

RULE 241

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM HORRY COUNTY

Court of Common Pleas-Master in Equity

Case No. 2017-CP-26-05357

Candice A. Simmons, Pro Se Appellant

v.

Habitat for Humanity of Horry County, Inc, Respondent.

WRIT OF SUPERSEDEAS

CIRCUMSTANCES WARRANTING INTERFERENCE

In this lien foreclosure action filed by Respondent Habitat for Humanity of Horry County, Inc., Appellant Candice A. Simmons seeks review of an order of the Master-in-Equity. Appellant has been diligently trying to make her argument heard with regards to insufficient accounting practices for a true itemization of accounting as to any arrears owed. Appellant has consistently conversed and met with the Respondent's pertaining to the verbal agreement to assist in lowering and accepting partial payments until gainful employment could be secured. Appellant Simmons would respectfully request the Court to deny or grant a stay the foregoing Order to grant the judicial sale of her property.

Homeowner argues (1) the Respondent's actions are personal in nature and contradictory to verbal conversations and written documentation accepting a lower amount of mortgage payments per week, until Appellant could secure a better working job;

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SC Court of Appeals

RENEE H. SIMS
CLERK OF COURT
HORRY COUNTY, SC

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HORRY COUNTY

2) Appellant, at the initial hearing scheduled presented documentation refuting Respondent's claim. Court requested and informed Respondent, (Habitat's) Attorney Zayicek, to "leave the office" to further confer with his client and return with a much more clarified file or record of accounting. 3) Appellant is taken aback as to any explanation as to why the Respondent continued to accept payments, and not clarify where or if the arrears, if any were applied after multiple inquires;

4) After receipt of an accounting of payments, Appellant was still not clear as to what the total amount in arrears were and even after Appellant's calculations, believed she was current. Appellant's continued requests were denied until after the January 18, 2018 hearing;

5) Respondent's attorney sent the same accounting to her and the Court requested that Respondent and Appellant meet to discuss how payments could be settled, together with an exorbitant attorney fee assessment;

6) After such meeting occurred, Appellant and Respondent was unable to reach an agreement;

7) Noting, after the January 18, 2018 hearing, Appellant notes that no written Order was received until March 4, 2018 unsigned by the Master from the Respondent's attorney, albeit a verbal Order was given on the same day of the proposed foreclosure hearing, forthcoming;

8) Appellant was prepared to file such an Appeal and after multiple attempts to retrieve a written Order, none was filed from the Master's Special Referee with the Clerk of Court, thereby delaying Appellant to effectively file an Appeal or to seek a remedy to avoid foreclosure proceedings due to current time constraints as well as unfair and unjust clarifications of a true accounting;

9) Master's (Special Referee) erred in not allowing testimony and presentation of same itemization given at the initial hearing on January 18, 2018, which could have easily cleared the matter in its entirety;

10) Appellant is upon information and believes that this matter is frivolous in nature due to the actions of the Director of Habitat, namely, Carla Schuessler, which precipitated this matter. It is upon information and belief that her minor child (son) had a conflict with the Appellant's son with a mutual friend and high school football matter, which ended with the Appellant's son receiving the football position desired by Mrs. Schuessler's minor son;

11) Therefore, at best, a recusal should have been required so as to not have any appearance of impropriety and inequities as it pertains to the professional requirement of her duties;

12) Respondent (Habitat for Humanity of Horry County, Inc), continues to accept full payment to date and Appellant is prepared and willing to bring current, if indeed necessary and accounted for the property in question, given the opportunity and explanation with clarity;

13) Appellant, prayerfully request a Stay upon review of the aforementioned.

Dated: March 22, 2018

Respectfully submitted,
Candice A. Simmons
Pro Se Appellant
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