

MOTION
THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

Case No: 2018-000788

May 30, 2018

Lakessiah Henderson, Appellant vs Kim Henderson Respondent

RECEIVED
MAY 30 2018
SC Court of Appeals

The, Appellate, Lakessiah Henderson is requesting the following relief:

To dismiss order in its entirety by circuit court judge and ordered on May 22, 2018, for the following reasons:

Appellant was not notified of a hearing and was not present.

This is a violation of due process.

Judge has performed Secret hearing.

Circuit court Judge did not intend to notify Court of Appeals evidenced by the lack of address to the Court of Appeals on page 2 of order.

The time has not elapsed for bond payment, as Judge alleges.

Bond receipt (refer to bond receipt) submitted proves payment was made on March 2 for three months. I have already informed the Appellate Court of this. The order was on May 22, still within the bond period, no funds are due.

The signed undertaking in Court of Appeals I completed assures payment as it becomes due, not in advance for three additional months.

I move that bond funds aren't disbursed to the respondent and that no additional bond payments be collected from me.

I move to modify bond, including previous bond completed on March 2, due to dispute of amount owed and date owed.

Also bond should be modified due to funds owed by the landlord.

Please refer to violations shown in Preliminary injunction, counterclaim, and transfer of civil case from Magistrate court.

They include health and safety violations, harassment, and violations of access and entry.

Therefore, I move to have those funds I paid to magistrate court and paid to respondent on March 2, 2018 disbursed to me.

I move for the court to dismiss the eviction and reverse the Circuit Court and magistrate court judgements.

Grounds for dismissal of eviction:

The eviction was performed poorly and violation the including the South Carolina Residential Landlord Tenant Act.

There has been multiple violations of law throughout eviction process.

Refer to my motion to dismiss.

The respondent has told me in writing that I had until February 5 before any eviction proceedings would start. She had already filed in late January, in secret, and maintained the Feb 5 date.

I was not properly served and was not provided original complaint to be able to defend my case. My motion to dismiss was denied. I was accused by Paul White and magistrate of falsifying documents. In magistrate's answer he say that I used forms I found online from a law firm. This is not true. I created the Motion to dismiss myself and only used a law firm who has acting on behalf and accepted legal documents for me.

This was done so mail would be sent to law firm because I have had respondent inferring with my mail in the past and keeping my mail hidden.

This is part of why I sued her in the past for mail fraud (refer to Complaint from previous case in magistrate court).

Proof can be provided from documents and correspondence from law firm writing on my behalf and accepted documents on my behalf.

However, contents will have to be marked out due to the privacy/confidential information.

I was told this is why my continuance I asked for before court was denied. As a result I was not allowed to gather evidence or admit evidence.

There was a lack of due process. I was denied my right to a jury trial. I was only given one to two day notice to appear in court via a summons. As a result I was unable to give the court writing 5 days ahead of time my desire for a jury trial.

Magistrate also incorrectly stated that I requested a hearing. Which I never did. The summons I provided to court is proof as well as my preliminary injunction during trial where I requested a continuance and explained why; due to medical issues, denied jury trial, and for time to gather evidence.

The magistrate also lacked jurisdiction. I filed counterclaim and civil transfer in the amount exceeding magistrate jurisdiction, over \$7500. The magistrate should not have ruled.

I was denied counterclaim and told I could not do counterclaim. This is not true . The counterclaim would have canceled out any past due rent payment.

I also did not owe rent to her due to violations and according to statue. I am requesting the funds paid to respondent back. I am allowed three months payment according to statue, due to retaliation, harassment, abuse of access, health and safety violations which she has done each multiple times. Evidence of harassment is shown in a previous lawsuit I submitted where I sued her for multiple crimes including harassment.

Landlord has performed additional violations after magistrate court hearing where I told the court of her violations.

Since then she has blocked my access to internet and wifi by resetting password as retaliation. I am to have wifi access according to lease. Her actions have made it hard to prepare case against her by blocking my access to internet. As a result, I have had to purchase unlimited data plan on phone to compensate. I want to be compensate by respondent for these fees.

She has installed a locked device to block my access to thermostat, refer to pics. I am allowed access to thermostat and had it prior to eviction proceeding. Every legal action I take in my case landlord responds in retaliation. She has hide remote to block me from being able watch television.

The Landlord's retaliation is done to intentionally harm health. As I have already submitted documents to court I struggle with multiple health issues including EMF (electro magnetic sensitivity, refer to Drs note)

Knowing this, since eviction proceedings and appeals she has deliberately tried to aggravate my symptoms, by leaving doors open with lights right across from me, removing access to thermostat, etc. Prior to eviction she and others in residence would take moderate effort to turn off lights they weren't using and close doors behind them.

Since then they have conspired to aggravate my symptoms in order to force me out of the house without the legal process. The respondent has done an illegal eviction against me before (refer to previous lawsuit case in magistrate court provided).

The landlord husband said at magistrate trial that they were no longer going to accommodate me. This was a threat for future retaliation.

This is also further proof that landlord is really evicting due to disability and disability discrimination. In addition to retaliation for having had sued her in the past. Kim Henderson a nurse has a history of abusing and neglected those with medical issues and disabilities including my grandmother, Cecile Owens, which has been reported. She also has assaulted and threatened me before. The police were even called to residence on February 16 due to threats, to make me really hurt and to kick me and my belongings out illegally, without going through legal process.

Landlord has history of illegal eviction (including evicted me when I wasn't even living at the residence), mail fraud, assault, abuse of process, and harassment which I have sued her for prior; refer to complaint document.

I move to have the Court order landlord to stop harassment, remove any device or tool blocking access to heating and air conditioning and not to install in the future, to cease all threats, assault, all retaliation, and to restore my wifi access, in addition to aforementioned requests.

Lakessiah Henderson
3 Welcome St
Greenville, South Carolina 29611

Lakessiah Henderson

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2018CP3301104

RECEIVED

Lakessiah Henderson
2018 MAY 22 PM 1:54
Kim Henderson
MAY 30 2018

PLAINTIFF(S) FILED-CLERK DEFENDANT(S)
Submitted by: PAUL B. WICKEN
GREENVILLE CO SC
Attorney for: Plaintiff Defendant
 Self-Represented Litigant
SC Court of Appeals

DISPOSITION TYPE (CHECK ONE)

- 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. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), 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: _____
- STAYED DUE TO BANKRUPTCY
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 Affirmed; Reversed; Remanded; Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This matter comes before the Court on Appellant/Tenant's appeal of eviction from the Summary Court. The Decision of the Summary Court was upheld and the Circuit Court decision was subsequently appealed to the SC Court of Appeals. Eviction has been stayed during pendency of the appeal. A surety was ordered and undertaken upon the initial appeal to the Circuit Court. The period of time and rent obligation anticipated has been exceeded with the subsequent appeal to the SC Court of Appeals. Therefore, this court hereby orders that the original bond be paid and disbursed to the Respondent/Landlord and that a new undertaking of an amount equal to the original bond be deposited with the Summary Court in the same manner as originally ordered. Should the Appeal not be resolved within three months of June 1, 2018, the Respondent/Landlord may petition the Court for disbursement and refreshment of the bond.

This order ends does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

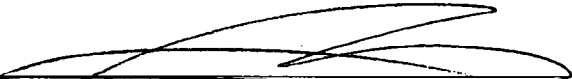
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

AS
102

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.


Circuit Court Judge

2158
Judge Code


Date

For Clerk of Court Office Use Only

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on, to attorneys of record or to parties (when appearing pro se) as follows:

Lakessiah Henderson 3 Welcome Street Greenville, SC 29611

West Greenville Summary Court 301 University Ridge Suite 5100 Greenville, SC 29601
Kim Henderson 3 Welcome Street Greenville, SC 29611

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter



Paul B. Wickensimer Greenville County Clerk Of Court - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

FORM 7
PROOF OF SERVICE OF A MOTION TO STOP CIRCUIT COURT ORDER

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Stilwell, Circuit Court Judge

Case No. 2018-CP-23-01104

Lakessiah Henderson
Appellant,

RECEIVED
MAY 30 2018
SC Court of Appeals

Kim Henderson,
Respondent

PROOF OF SERVICE

I certify that I have served the Motion to stop circuit court order on Kim Henderson by Mail, on May 30, 2018, addressed to her residence. In addition to providing a copy to Circuit Court.

May 30, 2018

Lakessiah Henderson
3 Welcome St
Greenville, South Carolina 29611

Lakessiah Henderson