Appeals**

EDGAR W. DICKSON, FIRST CIRCUIT

Case # 2009-CP-18-2200

RENE McMASTERS (RONAGHAN).....Respondent

vs.

HOWARD W. CHARPIA and JODY E. CHARPIA.....Appellants

**PROOF OF SERVICE**

I, Howard W. Charpia, hereby certify that the RECORD ON APPEAL contains all material proposed to be included by any of the parties and not any other material and that I mailed the Record on Appeal to :

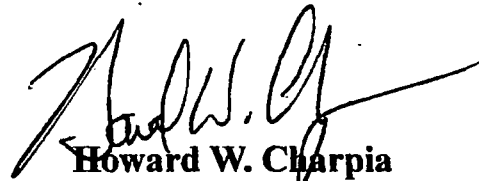
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Dated mailed 9-24, 2014

*FWC*

9-24-14



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