

FORM 8
LETTER TO THE APPELLATE COURT CLERK
FILING THE NOTICE OF APPEAL

May 4, 2018

RECEIVED

MAY 07 2018

SC Court of Appeals

Clerk, South Carolina Court of Appeals
1220 Senate Street, Suite 201
Columbia, South Carolina 29201

RE: Habitat for Humanity of Horry County, Inc., Plaintiff v. Candice A. Simmons, Defendant.
Case Number: 2018-000531

Dear Clerk:

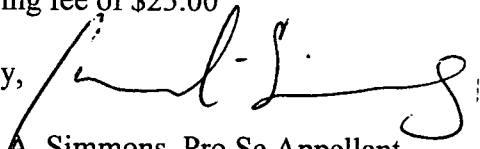
Enclosed for filing is a Motion to Stay (Amended and Updated) and a Writ of Supersedas

(1) Proof of service of the aforementioned on the Attorney Douglas Zayicek, Master in Equity,
Clerk of Court

~~(2) A copy of the which is [are] to be challenged on
appeal~~

(3) A filing fee of \$25.00

Sincerely,


Candice A. Simmons, Pro Se Appellant
1045 Mistletoe Court
Myrtle Beach, SC 29577
Phone: 843-602-1127

REBEKAH EVANS
CLERK OF COURT
HORRY COUNTY, SC
2018 MAY -4 PM 3:53
HORRY COUNTY

Copy:

Attorney for Habitat for Humanity of Horry County, Inc.
Douglas Zayicek, Esquire
Post Office Box 357
Myrtle Beach, South Carolina 29578
843-448-2400

Ralph Stroman, Hearing Officer
Master in Equity
1301 Second Avenue
Conway, SC 29526

Clerk of Court for Horry County
1301 Second Avenue
Conway, SC 29527

86671

RULE 241

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

2018-000531

APPEAL FROM HORRY COUNTY

Court of Common Pleas-Master in Equity

Case No. 2017-CP-26-05357

Candice A. Simmons, Pro Se Appellant

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SC Court of Appeals

RENEE M. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
2018 MAY -4 PM 3:53
HORRY COUNTY

Waccamaw Regional Council of Governments, d/b/a Waccamaw Home Consortium, Village of
Dreams Homeowners Association, Inc., S.C. Housing Corp.; Bank of North Carolina, Inc.

(Defendants)

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;

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;

NEW AND POST RULING INFORMATION

13) Appellant prays that the Court reconsider the above matter based on new found information as of May 2, 2018.

a) Appellant visited the Horry County Sheriff's Office to take a copy of the computer-generated Court of Appeals page which indicate matter is still pending. Appellant met with Sheriff Deputy Chris Thompson, who reviewed the documents, then wanted to verify with the Master in Equity the validity of the same. Sheriff Deputy Thompson went into the Master in Equity office and presented the document showing the case was pending in the Court of Appeals and that he would have to take the matter to his supervisor. Sheriff Deputy Thompson or his Supervisor phoned opposing counsel Zayicek to further gain an interpretation of the pending case. A call was made from the Sheriff Office to opposing counsel Zayicek and upon the end of the call, Sheriff Deputy indicated the reason for the ejectment was due to noncompliance of having an Appeal Bond.

b) Appellant, was later notified on May 3, 2018 that the Horry County attorney and Attorney Zayicek was informed by Court of Appeals that the Ejectment was valid and that the Ejectment was to take place on Wednesday, May 9, 2018. (Attached for review)

c) Previous visits and phone calls to the Clerk of Court to inquire as to receiving a bond from the Master in Equity was denied. Appellant was prepared to pay said bond if granted by the Master in Equity. Upon receiving the notification of the Court's reason as to the denial of the Appeal and Motion to Stay, Appellant met with Clerk of Court to determine how to obtain the same. Appellant was guided to the Master in Equity, wherein, she was informed, she was not entitled to an appeal bond and that the matter was over as of March 6, 2018.

d) The Appellant is a single parent of six (6) children and have occupied the home for approximately ten (10) years and have no means of removing lifetime items from the home, nor time to locate a place in such a short notice due to non-compliance by Habitat for Humanity staff.

e) Appellant, upon information and belief that once the Appeal Court obtains a copy of the Transcript, will find that the Hearing Officer requested that Habitat and the Appellant meet to determine a possible settlement and if not, an additional hearing would be granted. Instead, Appellant received a Notice of Sale for April 2, 2018.

f) Appellant is pro se and unable to obtain counsel and at the time of filing the Appeal, was informed that the Appeal should be taken to the Clerk of Court to be filed under the "CP" filing number, which Appellant knows to be Common Pleas. Appellant was ill-informed that the two Courts were separate in its filings and also visited the Master in Equity's office, not to seek legal advice but to ask for a bond and was repeatedly denied.

g) It also appears that the Order of Judgment was combined with a Notice of Sale, which may be customary and permitted, however, it was electronically filed on March 6, 2018 and a sale date for April 2, 2018, which is less than 30 days. Hearing Officer Ralph Stroman indicated to the Appellant that she would have another hearing if the parties could not come to an agreement. In lieu of another hearing as expected, the Order and Notice of Sale was filed.

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

Dated: May 4, 2018

Respectfully submitted,
Candice A. Simmons CS
Pro Se Appellant
1045 Mistletoe Court
Myrtle Beach, SC 29579
(843) 602-1127

Douglas Zayicek, Esquire
Attorney for the Respondent
Post Office Box 357
Myrtle Beach, SC 29578

Master in Equity
1301 2nd Avenue
Conway, SC 29526

RECEIVED

MAY 07 2018

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL SC Court of Appeals
THE STATE OF SOUTH CAROLINA

In the Court of Appeals for South Carolina

2018-0008531

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.

2018 MAY -4 PM 3:53
RENEE M. EVANS
CLERK OF COURT
HORRY COUNTY, SC

PROOF OF SERVICE

I certify that I have served the **Motion to Stay and Writ/Petition for Supersedeas** on Habitat for Humanity for Horry County, Inc., by and through its attorney of record, Douglas Zayicek, Master in Equity-Hearing Officer Ralph Stroman and Clerk of Court for Horry County by sending a copy

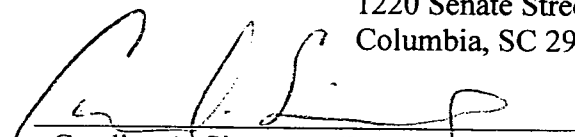
of it via facsimile on May 4, 2018,

Douglas Zayicek, Attorney
Attorney for Habitat
Post Office Box 357
Myrtle Beach, South Carolina 29578

Ralph Stroman, Hearing Officer
Master in Equity, Hearing Officer
1301 Second Avenue
Conway, SC 29526

Clerk of Court for Horry County
1301 Second Avenue
Conway, SC 29526

Court of Appeals
1220 Senate Street, Suite 201
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Candice A. Simmons, Pro Se Appellant
1045 Mistletoe Court, Myrtle Beach, SC 29579

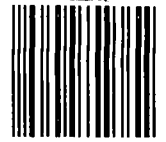
Candice Simmons
1045 Mistletoe Court
Myrtle Beach SC
29579



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MAY 07 2018

SC Court of Appeals

Jenny Kitchens
South Carolina Court of Appeals
1220 Senate Street, Suite 201
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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL

