

87679

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Ralph P. Stroman, Special Referee

Appellate Case No. 2018-000531
Common Pleas Case No. 2017-CP-26-05357

RECEIVED

AUG 27 2018

SC Court of Appeals

Habitat for Humanity of Horry County, Inc.,.....Respondent,

v.

Candice A. Simmons; Waccamaw Regional Council of Governments d/b/a Waccamaw
Home Consortium; Village of Dreams Homeowners Association, Inc.; SC Housing
Corp.; and Bank of North Carolina.....Defendants,

Of whom Candice A. Simmons is the.....Appellant.

MOTION TO CONSOLIDATE APPEALS

Andrew S. Radeker
S.C. Bar No. 73743
Harrison, Radeker & Smith, P.A.
Post Office Box 50143
Columbia, South Carolina 29250
(803) 779-2211
Attorney for Appellant

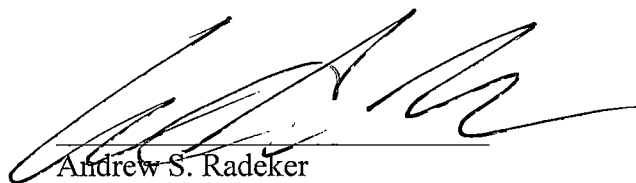
Appellant hereby moves pursuant to Rule 214, SCACR, as well as pursuant to all other applicable law, for an order that consolidates this appeal with the Appellant's appeal of the orders of the Honorable Ralph P. Stroman filed July 3, 2018, and July 30, 2018. A copy of the notice of appeal for that appeal and of the orders subject of that appeal is attached hereto.

The background and grounds for this motion are as follows:

1. These two appeals arise from the same civil action.
2. The instant appeal in this foreclosure case was brought *pro se*. The Appellant later obtained counsel, the undersigned, who moved for leave (or clarification that such leave was not required) to make a motion pursuant to Rule 60(b), SCRCR, concerning a writ of assistance issued against the Appellant in this case. This court granted that motion, and the lower court heard the 60(b) motion and entered the aforesaid orders in July. The appeal that is sought to be consolidated with this one followed.
3. Efficiency would be served by the consolidation sought. There is likely to be overlap in the issues subject of each appeal, and separate briefing for each appeal would be unnecessarily duplicative and costly. Further, consolidation would ensure that the same panel of this court's judges hears both appeals, reducing the likelihood of inconsistent outcomes of the appeals.

WHEREFORE Appellant prays for an order that consolidates this appeal with the Appellant's appeal of the orders of the Honorable Ralph P. Stroman filed July 3, 2018, and July 30, 2018.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew S. Radeker', written over a horizontal line.

Andrew S. Radeker
S.C. Bar No. 73743
Harrison, Radeker & Smith, P.A.
Post Office Box 50143
Columbia, South Carolina 29250
(803) 779-2211
Attorney for Appellant

August 27, 2018

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Ralph P. Stroman, Special Referee

Common Pleas Case No. 2017-CP-26-05357

RECEIVED
AUG 27 2018
SC Court of Appeals

Habitat for Humanity of Horry County, Inc.,.....Respondent,

v.

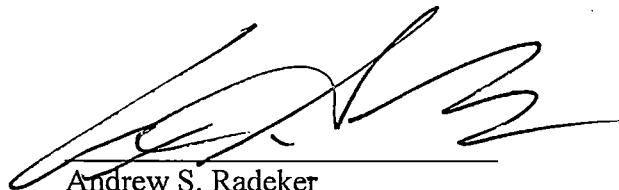
Candice A. Simmons; Waccamaw Regional Council of Governments d/b/a Waccamaw Home Consortium; Village of Dreams Homeowners Association, Inc.; SC Housing Corp.; and Bank of North Carolina.....Defendants,

Of whom Candice A. Simmons is the.....Appellant.

NOTICE OF APPEAL

The Appellant, Candice A. Simmons, appeals from the orders of the Honorable Ralph P. Stroman filed July 3, 2018, and July 30, 2018. Copies of these orders are attached hereto. Appellant received written notice of the entry of these orders on the dates that each was filed.

Respectfully submitted,



Andrew S. Radeker
S.C. Bar No. 73743
Harrison, Radeker & Smith, P.A.
Post Office Box 50143
Columbia, South Carolina 29250
(803) 779-2211
Attorney for Appellant

August 20, 2018

Other Counsel of Record:

Douglas M. Zayicek, Esq.
Bellamy, Rutenberg, Copeland, Epps, Gravely & Bowers, P.A.
P.O. Box 357
Myrtle Beach, SC 29578-0357
Attorney for Respondent

H. Guyton Murrell, Esq.
Tracey C. Easton, Esq.
300-C Outlet Pointe Blvd.
Columbia, SC 29210
Attorneys for SC Housing Corp.

James K. Gilliam, Esq.
McNair Law Firm, P.A.
P.O. Box 336
Myrtle Beach, SC 29578
Attorney for Waccamaw Regional Council of Governments

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO. 2017-CP-26-05357

Habitat for Humanity of Horry County, Inc.,)
)
Plaintiff,)

vs.)

Candice A. Simmons; Waccamaw)
Regional Council of Governments d/b/a)
Waccamaw Home Consortium; Village of)
Dreams Homeowners Association, Inc.; SC)
Housing Corp.; and Bank of North Carolina,)
)
Defendants.)

ORDER DENYING DEFENDANT SIMMONS'
MOTION FOR RELIEF FROM WRIT OF ASSISTANCE

This matter was before the Court on Monday, June 18, 2018, at 9:00 a.m. Present were: Douglas M. Zayicek, attorney for Plaintiff; Andrew s. Radeker, attorney for Defendant Simmons; and Robin K. Reibold, Court Reporter. Based on the argument of Counsel, and the Affidavits filed by Plaintiff, Defendant Simmons' Motion is DENIED.

The only matters before the Court were the two grounds specifically listed in Defendant Simmons' Motion: (1) misconduct of an adverse party; and (2) the judgment being void. Both of those issues related to the issuance of the Writ of Assistance. The Rule 60(b) grounds were stated: (1) in the Rule 60(b) Motion filed in Horry County Clerk's office, on May 9, 2018; (2) in Defendant Simmons' "Motion For Leave To Move For Relief From Writ Of Assistance Under Rule 60(b), SCRCPP, Or For Clarification That Such Leave Is Not Required" filed in the S.C. Court of Appeals on May 9, 2018 (Exhibit E); and (3) in the S.C. Court of Appeals' Order dated May 11, 2018.

Although Defendant Simmons' Counsel sent an email the afternoon of June 17, 2018, to the undersigned and Plaintiff's Counsel, stating Defendant Simmons' intent to make an oral motion, no written Motion was made (nor filing fee paid), the required 10-day notice prior to hearing any such motion was not given, Plaintiff's Counsel did not consent to those matters being heard, nor were those issues authorized to be heard in the Court of Appeals' Order dated May 11, 2018. Therefore, the Court did not consider, and makes no rulings on the matters raised in the email dated June 17, 2018, or any other issue outside of the two issues listed above.

I. NO SEPARATE HEARING IS REQUIRED TO OBTAIN A WRIT OF ASSISTANCE AGAINST A DEFENDANT IN POSSESSION.

Defendant Simmons' first argument is that the Writ of Assistance should be set aside because she was entitled to a separate hearing as to whether a Writ of Assistance should be issued against her. The Court disagrees.

A Defendant in a foreclosure action who is in possession of the premises has its rights adjudicated in the underlying foreclosure action and is not entitled to a separate hearing prior to the issuance of a Writ of Assistance. Defendant Simmons accepted service of the Summons & Complaint and went into default. The Court therefore had personal and subject matter jurisdiction as to Defendant Simmons.

Defendant Simmons' right of possession, as well as those who were in possession through Defendant Simmons, were extinguished by the foreclosure sale. Plaintiff's Complaint states Plaintiff was seeking to foreclose against Defendant Simmons, and to place the successful bidder at the foreclosure sale in possession of the mortgaged premises. (Complaint, pp. 9-10). The Special Referee's Report contains findings and conclusions saying the successful purchaser at the foreclosure sale would be put into possession of the mortgaged premises. (Special

Referee's Report, pp. 9-10). Defendant Simmons was in default in this action. More importantly, and even if Defendant Simmons were not in default, she had the full right and opportunity to be present at the foreclosure sale and could have been the successful purchaser if she so desired.

Rule 70, SCRCF, expressly states that when an order or judgment is for the delivery of possession, the party in whose favor it is entered is entitled to a writ of assistance upon application. The Special Referee's Report is such an order. Thus, Plaintiff in this case, as the successful bidder, was entitled to the Writ of Assistance. Rule 70 is very clear and ends Defendant Simmons' argument.

In addition, Rule 81, SCRCF states that where there is no provision made by statute or rule, the procedure shall be as heretofore existed in the South Carolina courts. Even if Rule 70 did not exist, the existing procedure in South Carolina is that no hearing for a writ of assistance is required as to a defendant in possession. The Court takes judicial notice that this has been the procedure in Horry County, and this procedure for obtaining a writ of assistance is announced at every sale by the Horry County Master-in-Equity.¹ The cases cited by Plaintiff unequivocally reject Defendant Simmons' argument that a defendant in possession is entitled to a separate hearing before a writ of assistance can issue. See, e.g., Ex parte Jenkins, 26 S.E. 686 (S.C. 1897) (holding "A writ of assistance is undoubtedly an appropriate process to issue from a court of equity to place a purchaser of mortgaged premises under its decree in possession after he has received the master's deed, *as against parties who are bound by the decree*") (Italics in original); Ex parte Qualls, 71 S.C. 87 (S.C. 1905) (holding "The purchaser at a judicial sale has a

¹ Defendant Simmons alleges in her Motion that the practice in this State is otherwise. However, she offers no proof or evidence whatsoever to support that wholly-conclusory allegation.

clear right of possession of the property sold, *as against all parties to the proceedings in which the sale is made, and this right the court will summarily enforce by writ of assistance...*,” and “the court has full power to enforce its sale by putting the purchaser into possession of the premises *against the possession of the party to the suit, or anyone holding under such party...*”) (Emphasis added); *Griggs v. Griggs*, 31 S.E.2d 272 (S.C. 1944) (*holding* “The object of the writ [of assistance] and the consideration in which it is granted is that, when the court makes a sale and transfers the title, *it will take possession from a party whose rights have been determined by the suit in which the sale was ordered.*”) (Emphasis added.); *Pipkin v. Fletcher*, 162 S.E. 774 (S.C. 1932) (*holding* “Writ of assistance is appropriate process to issue to place purchaser of mortgaged premises in possession *as against parties bound by the decree.*”) (Emphasis added.) Finally, *Murchison v. Miller*, 42 S.E. 177 (S.C. 1902) expressly provides that a writ of assistance can be issued by a court in chambers; thus, no separate hearing is needed to take possession from a party in possession, who’s rights were decided in the underlying action, as in this case.

II. THE WRIT OF ASSISTANCE WAS PROPERLY SERVED ON DEFENDANT SIMMONS.

Defendant Simmons was served with the clocked Petition for Writ of Assistance, and the clocked, signed Writ of Assistance. Defendant Simmons’ second argument is that the Writ is void because she alleges she was denied due process by the way the writ was handled. Per Defendant Simmons’ Motion, she alleges she should have received a copy of the Writ in a different manner under Rule 5, SCRCF, to give her notice and opportunity to be heard. Defendant waived this argument at the hearing. In addition, the court disagrees.

Defendant Simmons is not an e-filer under the current e-filing system. Under the e-filing system, documents must be uploaded to the Court through the e-filing system. Because

Defendant is not an e-filer on the S.C. Judicial filing system, she does not get electronic notice when a document is uploaded into the system. Plaintiff offered proof the clocked Petition for Writ of Assistance, and clocked Writ of Assistance, were served on Defendant Simmons via regular mail, with a Certificate of Service. The fact that the Court signed the Writ of Assistance prior to Defendant receiving the original Petition is irrelevant, because as stated above Plaintiff as the successful bidder was entitled to the Writ of Assistance as to Defendant Simmons, without further hearing. It has long been held that “whatever doesn’t make any difference, doesn’t matter.” *See, e.g., McCall v. Finley*, 362 S.E.2d 26 (S.C. Ct. App. 1987).

Defendant Simmons did not provide any explanation whatsoever as to how she should have otherwise received notice under the current e-filing system, when Plaintiff was required to e-file the materials with the Court. Thus, the Court deems this ground abandoned by Defendant.

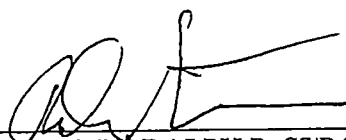
Even considering Defendant Simmons’ argument, Defendant Simmons was not denied due process because of the manner in which the documents were e-filed, executed, and served. It is axiomatic that to avoid the Writ of Assistance, Defendant Simmons’ remedy was to avoid the sale that lead to the Writ of Assistance.² Defendant Simmons does not deny having the opportunity to avoid the sale and thus the effect of the Writ of Assistance. The S.C. Court of Appeals issued three orders in response to Motions filed by Defendant Simmons. Defendant Simmons clearly had notice and the opportunity to be heard as to whether a writ of assistance would ultimately be issued in this case. In fact, Defendant Simmons was specifically told by the S.C. Court of Appeals exactly what to do to avoid a sale, and thus avoid the very Writ of Assistance she complains of. She chose not to follow those instructions.

² As stated above, the issuance of a writ of assistance is merely a perfunctory, ministerial act by the Court to carry out the terms of its sale.

In addition, under Rule 60(b), a judgment can only be attacked as void if it involves irregularities related to jurisdiction. Universal Benefits, Inc. v. McKinney, 561 S.E.2d 179 (S.C. Ct. App. 2002); Thomas & Howard Company, Inc. v. T.W. Graham and Co., et al, 457 S.E.2d 340 (S.C. 340). As stated above, the Court had personal jurisdiction over Defendant Simmons, and clearly has subject matter jurisdiction of foreclosures matters.

For the reasons stated above, Defendant Simmons' Motion is denied.

IT IS SO ORDERED.



HONORABLE RALPH P. STROMAN
SPECIAL REFEREE FOR Horry COUNTY

Conway, South Carolina.

Dated: 7-3-18.

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF HORRY)	CIVIL ACTION NO. 2017-CP-26-05357
Habitat for Humanity of Horry County, Inc.,)	
)	
Plaintiff,)	
)	
vs.)	
)	
Candice A. Simmons; Waccamaw)	
Regional Council of Governments d/b/a)	
Waccamaw Home Consortium; Village of)	
Dreams Homeowners Association, Inc.; SC)	
Housing Corp.; and Bank of North Carolina,)	
)	
Defendants.)	
)	

**ORDER DENYING DEFENDANT SIMMONS’
MOTION TO RECONSIDER**

This matter was before the Court pursuant to Defendant Simmons’ Motion to Reconsider Order Denying Defendant Simmons’ Motion for Relief from Writ of Assistance, filed on July 13, 2018. Defendant Simmons’ Motion is DENIED for the reasons below. Defendant Simmons (“Defendant”) did not ask for a hearing on its Motion.

As to the grounds raised by Defendant in her Motion:

1. No response is necessary. Defendant generically alleges she was correct and the Court should have ruled in its favor, without any specificity.
2. Although SCRCF Rule 7(b)(1) in theory discusses oral motions, Defendant cites no authority whatsoever that requires the Court to entertain or rule upon an oral motion, when another party does not consent to the oral motion being heard. Doing so would cause extreme prejudice to the non-moving parties, who have not had time to prepare for, or consider, the additional grounds. Defendant clearly knows how to file and

serve written Motions, and offered no explanation why the grounds in her “oral motion” were not included in her earlier Rule 60(b) written motion, which is what was approved by the Court of Appeals.

Also, it is important to note Defendant only copied the Court and Plaintiff on its June 17, 2018 email—she did not copy all parties. Even to this date, no written Motion has been made as to the grounds in Defendant’s oral motion. Thus, the other parties have never had an opportunity to even consider Defendant’s argument.

Rule 6(d) expressly states a motion must be filed and served not later than ten days before a hearing. Defendant cites no authority for her proposition that she can unilaterally send an email to one party less than 24 hours prior to a hearing, and that she is entitled to be heard on those issues, and the Court must issue a ruling binding on all parties. Doing so would render the Rules of Civil Procedure superfluous and a nullity.

In addition, Defendant did not ask leave from the Court of Appeals to raise additional grounds, nor has she, even to this date, reduced the grounds to a written, filed motion. *See, e.g., Hundley ex rel. Hundley v. Rite Aid of South Carolina, Inc.* (S.C. Ct. App. 2000). Also, Defendant did not ask this Court or the Court of Appeals to delay the hearing to allow Defendant time to properly raise these issues.

Finally, Defendant has not provided any facts or arguments to show she would prevail on her oral motion, or how it could lead to a defense in the underlying action. As this Court previously stated, “whatever doesn’t make any difference, doesn’t matter.” *See, e.g., McCall v. Finley*, 362 S.E.2d 26 (S.C. Ct. App. 1987). At no point has Defendant made an attempt to: (1) proffer a defense to the underlying foreclosure

action; (2) dispute Plaintiff undertook incredible mitigation efforts to try to resolve this matter, all to no avail because of Defendant's complete unwillingness to work with Plaintiff; or (3) attempted to show what Plaintiff should have done in the alternative.

In addition, Defendant's argument is patently incorrect. Paragraph 4 of the Complaint states "That the Administrative Order of the Supreme Court of South Carolina dated May 2, 2011 (2011-05-02-01) does not apply in this case because the Plaintiff, Habitat for Humanity of Horry County, Inc. ("Plaintiff,") is a private entity." Defendant was in default, and never raised the grounds in her oral motion until well after she had already been evicted after the foreclosure sale—that is a clear waiver.

Defendant also did not address that HAMP ended in December, 2016, before this action was ever filed, or that the Administrative Order expressly only applies to certain lenders (those that participate in HAMP, not all lenders, nor any private entities). Defendant simply alleges that somehow Plaintiff did not comply with Order 2011-05-02-01, with no specifics. But Defendant has not shown that Order 2011-05-02-01 applies to Plaintiff, or that the S.C. Supreme Court required private entities such as Plaintiff to comply with the same mitigation requirements as federally-insured institutions that participate in the programs referenced in Order 2011-05-02-01.

Further, and more importantly, Plaintiff undertook extreme mitigation efforts with Defendant (whether required or not), and that evidence is uncontested by Defendant. Defendant completely ignores the multiple mitigation offers Plaintiff made to Defendant before, during, and after the foreclosure hearing. All of those efforts involved offers to modify Defendant's loan, meet with Plaintiff's Board of Directors,

allow her to make payments, etc. *See Affidavits of Blakely Roof and Carla Scheussler.* Instead of contradicting any portion of those Affidavits, Defendant filed a short memo saying those Affidavits are not relevant. Thus, at the same time Defendant argues she was not offered any mitigation, she tries to argue evidence of that mitigation is not relevant.

Hence, there is over-whelming evidence of Plaintiff's substantial mitigation efforts, while there is not a shred of evidence to show: (1) Defendant was willing to meet or work with Plaintiff; (2) Defendant was willing to provide her financial records as repeatedly requested by Plaintiff; or (3) Defendant was ready, willing, and able to comply with Plaintiff's mitigation offers to resolve this matter or cure her admitted default, even after the foreclosure hearing. Defendant's unclean hands, in light of Plaintiff's substantial mitigation efforts (again, whether required or not), prevents her from recovery in this equitable action.

3. South Carolina law is clear that a party in possession, and anyone in possession through that party, whose rights have been determined, is not entitled to an additional hearing before a writ of assistance is issued. The allegations in Plaintiff's Complaint, and findings in this Court's orders are clear. This also addresses the issues raised in Defendant's Motion Paragraphs 5, 6, 7, 9, 13, 16, 18, and possible others.
- 14 & 15. The Court of Appeals' Orders are clear, and expressly informed Defendant what she needed to do to obtain a stay of the writ of assistance. Defendant ignored the Court of Appeals, for whatever reason, nor did she take other steps that were available to her to avoid a writ of assistance.

20. The July 11, 2017 Order from Chief Justice Beatty, appointing the undersigned as Special Referee in Horry County, was provided to Defendant.

The remainder of Defendant's arguments are without merit, or were waived at the hearing.

For the reasons stated above, Defendant Simmons' Motion to Reconsider is denied.

IT IS SO ORDERED.



Horry Common Pleas

Case Caption: Habitat For Humanity Of Horry County Inc VS Candice A Simmons ,
defendant, et al
Case Number: 2017CP2605357
Type: Order/Other

So Ordered

s/Ralph P. Stroman, 2098, Special Referee for
Horry County

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Ralph P. Stroman, Special Referee

Appellate Case No. 2018-000531
Common Pleas Case No. 2017-CP-26-05357

RECEIVED

AUG 27 2018

SC Court of Appeals

Habitat for Humanity of Horry County, Inc.,.....Respondent,

v.

Candice A. Simmons; Waccamaw Regional Council of Governments d/b/a Waccamaw
Home Consortium; Village of Dreams Homeowners Association, Inc.; SC Housing
Corp.; and Bank of North Carolina.....Defendants,

Of whom Candice A. Simmons is the.....Appellant.

PROOF OF SERVICE

I certify that I served the foregoing motion to consolidate appeals in this case
by depositing a copy of it on the date shown below in the United States Mail, postage
prepaid, addressed as follows:

Douglas M. Zayicek, Esq.
Bellamy, Rutenberg, Copeland, Epps, Gravely & Bowers, P.A.
P.O. Box 357
Myrtle Beach, SC 29578-0357



Andrew S. Radeker
S.C. Bar No. 73743
Harrison, Radeker & Smith, P.A.
Post Office Box 50143
Columbia, South Carolina 29250
(803) 779-2211
Attorney for Appellant

August 27, 2018

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Ralph P. Stroman, Special Referee

Common Pleas Case No. 2017-CP-26-05357

Habitat for Humanity of Horry County, Inc.,.....Respondent,

v.

Candice A. Simmons; Waccamaw Regional Council of Governments d/b/a Waccamaw Home Consortium; Village of Dreams Homeowners Association, Inc.; SC Housing Corp.; and Bank of North Carolina.....Defendants,

Of whom Candice A. Simmons is the.....Appellant.

PROOF OF SERVICE

I certify that I served the foregoing notice of appeal in this case by depositing a copy of it on the date shown below in the United States Mail, postage prepaid, addressed as follows:

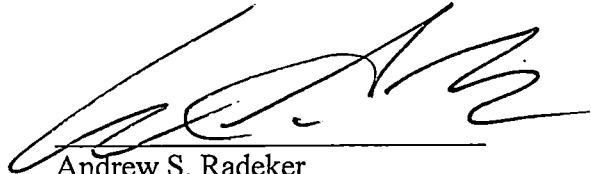
Douglas M. Zayicek, Esq.
Bellamy, Rutenberg, Copeland, Epps, Gravely & Bowers, P.A.
P.O. Box 357
Myrtle Beach, SC 29578-0357

H. Guyton Murrell, Esq.
Tracey C. Easton, Esq.
300-C Outlet Pointe Blvd.
Columbia, SC 29210

James K. Gilliam, Esq.
McNair Law Firm, P.A.
P.O. Box 336
Myrtle Beach, SC 29578

Village of Dreams Homeowners Association, Inc.
165 Co-Op Rd.
Myrtle Beach, SC 29588

Bank of North Carolina
3751 Grissom Parkway, Ste. 100
Myrtle Beach, SC 29577

A handwritten signature in black ink, appearing to read 'A. Radeker', written over a horizontal line.

Andrew S. Radeker
S.C. Bar No. 73743
Harrison, Radeker & Smith, P.A.
Post Office Box 50143
Columbia, South Carolina 29250
(803) 779-2211
Attorney for Appellant

August 20, 2018

James C. Harrison, Jr.*
Andrew S. Radeker
Taylor M. Smith IV

* Mediator/Arbitrator

**HARRISON
& RADEKER
& SMITH** P.A.
ATTORNEYS AT LAW

P.O. Box 50143
Columbia, SC 29250

(803) 779-2211
(803) 779-6700 (fax)
www.harrisonfirm.com

August 27, 2018

RECEIVED

AUG 27 2018

SC Court of Appeals

VIA HAND DELIVERY

V. Claire Allen
Deputy Clerk of Court, Court of Appeals of South Carolina
1220 Senate Street
Columbia, South Carolina 29201

**Re: Habitat for Humanity v. Candice Simmons, et al.
Court of Appeals Case No. 2018-000531**

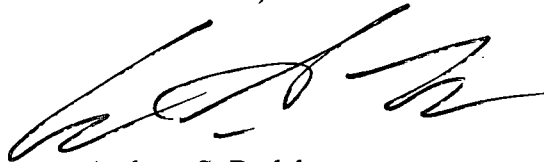
Dear Ms. Allen:

I apologize for not updating the court earlier on the status of this matter. The 60(b) motion was denied, and a motion to reconsider that ruling was also denied. We have served a notice of appeal of those orders, and I am filing that notice of appeal today, along with a motion to consolidate the above-referenced appeal with that one.

Thank you. Of course, if you or your staff have any questions or concerns, please do not hesitate to contact me.

With kind regards, I am,

Very truly yours,
HARRISON, RADEKER & SMITH, P.A.



Andrew S. Radeker

ASR/

cc: Douglas M. Zayicek, Esq.