

87507

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

The Honorable Jocelyn Newman

Case No. 2017-CP-32-03043  
2017-LP-32-745  
Appellate Case No. 2018-001044

**RECEIVED**  
AUG 08 2018  
SC Court of Appeals

Stephens Remodeling, LLC, .....Respondent,

v.

Demetric Hayes and Carla Marshall, .....Appellants.

**Motion to Dismiss Appeal**

Respondent Stephens Remodeling, LLC (“Respondent”) moves to dismiss the appeal of Appellants Demetric Hayes and Carla Marshall (“Appellants”). As set forth below, this motion should be granted and the appeal should be dismissed because Appellants failed to timely file the notice of appeal with the Lexington County Clerk of Court pursuant to Rule 203 of the South Carolina Appellate Court Rules.

**Procedural History**

Respondent initiated suit against Appellants on August 21, 2017, asserting claims of trespass, intentional interference with contract, frivolous civil proceeding, abuse of process, malicious prosecution, and civil conspiracy. (*See, Exhibit A – Complaint*). Appellants answered, asserted affirmative defenses, and filed a lis pendens. (*See, Exhibit B – Answer; Exhibit C – Lis*

**Pendens**). Appellants' affirmative defenses, *inter alia*, challenged Respondent's standing to initiate the action. (**See, Exhibit B – Answer**). Appellants also moved to have the case removed to federal district court. Respondent filed a motion to remand the case back to the South Carolina Court of Common Pleas for the Eleventh Judicial Circuit in Lexington County. Respondent's Motion to Remand was subsequently granted by the Honorable Joseph F. Anderson, Jr. on April 5, 2018. (**See, Exhibit D- Order**).

Respondent moved to cancel the Lis Pendens filed by Appellants on September 19, 2017, on the basis that it was improperly filed. (**See, Exhibit E – Motion to Cancel Defendants' Lis Pendens on an Expedited Basis**). Pursuant to the Honorable Judge Newman's ruling on May 7, 2018, the Honorable R. Knox McMahon canceled the Lis Pendens in case number 2017\_LP-32-745 on the grounds that it was improperly filed by Appellant. (**See, Exhibit F – Cancellation of Lis Pendens**). Appellant appealed the Order cancelling the Lis Pendens to this Court. (**See, Exhibit G - Notice of Appeal**). No final judgment has been issued in this action.

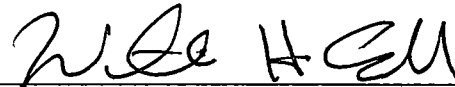
### Argument

Rule 203 of the South Carolina Appellate Court Rules sets forth service and notice requirements for a party intending to appeal. Specifically, Rule 203(d)(1)(A) provides that the notice of appeal from the Circuit Court, Family Court and Probate Court, in specific cases set forth in subsections (i)-(vi), shall be filed with the clerk of the lower court and with the Clerk of the Supreme Court. Rule 203(d)(1)(A), SCACR. In all other cases, including the present litigation, this Rule maintains that the notice of appeal must be filed with the clerk of the lower court and with the Clerk of the Court of Appeals within ten (10) days after the notice of appeal is served. *Id.* If the notice of appeal is not timely filed then the appeal shall be dismissed. Rule 203(d)(3), SCACR.

Appellant filed a Notice of Appeal with the South Carolina Court of Appeals on June 5, 2018, and served the Notice of Appeal on Respondent on June 5, 2018. Pursuant to Rule 203 of the South Carolina Appellate Court Rules, Appellant had ten (10) days from the date of service to file the Notice of Appeal with the clerk of the lower court. However, Appellant failed to timely file with the Lexington County Clerk of Court. (**See, Exhibit H - Lexington County Eleventh Judicial Circuit Public Index, case number 2017-LP-32-00745; Exhibit I - Lexington County Eleventh Judicial Circuit Public Index, case number 2017-CP-32-03043**). Therefore, the appeal should be dismissed.

Respectfully submitted,

**MOORE TAYLOR LAW FIRM, P.A.**



---

William H. Edwards  
1700 Sunset Blvd.  
P.O. Box 5709  
West Columbia, SC 29171  
Telephone: (803) 796-9160  
Facsimile: (803) 791-8410  
*Attorney for Respondent*

West Columbia, South Carolina.

Aug 8, 2018.

# EXHIBIT A

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

Stephens Remodeling LLC,

Plaintiff(s)

vs.

Demetric Hayes and Carla Marshall,

Defendant(s)

IN THE COURT OF COMMON PLEAS

COPY

CIVIL ACTION COVERSHEET

2017-CP -

2017CP3203043

Submitted By: William H. Edwards
Address: 1700 Sunset Blvd.
Post Office Box 5709
West Columbia, SC 29171

SC Bar #: 71199
Telephone #: 803-796-9160
Fax #: 803-791-8410
Other:
E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

\*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint.
NON-JURY TRIAL demanded in complaint.
This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- Contracts: Constructions (100), Debt Collection (110), Employment (120), General (130), Breach of Contract (140), Other (199)
Torts - Professional Malpractice: Dental Malpractice (200), Legal Malpractice (210), Medical Malpractice (220), Previous Notice of Intent Case #, Notice/ File Med Mal (230), Other (299)
Torts - Personal Injury: Assault/Slander/Libel (300), Conversion (310), Motor Vehicle Accident (320), Premises Liability (330), Products Liability (340), Personal Injury (350), Wrongful Death (360), Other (399)
Real Property: Claim of Delivery (400), Condemnation (410), Foreclosure (420), Mechanics Lien (430), Partition (440), Possession (450), Building Code Violation (460), Other (499)
Inmate Petitions: PCR (500), Mandamus (520), Habeas Corpus (530), Other (599)
Administrative Law/Relief: Reinstate Drv. License (800), Judicial Review (810), Relief (820), Permanent Injunction (830), Forfeiture-Petition (840), Forfeiture-Consent Order (850), Other (899)
Judgments/Settlements: Death Settlement (700), Foreign Judgment (710), Magistrate's Judgment (720), Minor Settlement (730), Transcript Judgment (740), Lis Pendens (750), Transfer of Structured Settlement Payment Rights Application (760), Confession of Judgment (770), Petition for Workers Compensation Settlement Approval (780), Other (799)
Appeals: Arbitration (900), Magistrate-Civil (910), Magistrate-Criminal (920), Municipal (930), Probate Court (940), SCDOT (950), Worker's Comp (960), Zoning Board (970), Public Service Comm. (990), Employment Security Comm (991), Other (999)
Special/Complex /Other: Environmental (600), Automobile Arb. (610), Medical (620), Other (699), Pharmaceuticals (630), Unfair Trade Practices (640), Out-of State Depositions (650), Motion to Quash Subpoena in an Out-of-County Action (660), Sexual Predator (510)

FILED
2017 AUG 21 AM 11:30

Submitting Party Signature:

[Handwritten Signature]

Date: August 21, 2017

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

**FOR MANDATED ADR COUNTIES ONLY**

Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Clarendon, Colleton, Darlington, Dorchester, Florence, Georgetown, Greenville, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Oconee, Orangeburg, Pickens, Richland, Spartanburg, Sumter, Union, Williamsburg, and York

**SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.**

**You are required to take the following action(s):**

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210<sup>th</sup> day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
  - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
  - b. Requests for temporary relief;
  - c. Appeals
  - d. Post Conviction relief matters;
  - e. Contempt of Court proceedings;
  - f. Forfeiture proceedings brought by governmental entities;
  - g. Mortgage foreclosures; and
  - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.  
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS FOR  
THE ELEVENTH JUDICIAL CIRCUIT

Stephens Remodeling LLC,

Plaintiff,

vs.

Demetric Hayes and Carla Marshall

Defendants.

C.A.:

2017 CP 3203043

SUMMONS

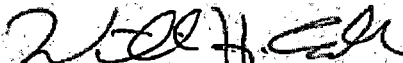
FILED  
2017 AUG 21 AM 11:30  
LISA COMBERT  
CLERK OF COURT  
LEXINGTON, SC

TO THE DEFENDANT(S) ABOVE-NAMED:

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the Complaint in this matter, a copy of which is herewith served upon you, and to serve a copy of your ANSWER to said Complaint upon the subscriber at his office, 1700 Sunset Boulevard, P.O. Box 5709, West Columbia, South Carolina, 29171, within THIRTY (30) days from the service thereof, exclusive of the day of such service; and if you fail to answer the COMPLAINT within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

MOORE TAYLOR LAW FIRM, P.A.

By:



William H. Edwards

P.O. Box 5709

West Columbia, SC 29171

(803) 796-9160 x154

(803) 791-8410

Attorneys for Plaintiff

West Columbia, South Carolina

August 21, 2017

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS  
FOR THE ELEVENTH JUDICIAL CIRCUIT

Stephens Remodeling LLC, )  
)  
Plaintiff, )  
)  
vs. )  
)  
Demetric Hayes and )  
Carla Marshall, )  
)  
Defendants. )  
\_\_\_\_\_ )

2017 CP 3203043  
COMPLAINT  
(Jury Trial Demanded)

Case No.:

FILED  
2017 AUG 21 AM 11:30  
LISA COWDER  
CLERK OF COURT  
LEXINGTON, SC

COMES NOW THE PLAINTIFF TO COMPLAIN AGAINST THE DEFENDANTS ABOVE NAMED AND TO SHOW UNTO THIS HONORABLE COURT:

**FOR A FIRST CAUSE OF ACTION**  
(Trespass)

1. Plaintiff is a domestic business entity, formed and operating under the laws of the State of South Carolina. Plaintiff is engaged in the business of purchasing real estate in the State of South Carolina, refurbishing and then re-selling the real estate. Plaintiff has purchased the real estate located at 232 Edinfield Court in Gaston, South Carolina, 29053, which is located in Lexington County (hereinafter referred to as "the property" or "the real estate"). Plaintiff is the sole and rightful legal owner of this real estate and has been so since April 27, 2017.

2. Defendant Demetric Hayes is a citizen and resident of Lexington County in the State of South Carolina. Defendant Hayes has been living and residing at 232 Edinfield Court in Gaston, South Carolina, which is located in Lexington County.

*All claims herein are limited to state law claims under the law of the State of South Carolina. Plaintiff makes no claims against these Defendants under any federal law, statute, regulation, executive order or treaty of the United States. Specifically, the Plaintiff makes no claims against these Defendants in any way related to treaties or fraudulent securities. Furthermore, Plaintiff hereby stipulates that, in no event, is it seeking more than \$74,500 in damages against these non-diverse Defendants.*

3. Defendant Carla Marshall is a citizen and resident of Lexington County in the State of South Carolina. Defendant Marshall has been living and residing at Edinfield Court in Gaston, South Carolina, which is in Lexington County.

4. Defendants do not own the real property located at 232 Edinfield Court in Gaston, South Carolina.

5. Defendants are not lessees of the real property located at 232 Edinfield Court in Gaston, South Carolina.

6. Defendants have no legal right to occupy or control the real property located at 232 Edinfield Court in Gaston, South Carolina.

7. Defendants are trespassers upon the real property located at 232 Edinfield Court in Gaston, South Carolina. Defendants have been trespassers as to Plaintiff since April 27, 2017.

8. Plaintiff instituted legal action against the Defendants to remove them from the premises on or about June 7, 2017 in Case #:2017cv32-1101122 with the Lexington County Magistrate.

9. Defendants were ordered to quit the premises by the Lexington County Magistrate on or About July 10, 2017.

10. Prior to the hearing on Plaintiff's motion to quit, Defendants, improperly, in bad faith and without legal merit, filed documents with the Federal District Court for the District of South Carolina to remove the case from Magistrate's Court to Federal District Court, but cited no basis for diversity or federal question jurisdiction. Defendants did not properly serve all removal related documents on Plaintiff until after the Magistrate court hearing on July 7, 2017. The sole purpose of Defendants' filing to remove the state law trespassing case from Magistrate Court to

federal court was for delay and to increase the expense to Plaintiff to gain possession of its property. As evidence of Defendants' bad faith and ulterior purposes, they claimed in the Magistrate Court proceeding that they were not subject to the jurisdiction of the United States or federal courts, yet they removed the case to Federal District Court claiming some bizarre basis for jurisdiction under treaties of the United States and fraudulent securities. Not only were there no such facts plead about treaties or securities in the underlying complaint against them in Magistrate' Court, but there is no evidence they ever presented to show diversity jurisdiction or that there was more than \$75,000 in controversy. Moreover, Defendants continue to pursue a ludicrous argument that they cannot be sued by a limited liability company. Finally, the Defendants filed documents purporting to be motions seeking declaratory judgment and to change venue from the Federal District Court for the District of South Carolina to the Administrative Office of the United States Courts, ostensibly as a rouse to set up a motion to dismiss based on their previous outlandish claims that the state courts of South Carolina are administrative courts and have no jurisdiction over them.

11. Nonetheless, Plaintiff was forced to respond to Defendants' frivolous and dilatory claims and incurred delays, costs and attorney's fees in so doing.

12. The Federal District Court found Defendants' removal to be baseless and issued an Order of Remand. The documents filed in Lexington County Magistrate Court and in the removal action are attached hereto and incorporated herein by reference as Exhibit "A".

13. Defendants are well skilled in such baseless and fraudulent delay tactics and have used

them to their advantage to avoid paying the mortgage on this property. Prior to their current bad faith and fraudulent filings, Defendants had similarly undertaken to remove the foreclosure action against them from this Court to the Federal District Court, citing the same bogus and frivolous reasons. This removal was also found to be baseless and without merit. Upon information and belief, Defendants have managed to avoid paying either a mortgage or rent for this property since 2010. Certain documents filed by Defendants in the removal of the state court mortgage foreclosure case captioned J.P. Morgan Chase v. Hayes C/A No. 3:17-1568 are attached hereto and incorporated herein by reference as Exhibit "B".

14. Defendants do not have and have never had a legitimate defense to any of the legal actions against them related to this property.

15. Defendants are master manipulators of the legal system.

16. Plaintiff anticipates Defendants will attempt to remove this matter, as well, upon the same bogus grounds, even though there is nothing on the face of this Complaint to support either federal question or diversity jurisdiction. In order to be clear as to the basis for this law suit, Plaintiff makes the following bold, italicized and underlined statement in large font:

**All claims herein are limited to state law claims under the law of the State of South Carolina. Plaintiff makes no claims against these Defendants under any federal law, statute, regulation, executive order or treaty of the United States. Specifically, the Plaintiff makes no claims against these Defendants in any way related to treaties or fraudulent securities. Furthermore, Plaintiff**

**hereby stipulates that, in no event, is it seeking more than \$74,500 in damages against these non-diverse Defendants.**

17. Plaintiff has been in legal possession of the real estate located at 232 Edinfield Court in Gaston, South Carolina since on or about April 27, 2017.

18. Since that time, Defendants have been trespassers upon the real estate and have voluntarily entered upon the real estate and remained upon the real estate without Plaintiff's permission.

19. As a direct and proximate result of Defendants' trespassing upon Plaintiff's property, Plaintiff has been damaged in that it has been unable to use and enjoy its property, has been unable to sell or rent the property and has lost revenue, profit and business income, has incurred significant delays and costs and has otherwise been damaged, all to its actual and punitive damage.

20. Plaintiff is entitled to a judgement against Defendants for actual, incidental, consequential and punitive damages.

**FOR A SECOND CAUSES OF ACTION**  
**(Nuisance)**

21. Plaintiff hereby reasserts and realleges each and every allegation set forth above as if set forth here verbatim.

22. Defendants' conduct complained of herein amounts to a nuisance.

23. Defendants' complained of conduct has unreasonably interfered with Plaintiff's use and enjoyment of Plaintiff's real estate.

24. As a direct and proximate cause of Defendants' nuisance, Plaintiff has been damaged as

**All claims herein are limited to state law claims under the law of the State of South Carolina. Plaintiff makes no claims against these Defendants under any federal law, statute, regulation, executive order or treaty of the United States. Specifically, the Plaintiff makes no claims against these Defendants in any way related to treaties or fraudulent securities. Furthermore, Plaintiff hereby stipulates that, in no event, is it seeking more than \$74,500 in damages against these non-diverse Defendants.**

set forth above and herein, all to its actual and punitive damage.

25. Plaintiff is entitled to a judgment against Defendants for actual, consequential, incidental and punitive damage.

**FOR A THIRD CAUSE OF ACTION**  
**(Intentional Interference with Contract)**

26. Plaintiff hereby reasserts and realleges each and every allegation set forth above as if set forth here verbatim.

27. On or about April 2017, Plaintiff entered a contract to purchase the real estate located at 232 Edinfield Court in Gaston, South Carolina from J.P. Morgan Chase.

28. Upon information and belief, Defendants had knowledge of this contract and have intentionally prevented the seller from delivering physical possession of the real estate to Plaintiff, thereby breaching the contract.

29. Defendants' conduct has no justification.

30. As a direct and proximate result of Defendants' interference with Plaintiff's contract, Plaintiff has been damaged in that it has lost the benefit of its bargain and has otherwise been damaged all to its actual and punitive damage as alleged above and herein.

31. Plaintiff is entitled to a judgment against Defendants for actual, consequential, incidental and punitive damages.

**FOR A FOURTH CAUSE OF ACTION**  
**(Frivolous Civil Proceeding)**

32. Plaintiff hereby reasserts and realleges each and every allegation set forth above as if set forth here verbatim.

33. This claim arises under the South Carolina Frivolous Civil Proceeding Sanctions Act (the

Act) pursuant to S.C. Code Ann. Sec. 15-36-10 *et seq.* (2005).

34. Defendants' conduct in removing the Magistrate Court case was frivolous, without merit and undertaken for the purposes of delay and to burden the Plaintiff with further expenses to be placed in lawful physical possession of its real estate.

35. Defendants' complained of conduct is a violation of the Act.

36. As a direct and proximate result of Defendants' violation of the Act, Plaintiff has been damaged as set forth above and herein.

37. Defendants should be sanctioned by this Court for their violation of the Act.

38. Plaintiff is entitled to a judgment of this Court sanctioning Defendants and awarding Plaintiff damages, as well as its costs and reasonable attorney's fees.

**FOR A FIFTH CAUSE OF ACTION**  
**(Abuse of Process)**

39. Plaintiff hereby reasserts and realleges each and every allegation set forth above as if set forth here verbatim.

40. Defendants' actions of frivolously removing the Magistrate Court case constitute an abuse of process.

41. Defendants had the ulterior motive of delaying their removal from the property and putting Plaintiff to additional expense, all the while, Defendants are not paying any money to Plaintiff for their unlawful occupation of the property.

42. The Defendants' willful act in the use of process has been used by Defendants'

previously regarding the same property for the ulterior purposes of delay and increasing expenses against the Defendants' mortgagee. Defendants' willful act of removing a state law trespassing action from Lexington County Magistrate Court to the Federal District Court for the District of South Carolina upon bogus claims of federal jurisdiction is not proper in the regular course of the proceeding.

43. As a direct and proximate result of Defendants' abuse of process, Plaintiff has been damaged as set forth above and herein, all to its actual and punitive damage.

44. Plaintiff is entitled to a judgment for actual, consequential, incidental and punitive damages.

**FOR A SIXTH CAUSE OF ACTION**  
**(Malicious Prosecution)**

45. Plaintiff hereby reasserts and realleges each and every allegation set forth above as if set forth here verbatim.

46. Defendants themselves instituted removal proceedings, which have been terminated in Plaintiff's favor.

47. Defendants instituted the removal proceedings without probable cause and with malice, which has directly and proximately caused damage to Plaintiff in that Plaintiff has incurred delays, costs and attorney's fees in responding to Defendants' baseless, meritless and ridiculous claims and that Plaintiff has further been denied physical possession of the real estate during the pendency of the removal process prior to being placed in physical possession following remand.

48. Plaintiff is entitled to a judgment for actual, consequential, incidental damages, including

compensation for the delays, costs and reasonable attorney's fees incurred during and because of the removal process.

**FOR A SEVENTH CAUSE OF ACTION**  
**(Civil Conspiracy)**

49. Plaintiff hereby reasserts and realleges each and every allegation set forth above as if set forth here verbatim.

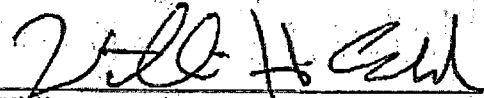
50. Defendants acted together in concert for the purpose of injuring Plaintiff by a common scheme of instituting a meritless removal action and then filing subsequent meritless purported motions, all in furtherance of the Defendants' conspiracy to cause special damages to Plaintiff.

51. As a direct and proximate result of Defendants' civil conspiracy, Plaintiff has incurred special damages, in that it has incurred delay, costs, and attorney's fees; it has lost revenue, business income, business profit and business opportunity and it has been otherwise damaged as set forth above and herein.

52. Plaintiff is entitled to a judgment for special and punitive damages.

WHEREFORE, the Plaintiff, having complained against the Defendants herein, prays for an Order of this Court for actual, consequential, incidental, punitive and special damages; for sanctions; for costs; for interest; for reasonable attorney's fees, but in no event does Plaintiff seek more than \$74,500 against these non-diverse Defendants, and for such other and further relief as this Court might deem just and proper.

THE MOORE TAYLOR LAW FIRM, P.A.



William H. Edwards, SC Bar No. 71199

1700 Sunset Boulevard

PO Box 5709

West Columbia, SC 29171

(803)796-9160

will@mttlaw.com

Attorney for Plaintiff

West Columbia, SC  
August 21, 2017

*All claims herein are limited to state law claims under the law of the State of South Carolina. Plaintiff makes no claims against these Defendants under any federal law, statute, regulation, executive order or treaty of the United States. Specifically, the Plaintiff makes no claims against these Defendants in any way related to treaties or fraudulent securities. Furthermore, Plaintiff hereby stipulates that, in no event, is it seeking more than \$74,500 in damages against these non-diverse Defendants.*

# EXHIBIT B

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS FOR  
THE ELEVENTH JUDICIAL CIRCUIT

Stephens Remodeling LLC.

C.A.: 2017 CP 3203043

Plaintiff

Vs.

Demetric Hayes and Carla Marshall

Defendants

LISA M. COMER  
CLERK OF COURT  
LEXINGTON SC

2017 SEP 22 PM 4:41

FILED

**DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES**

Defendants DEMETRIC HAYES AND CARLA MARSHALL submit the following Answer in response to the Complaint filed in this matter by Stephens Remodeling, LLC ("Plaintiff") on August 21, 2017 DKT.No.2017-CP-3203043

**RESPONSES TO COMPLAINT**

Defendants deny each and every statement of the complaint, including the preamble to the Complaint.

1. Defendants deny the FIRST CAUSE OF ACTION – Statements 1-20.
2. Defendants deny the SECOND CAUSE OF ACTION – Statements 21-25.
3. Defendants deny the THIRD CAUSE OF ACTION – Statements 26-31.
4. Defendants deny the FOURTH CAUSE OF ACTION – Statements 32-38.
5. Defendants deny the FIFTH CAUSE OF ACTION – Statements 39-44.
6. Defendants deny the SIXTH CAUSE OF ACTION – Statements 45-48.
7. Defendants deny the SEVENTH CAUSE OF ACTION – Statements 49-52.

## **AFFIRMATIVE DEFENSES**

Having answered the Complaint, the Defendants, DEMETRIC HAYES AND CARLA MARSHALL, assert the following enumerated Affirmative Defenses.

### **I. FIRST AFFIRMATIVE DEFENSE**

As the First Affirmative Defense the Plaintiff asserts a Failure to State a Cause of Action with factual evidence upon which relief can be granted, as the Plaintiff has failed to sufficiently plead a basis with factual evidence upon which relief can be granted. The Plaintiff has failed to plead with specificity any factual allegations to establish the requisite statutory elements. The Plaintiff has failed to set forth adequate or ultimate facts necessary to show or establish that the Plaintiff is entitled to relief under the False Claim Act.

### **II. SECOND AFFIRMATIVE DEFENSE**

As the Second Affirmative Defense, the Defendant, asserts Unclean Hands. The actions of the Plaintiff should bar recovery in this action. The Plaintiff's wrongful conduct precludes it from seeking relief and the claim should be dismissed.

### **III. THIRD AFFIRMATIVE DEFENSE**

As the third Affirmative Defense the Defendant asserts Estoppel and state that the Plaintiff is barred, in whole or in part, from recovery to the extent that it or its agent or real parties in interest have made statements or taken actions which estop them from asserting the claims.

### **IV. FOURTH AFFIRMATIVE DEFENSE**

As the Fourth Affirmative Defense the Defendant asserts that the Plaintiff claims are fraudulent, in that Plaintiff deliberately failed to fully and faithfully perform its duties, to the detriment of the Defendants, and is therefore not entitled to any of the relief or damages sought in its complaint.

### **V. FIFTH AFFIRMATIVE DEFENSE**

As the Fifth Affirmative Defense the Defendant asserts that the Plaintiff's alleged

damages, if any were caused, in whole or in part, as a result of Plaintiff's own negligence and/or actions therefore, the Plaintiff's recovery, if any, should be proportionally diminished.

### **RESERVATION OF RIGHT TO SUPPLEMENT DEFENSES**

The facts having not been fully developed, Defendant affirmatively plead any following defenses that may become applicable to this action: accord and satisfaction, arbitration and award, assumption of risk, coercion, contract, contributory negligence, discharge in bankruptcy, duress, economic duress, election of remedies, estoppel, failure of consideration, illegality, injury by fellow servant, laches, license, payment, release, res judicata, satisfaction, statute of frauds, waiver, the failure of plaintiff to mitigate damages or take reasonable steps to avoid damages, the failure of plaintiff to exercise ordinary care, and any other matter constituting an avoidance or affirmative defense.

The Defendant, reserve the right to supplement this Answer with any additional Affirmative Defense that may assert.

FILED

STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS FOR COUNTY OF LEXINGTON THE ELEVENTH JUDICIAL CIRCUIT

Stephens Remodeling LLC.

LISA M. COMER CLERK OF COURT LEXINGTON SC Plaintiff

C.A.: 2017 CP 3203043

Vs.

Demetric Hayes and Carla Marshall Defendants

AFFIDAVIT IN SUPPORT OF DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES

AFFIDAVIT IN SUPPORT OF DEFENDANTS ANSWER AND AFFIRMATIVE DEFENSES

We Demetric Hayes and Carla Marshall situated the County of Lexington have stated the truth and facts to the best of our ability in this ANSWER AND AFFIRMATIVE DEFENSES under penalty and perjury.

[Signature of Demetric Hayes]

Demetric Hayes

22 SEPT 2017

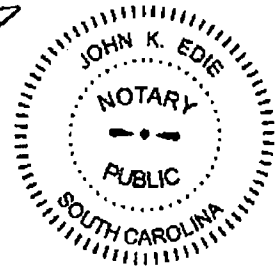
Date

[Signature of Carla Marshall]

Carla Marshall

9-22-2017

Date



Witness:

[Signature of Witness]

9-22-2017

Date

[Print Name of Witness]

Print Name

Witness:

[Signature of John Edie]

9-22-2017

Date

John Edie

Print Name

NOTARY:

[Signature of Notary Public]

Signature of Notary Public Notary Public, State of South Carolina

"OFFICIAL SEAL"

My Commission Expires: 10/01/2018

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS FOR  
THE ELEVENTH JUDICIAL CIRCUIT

Stephens Remodeling LLC.

C.A.: 2017 CP 3203043

Plaintiff

Vs.

Demetric Hayes and Carla Marshall

Defendants

LISA M. COMER  
CLERK OF COURT  
LEXINGTON SC

2017 SEP 22 PM 4:42

FILED

**CERTIFICATE OF SERVICE**

I Hayes, Demetric and Marshall, Carla certify that we are of such age and discretion to be competent to serve papers. That on the 22 day of SEPT 2017, We have served a copy of the documents listed below, by certified mail; sent to each of the following persons at the location stated below; which is the last known location, and by depositing said envelope and contents in the U.S. Mail.

Documents: Defendant's Answer, Affirmative Defenses

Parties:

MOORE TAYLOR LAW FIRM, P.A. (Attorney for the Plaintiff)

William H. Edwards

P.O. Box 5709

West Columbia, SC 29171

  
Demetric Hayes

22 SEPT 2017  
Date

  
Carla Marshall

9-22-2017  
Date

# EXHIBIT C

**ORIGINAL**

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS FOR  
THE ELEVENTH JUDICIAL CIRCUIT

Demetric Hayes and Carla Marshall

CASE NO. \_\_\_\_\_

Plaintiff-Counter

Vs.

**LIS PENDENS**

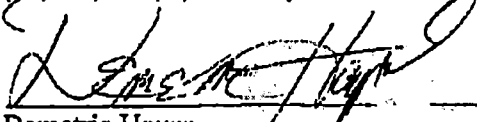
Stephens Remodeling I.L.C.

Defendants-Counter

**2017-LP-32-745**

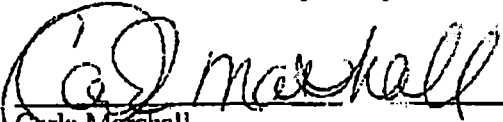
Notice is hereby given, that a counterclaim suit will be or has been taken by the above listed Plaintiff-Counter against the Defendant listed above. This counterclaim suit is a counter suit civil action titled Stephens Remodeling, I.L.C vs. Demetric Hayes and Carla Marshall case number CA 2017 CP 320304 in Lexington County, South Carolina. This case involves property known as 232 Edinfield Court, Gaston, South Carolina [29053], that was involved in an unlawful foreclosure under the Color of Law which is a violation of Title 18 USC Part 1> Chapter 13> sub-section 241 – Conspiracy against Rights and Title 18 USC Part 1>Chapter 12> sub-section 242 Deprivation of rights under the Color of Law. The judgement that we are seeking is a return of our property including but not limited to a money judgement in the amount of Two Million Two Hundred Twenty-Three Thousand Five Hundred

(\$2,223,500.00). A Jury Trial Will Be Requested.



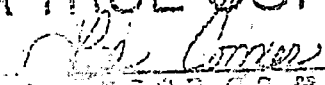
Demetric Hayes  
232 Edinfield Court  
Gaston, South Carolina [29053]

19 SEPT 2017  
Date



Carla Marshall  
232 Edinfield Court  
Gaston, South Carolina [29053]

9-19-2017  
Date

**A TRUE COPY**  
  
CLERK OF COURT, S.C.C.P., G.S. & F.C.

EXHIBT A

LEGAL DESCRIPTION

All that certain piece, parcel, or lot of land, with the improvements thereon, situate, lying and being in the County of Lexington, State of South Carolina, being shown and designated as lot 75 Heather Hill, Phase II-B (formerly Heatherwood, Phase IIB) on a plat Prepared for Mcleod Development, LLC by AccuPoint Surveying, P.A., dated March 3, 2003 and recorded in the ROD Office for Lexington County in Plat Book 8221 at Page 134; said plat being incorporated herein by reference and made a part of this description and said lot having such boundaries and measurements as shown thereon, all being a little more or less.

TMS # 009024-01-091

Derivation: This being the same property conveyed from Mare Homebuilders, Inc. to Demetric Hayes by Deed dated May 27, 2004 and recorded in the ROD Office for Lexington County in Deed Book 9298 at Page 293.

Grantees Address:

Lexington County Register of Deeds

The County

A TRUE COPY

*[Handwritten Signature]*

LEXINGTON COUNTY, SOUTH CAROLINA

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

DEMETRIC HAYES AND CARLA MARSHALL  
Plaintiff(s)

vs.

STEPHENS REMODELING LLC.  
Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

CP-  
2017-LP-32-145

Submitted By: DEMETRIC HAYES AND CARLA MARSHALL  
Address: P.O. BOX 2572 WEST COLUMBIA, SOUTH CAROLINA 29171

SC Bar #: PRO SE  
Telephone #: (803) 970-4474/843-260  
Fax #: 9068  
Other: \_\_\_\_\_  
E-mail: \_\_\_\_\_

(NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

**DOCKETING INFORMATION (Check all that apply)**

*\*If Action is Judgment/Settlement do not complete*

- JURY TRIAL, demanded in complaint.  NON-JURY TRIAL, demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

**NATURE OF ACTION (Check One Box Below)**

- |   |   |  |  |
|---|---|--|--|
| <p><b>Contracts</b></p> <input type="checkbox"/> Constructions (100)<br><input type="checkbox"/> Debt Collection (110)<br><input type="checkbox"/> General (130)<br><input type="checkbox"/> Breach of Contract (140)<br><input type="checkbox"/> Fraud/Bad Faith (150)<br><input type="checkbox"/> Failure to Deliver/Warranty (160)<br><input type="checkbox"/> Employment Discrim (170)<br><input type="checkbox"/> Employment (180)<br><input type="checkbox"/> Other (199) _____   | <p><b>Torts - Professional Malpractice</b></p> <input type="checkbox"/> Dental Malpractice (200)<br><input type="checkbox"/> Legal Malpractice (210)<br><input type="checkbox"/> Medical Malpractice (220)<br>Previous Notice of Intent Case #<br><u>20 -NI-</u><br><input type="checkbox"/> Notice/ File Med Mal (230)<br><input type="checkbox"/> Other (299) _____   | <p><b>Torts - Personal Injury</b></p> <input type="checkbox"/> Conversion (310)<br><input type="checkbox"/> Motor Vehicle Accident (320)<br><input type="checkbox"/> Premises Liability (330)<br><input type="checkbox"/> Products Liability (340)<br><input type="checkbox"/> Personal Injury (350)<br><input type="checkbox"/> Wrongful Death (360)<br><input type="checkbox"/> Assault/Battery (370)<br><input type="checkbox"/> Slander/Libel (380)<br><input type="checkbox"/> Other (399) _____  | <p><b>Real Property</b></p> <input type="checkbox"/> Claim & Delivery (400)<br><input type="checkbox"/> Condemnation (410)<br><input type="checkbox"/> Foreclosure (420)<br><input type="checkbox"/> Mechanic's Lien (430)<br><input type="checkbox"/> Partition (440)<br><input type="checkbox"/> Possession (450)<br><input type="checkbox"/> Building Code Violation (460)<br><input type="checkbox"/> Other (499) _____  |
| <p><b>Inmate Petitions</b></p> <input type="checkbox"/> PCR (500)<br><input type="checkbox"/> Mandamus (520)<br><input type="checkbox"/> Habeas Corpus (530)<br><input type="checkbox"/> Other (599) _____  | <p><b>Administrative Law/Relief</b></p> <input type="checkbox"/> Reinstat Drv. License (800)<br><input type="checkbox"/> Judicial Review (810)<br><input type="checkbox"/> Relief (820)<br><input type="checkbox"/> Permanent Injunction (830)<br><input type="checkbox"/> Forfeiture-Petition (840)<br><input type="checkbox"/> Forfeiture-Consent Order (850)<br><input type="checkbox"/> Other (899) _____ | <p><b>Judgments/Settlements</b></p> <input type="checkbox"/> Death Settlement (700)<br><input type="checkbox"/> Foreign Judgment (710)<br><input type="checkbox"/> Magistrate's Judgment (720)<br><input type="checkbox"/> Minor Settlement (730)<br><input type="checkbox"/> Transcript Judgment (740)<br><input checked="" type="checkbox"/> Lis Pendens (750)<br><input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)<br><input type="checkbox"/> Confession of Judgment (770)<br><input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)<br><input type="checkbox"/> Other (799) _____ | <p><b>Appeals</b></p> <input type="checkbox"/> Arbitration (900)<br><input type="checkbox"/> Magistrate-Civil (910)<br><input type="checkbox"/> Magistrate-Criminal (920)<br><input type="checkbox"/> Municipal (930)<br><input type="checkbox"/> Probate Court (940)<br><input type="checkbox"/> SCDOT (950)<br><input type="checkbox"/> Worker's Comp (960)<br><input type="checkbox"/> Zoning Board (970)<br><input type="checkbox"/> Public Service Comm. (990)<br><input type="checkbox"/> Employment Security Comm (991)<br><input type="checkbox"/> Other (999) _____ |
| <p><b>Special/Complex /Other</b></p> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Pharmaceuticals (630)<br><input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Unfair Trade Practices (640)<br><input type="checkbox"/> Medical (620) <input type="checkbox"/> Out-of State Depositions (650)<br><input type="checkbox"/> Other (699) _____ <input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)<br><input type="checkbox"/> Sexual Predator (510) <input type="checkbox"/> Pre-Suit Discovery (670)<br><input type="checkbox"/> Permanent Restraining Order (680) |   |  |  |

**TRUE COPY**  
LEXINGTON, S.C. CLERK, U.S. & EC.

Submitting Party Signature: \_\_\_\_\_

Date: 19 SEP 2017

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

**SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.**

**Pursuant to the ADR Rules, you are required to take the following action(s):**

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210<sup>th</sup> day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR only upon the following grounds:
  - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
  - b. Requests for temporary relief;
  - c. Appeals
  - d. Post Conviction relief matters;
  - e. Contempt of Court proceedings;
  - f. Forfeiture proceedings brought by governmental entities;
  - g. Mortgage foreclosures; and
  - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.**

A TRUE COPY  
*[Signature]*  
CLERK OF COURT, S.C. & F.C.

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS  
FOR THE ELEVENTH JUDICIAL  
CIRCUIT

STEPHENS REMODELING, LLC.

LP-32-745  
CA.: 2017 ~~EP 32-745~~

PLAINTIFF

VS.

DEMETRIC HAYES AND CARLA MARSHALL  
DEFENDANTS

## CERTIFICATE OF SERVICE

I HAYES, DEMETRIC AND MARSHALL, CARLA CERTIFY THAT WE ARE OF SUCH AGE AND DISCRETION TO BE COMPETENT TO SERVE PAPERS. THAT ON THE 10TH DAY OF OCTOBER 2017, WE HAVE SERVED A COPY OF THE DOCUMENT LISTED BELOW, BY CERTIFIED MAIL, SENT TO EACH OF THE FOLLOWING PERSONS AT THE LOCATION(S) STATED BELOW, WHICH IS THE LAST KNOWN LOCATIONS, AND BY DEPOSITING SAID ENVELOPE AND CONTENTS IN THE U.S. MAIL.

DOCUMENTS: LIS PENDENS


MOORE TAYLOR LAW FIRM, P.A.

WILLIAM H. EDWARDS

P.O. BOX 5709

WEST COLUMBIA, SOUTH CAROLINA 29171

10 OCTOBER 2017

  
DEMETRIC HAYES  
CARLA MARSHALL

# EXHIBIT D

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Stephens Remodeling, LLC,

Plaintiff,

v.

Demetric Hayes and Carla Marshall,

Defendants.

C/A No. 3:17-2575-JFA-SVH

**ORDER**

The *pro se* defendants, Demetric Hayes and Carla Marshall (“Defendants”), filed a notice of removal that purports to remove the action filed by Stephens Remodeling, LLC (“Plaintiff”) in the Lexington County Court of Common Pleas, Case No. 2017-CP-3203043. Plaintiff subsequently filed a motion to remand.

The Magistrate Judge assigned to this action<sup>1</sup> prepared a thorough Report and Recommendation (“Report”) and opines that this matter be remanded for lack of subject matter jurisdiction. The Report sets forth, in detail, the relevant facts and standards of law on this matter,

---

<sup>1</sup> The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b)(1). However, a district court is only required to conduct a de novo review of the specific portions of the Magistrate Judge’s Report to which an objection is made. See 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Report of the Magistrate, this Court is not required to give an explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

and this Court incorporates those facts and standards without a recitation. Defendants filed objections to the Report on November 20, 2017. Thus, this matter is ripe for review.

Here, Defendants make several objections to the Magistrate Judge’s recommendation that the matter be remanded for lack of subject matter jurisdiction. First, Defendants assert that the Magistrate erred by stating that action was removed from the Magistrate Court of Lexington County, South Carolina. Defendants appear to be correct.<sup>2</sup> Defendants removed this action, 2017-CP-320-3043, from the Lexington County Court of Common Pleas. While the Court acknowledges the correction, it bears no weight on the merits of this issue at hand.

The remaining objections assert that the case should be in federal court for various unsupported reasons. These objections are meritless. The Complaint limits recovery to \$74,500 and the parties are not diverse. Furthermore, the Complaint specifically avoids pleading any federal question jurisdiction claims. Therefore, this Court does not have subject matter jurisdiction.

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this court finds the Magistrate Judge’s recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court adopts the Report and Recommendation (ECF No. 10) and grants Plaintiff’s Motion to Remand (ECF No. 6) this case back to the South Carolina Court of Common Pleas for the Eleventh Judicial Circuit in Lexington County.

IT IS SO ORDERED.



*Joseph F. Anderson, Jr.*

Joseph F. Anderson, Jr.  
United States District Judge

March 27, 2018  
Columbia, South Carolina

A TRUE COPY  
ATTEST: ROBIN L. BLUME, CLERK

BY: *Mary R. Shoyk*  
DEPUTY CLERK

<sup>2</sup> The Court notes that Magistrate Judge did not have the complaint when making her Report because Defendants failed to attach a copy of the referenced complaint, as required by 28 U.S.C. § 1446(a) to their notice of removal. After the Magistrate noted the absence of the complaint Defendants attached the complaint to their objections to the Report. (ECF No. 19-1).

# EXHIBIT E

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
  
Stephens Remodeling, LLC, )  
 )  
Plaintiff, )  
 )  
Vs. )  
 )  
Demetric Hayes and Carla Marshall, )  
 )  
Defendants. )

IN THE COURT OF COMMON PLEAS  
THE ELEVENTH JUDICIAL CIRCUIT

Case No.: 2017-CP-32-03043  
2017-LP-32-745

NOTICE OF MOTION AND MOTION  
TO CANCEL DEFENDANTS' LIS  
PENDENS ON AN EXPEDITED  
BASIS

TO: THE ABOVE NAMED DEFENDANTS:

YOU WILL PLEASE TAKE NOTICE that Plaintiff, by and through the undersigned, shall move for an Order of this Court cancelling the Lis Pendens filed by Defendants dated September 19, 2017, as it was improperly filed. This motion is based upon S.C. Ann. SS 15-11-10, et seq. This motion is further based upon the attached Affidavit seeking an expedited hearing and all other applicable case and statutory law, the South Carolina Rules of Civil Procedure and any memorandum or other materials supplied to the Court prior to or at the hearing on this matter.

Pursuant to Rule 11, S.C.R.C.P., the undersigned counsel certifies that communication with opposing parties regarding the subject matter of the foregoing motion would serve no useful purpose.

MOORE TAYLOR LAW FIRM, P.A.

BY: s/William H. Edwards  
William H. Edwards  
1700 Sunset Boulevard  
West Columbia, SC 29169  
Telephone: 803-796-9160  
Facsimile: 803-791-8410  
Attorney for Plaintiff

West Columbia, SC  
April 4, 2018

# EXHIBIT F

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
  
Stephens Remodeling, LLC, )  
 )  
Plaintiff, )  
 )  
Vs. )  
 )  
Demetric Hayes and Carla Marshall, )  
 )  
Defendants. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
THE ELEVENTH JUDICIAL CIRCUIT

Case No.: 2017-CP-32-03043  
2017-LP-32-745

CANCELLATION OF LIS PENDENS

NOTICE IS HEREBY GIVEN that on May 7, 2018, pursuant to The Honorable Judge Newman's ruling, the Lis Pendens in case number 2017-LP-32-745 is now canceled.

Defendants Demetric Hayes and Carla Marshall improperly filed a lis pendens on September 19, 2017. Defendants have no interest affecting title to the property and their claims related to a foreclosure do not involve the Plaintiff, who holds fee simple title to the property. Defendants have no rights in the title to the property, which was extinguished by foreclosure by order of Foreclosure and Sale.

Therefore, I find that the filed lis pendens; in this case and case number 2017-LP-32-745 should be and is canceled.

AND IT IS SO ORDERED



Lexington Common Pleas

**Case Caption:** Stephens Remodeling LLC VS Demetric Hayes  
**Case Number:** 2017CP3203043  
**Type:** Order/Dismissal and Cancellation of Lis Pendens

So Ordered

s/ R. Knox McMahon, #2145

# EXHIBIT G

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

Appeal from the Circuit Court of Lexington County, South Carolina

The Honorable Jocelyn Newman

Case No. 2017-CP-32-03043  
2017-LP-32-745

JP MORGAN CHASE BANK, NATIONAL  
ASSOCIATION SUCCESSOR BY  
MERGER TO CHASE HOME FINANCE  
LLC S/B/M TO CHASE MANHATTAN  
MORTGAGE CORPORATION.....Respondent

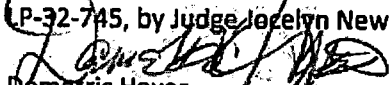
v.

Demetric Hayes and Carla Marshall.....Appellant

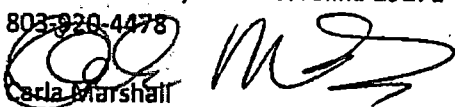
**RECEIVED**  
JUN 05 2018  
SC Court of Appeals

**NOTICE OF APPEAL**

Demetric Hayes and Carla Marshall will appeal the Order of Cancellation of Lis Pendens, Case No. 2017-P-32-745, by Judge Jocelyn Newman dated ~~1/11/18~~ 2018.

  
Demetric Hayes  
P.O. Box 2572  
West Columbia, South Carolina 29171

~~FILED~~ DIT  
11 MAY 2018

  
Carla Marshall  
P.O. Box 2572  
West Columbia, South Carolina 29171  
843-260-9068

Counsel of Record for the respondent:  
Moore Taylor Law Firm  
William Edwards  
P.O. Box 5709  
West Columbia, South Carolina 29171

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

Appeal from the Circuit Court of Lexington County, South Carolina

The Honorable Jocelyn Newman

Case No. 2017-CP-32-03043  
2017-LP-32-745

JP MORGAN CHASE BANK, NATIONAL  
ASSOCIATION SUCCESSOR BY  
MERGER TO CHASE HOME FINANCE  
LLC S/B/M TO CHASE MANHATTAN  
MORTGAGE CORPORATION.....Respondent

v.

Demetric Hayes and Carla Marshall.....Appellant

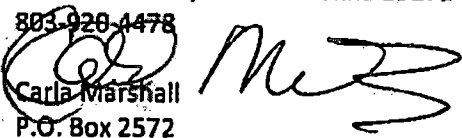
**RECEIVED**  
JUN 05 2018  
SC Court of Appeals

**Certificate of Service**

I certify that a copy of the foregoing Notice of Appeal has been served upon the Respondent by placing the same in the U.S. mail addressed to the following as shown this ~~14~~ <sup>5</sup> June 2018.

  
Demetric Hayes

P.O. Box 2572  
West Columbia, South Carolina 29171  
803-926-4478

  
Carla Marshall

P.O. Box 2572  
West Columbia, South Carolina 29171  
843-260-9068

Counsel of Record for the respondent:  
Moore Taylor Law Firm  
William Edwards  
P.O. Box 5709  
West Columbia, South Carolina 29171

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
  
Stephens Remodeling, LLC, )  
 )  
Plaintiff, )  
 )  
Vs. )  
 )  
Demetric Hayes and Carla Marshall, )  
 )  
Defendants. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
THE ELEVENTH JUDICIAL CIRCUIT

Case No.: 2017-CP-32-03043  
2017-LP-32-745

CANCELLATION OF LIS PENDENS

NOTICE IS HEREBY GIVEN that on May 7, 2018, pursuant to The Honorable Judge Newman's ruling, the Lis Pendens in case number 2017-LP-32-745 is now canceled.

Defendants Demetric Hayes and Carla Marshall improperly filed a lis pendens on September 19, 2017. Defendants have no interest affecting title to the property and their claims related to a foreclosure do not involve the Plaintiff, who holds fee simple title to the property. Defendants have no rights in the title to the property, which was extinguished by foreclosure by order of Foreclosure and Sale.

Therefore, I find that the filed lis pendens; in this case and case number 2017-LP-32-745 should be and is canceled.

**RECEIVED**  
JUN 05 2018  
SC Court of Appeals

**AND IT IS SO ORDERED**

**Lexington Common Pleas**



**Case Caption:** Stephens Remodeling LLC VS Demetric Hayes

**Case Number:** 2017CP3203043

**Type:** Order/Dismissal and Cancellation of Lis Pendens

So Ordered s/ R. Knox

McMahon, #2145

Electronically signed on 2018-05-11 10:07:15 page 2 of 2

ELECTRONICALLY FILED - 2018 May 11 11:02 AM - LEXINGTON - COMMON PLEAS - CASE#2017CP3203043

# EXHIBIT H



## Lexington County Eleventh Judicial Circuit Public Index



[Lexington County Home Page](#)
[South Carolina Judicial Department Home Page](#)
[SC.GOV Home Page](#)

Switch View

### Demetric Hayes VS Stephens Remodeling LLC

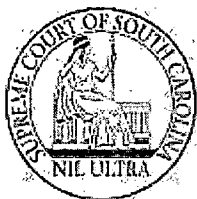
Case Number:	2017LP3200745	Court Agency:	Common Pleas	Filed Date:	09/19/2017
Case Type:	Lis Pendens	Case Sub Type:	Lis Pendens (\$10)	File Type:	Non-Jury
Status:	Cancelled	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	LP Cancelled	Disposition Date:	05/11/2018	Disposition Judge:	McMahon, R. Knox
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

[Case Parties](#)
[Judgments](#)
[Tax Map Information](#)
[Associated Cases](#)
[Actions](#)
[Financials](#)

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Hayes, Demetric	Affidavit of Rebuttal Response	Filing		05/11/2018-16:26		
Hayes, Demetric	Cancellation of Lis Pendens	Filing		05/11/2018-15:08		
Hayes, Demetric	Lis Pendens (\$10.00)	Filing		09/19/2017-15:36	05/11/2018-15:36	
Hayes, Demetric	Certificate of Service	Filing		09/19/2017-09:04	05/11/2018-09:04	

CMSWeb 6.1 © 2013 South Carolina Judicial Department • All rights reserved

# EXHIBIT I



## Lexington County Eleventh Judicial Circuit Public Index



Lexington County Home Page South Carolina Judicial Department Home Page SC.GOV Home Page

Switch View

### Stephens Remodeling LLC VS Demetric Hayes

Case Number:	2017CP3203043	Court Agency:	Common Pleas	Filed Date:	08/21/2017
Case Type:	Common Pleas	Case Sub Type:	Real Prop/Other 499	File Type:	Mediator - Jury
Status:	Pending/ADR	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:		Disposition Date:		Disposition Judge:	
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties    Judgments    Tax Map Information    Associated Cases    Actions    Financials

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Stephens Remodeling LLC	NEF(05-29-2018 02:32:42 PM) Order/Protection from Court ...	Filing		05/29/2018-14:32		
Stephens Remodeling LLC	Order/Protection from Court Appearance	Order		05/29/2018-14:32		
Stephens Remodeling LLC	NEF(05-17-2018 11:46:37 AM) Order/Order Cover Sheet \$25....	Filing		05/17/2018-15:14		
Stephens Remodeling LLC	Order/Order Cover Sheet \$25.00	Filing		05/17/2018-11:46		
Stephens Remodeling LLC	NEF(05-11-2018 11:02:12 AM) Order/Dismissal and Cancell...	Filing		05/11/2018-11:02		
Stephens Remodeling LLC	Order/Cancellation of Lis Pendens	Order		05/11/2018-11:02		
Stephens Remodeling LLC	NEF(05-10-2018 02:58:46 PM) Order/Order Cover Sheet \$25....	Filing		05/11/2018-08:55		
Stephens Remodeling LLC	Order/Order Cover Sheet \$25.00	Filing		05/10/2018-14:58		
Stephens Remodeling LLC	NEF(05-09-2018 04:54:38 PM) Order/Electronic Form 4	Filing		05/09/2018-16:54		
Stephens Remodeling LLC	Order Granting Pltf's Motion to Cancel Dft's Lis Pendens	Order		05/09/2018-16:54		
Hayes, Demetric	Affidavit Rebuttal Response	Filing		05/07/2018-16:26		

Stephens Remodeling LLC	NEF(05-04-2018 02:11:31 PM) Affidavit/Affidavit of	Filing		05/04/2018-14:46		
Stephens Remodeling LLC	Affidavit/Affidavit of Lucas Stephens	Filing		05/04/2018-14:11		
Hayes, Demetric	Notice/Notice of Hearing	Filing		04/12/2018-15:13		
Marshall, Carla	Notice/Notice of Hearing	Filing		04/12/2018-15:13		
Edwards, William H.	5/7/2018_MOT15_Roster/Notice of Motions Roster Publication S	Action		04/12/2018-10:01		
Hayes, Demetric	5/7/2018_MOT15_Roster/Notice of Motions Roster Publication S	Action		04/12/2018-10:01		
Marshall, Carla	5/7/2018_MOT15_Roster/Notice of Motions Roster Publication S	Action		04/12/2018-10:01		
Stephens Remodeling LLC	NEF(04-05-2018 03:53:54 PM) Order/Other	Filing		04/05/2018-15:54		
Stephens Remodeling LLC	Order/Order to Remand Case	Order		04/05/2018-15:53		
Stephens Remodeling LLC	NEF(04-04-2018 11:50:11 AM) Motion/Other	Filing		04/04/2018-11:56		
Stephens Remodeling LLC	Motion to Cancel Defendant's Lis Pendens	Motion		04/04/2018-11:50	05/07/2018-11:50	
Stephens Remodeling LLC	ADR/ADR Waiting on Information (Workflow)	Action		03/21/2018-08:15		
Stephens Remodeling LLC	ADR/Alternative Dispute Resolution (Workflow)	Action		03/19/2018-11:33	03/21/2018-11:33	
Hayes, Demetric	Answer and Affirmative Defenses	Filing		09/22/2017-14:17		
Hayes, Demetric	Notice of Removal to Distric Court	Filing		09/22/2017-12:11		
Stephens Remodeling LLC	Exhibit "A" Part 5	Filing		08/21/2017-16:53		
Stephens Remodeling LLC	Exhibit "A" Part 4	Filing		08/21/2017-16:51		
Stephens Remodeling LLC	Exhibit "A" Part 3	Filing		08/21/2017-16:50		
Stephens Remodeling LLC	Exhibit "A" Part 2	Filing		08/21/2017-16:49		
Stephens Remodeling LLC	Exhibit "A" Part 1	Filing		08/21/2017-16:47		
Stephens Remodeling LLC	Summons & Complaint Documents	Filing		08/21/2017-14:57		
Stephens Remodeling LLC	Summons & Complaint	Filing		08/21/2017-11:32		

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

The Honorable Jocelyn Newman

Case No. 2017-CP-32-03043  
2017-LP-32-745  
Appellate Case No. 2018-001044

**RECEIVED**  
AUG 08 2018  
SC Court of Appeals

Stephens Remodeling, LLC, .....Respondent,

v.

Demetric Hayes and Carla Marshall, .....Appellants.

**Certificate of Service**

I certify that I, Sallie C. Cobb, a paralegal at the Moore Taylor Law Firm, P.A., placed a copy of the Motion to Dismiss Appeal was been served upon the Appellants by placing the same in U.S. mail, certified and returned receipt requested to the following address on August 8, 2018.

Demetric Hayes and Carla Marshall  
PO Box 2572  
West Columbia, SC 29171

  
\_\_\_\_\_  
Sallie C. Cobb