

December 11, 2018

The Honorable Jenny Abbott Kitchings
The South Carolina Court of Appeals Clerk of Court
Post Office Box 11629
Columbia, South Carolina 29211
Att: Deputy Clerk, V. Claire Allen

RE: Anderson Brothers Bank, Respondent v. Dazarhea Monique Parson, a/k/a Dazarhea D. Parson, a/k/a Dazarhea Monique Daniels Parson, A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson Jr., South Carolina Department of Revenue and South Carolina Department of Motor Vehicles, Defendants, Of whom Dazarhea Monique Parson, a/k/a Dazarhea D. Parson, a/k/a Dazarhea Monique Daniels Parson, A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson Jr. are the Appellants

Appellate Case No. 2018-002061

RECEIVED

DEC 13 2018

SC Court of Appeals

Dear Ms. Allen:

In response to your correspondence from December 6, 2018, this is to confirm Appellants was in possession of the transcript prior to filing the Notice of Appeal. Attached is a copy of the transcript, and correspondences with court reporter.

Thank you for your kind assistance in this matter.

Respectfully,

By: Arnold Jr. Dazarhea Parson

Arnold Jr., Dazarhea Parson Pro Se
c/o 311 N Congdon Street
Georgetown, South Carolina 29440
843-409-9086
Best4lessclothing@gmail.com

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

APPEAL FROM MARION COUNTY
Court of Common Pleas
Thomas A. Russo, Circuit Court Judge

Case No. 2013-CP-33-00306
Appellant Case No. 2018-002061

RECEIVED
DEC 13 2018
SC Court of Appeals

Anderson Brothers Bank

Respondent,

Dazarhea Monique Parson, a/k/a Dazarhea D. Parson, a/k/a Dazarhea Monique Daniels Parson, A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson Jr., South Carolina Department of Revenue and South Carolina Department of Motor Vehicles, Defendants, Of whom Dazarhea Monique Parson, a/k/a Dazarhea D. Parson, a/k/a Dazarhea Monique Daniels Parson, A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson Jr.

Appellants,

We certify that we served the foregoing Transcript and the correspondences with court reporter in this case by depositing a copy of it on the date shown below in the United States Mail, postage prepaid addressed as follows:

Cc:

Suzanne Grigg

Post Office Drawer 2426

Columbia, South Carolina 29202

Jenny Abbott Kitchings

Court of Appeals Clerk of Court

P O Box 11629

Columbia, South Carolina 29211

December 11, 2018

Respectfully submitted,

By: Arnold Jr. Dazarhea Parson

Arnold Jr., Dazarhea Parson Pro Se

c/o 311 N Congdon Street

Georgetown, South Carolina 29440

843-409-9086

Best4lessclothing@gmail.com



Anderson brother's bank vs. Dazarhea parson 2013-CP-33-306

i message

best4lessclothing <best4lessclothing@gmail.com>

To: krsmith@sccourts.org

Mon, Aug 20, 2018 at 6:16 PM

Hi, my name is Dazarhea parson I'm contacting you about case # 2013-CP-33-306. I had court today before the honorable Judge Russo. Can you please give me a price for this transcript as soon as possible. If you have any questions or concerns please feel free to contact me at 843-251-0360 or at best4lessclothing@gmail.com.

RECEIVED
DEC 13 2018
SC Court of Appeals



Anderson Brothers Bank vs. Dazarhea Parsons et al - Case # 2013-CP-33-306

13 messages

Smith, Krystal J. <krsmith@sccourts.org>
To: best4lessclothing <best4lessclothing@gmail.com>
Cc: transcripts <transcripts@sccourts.org>

Tue, Aug 21, 2018 at 8:55 PM

Ms. Parsons -

→ I am in receipt of your email regarding a transcript in your case.

If you wish to receive a transcript of your motion hearing taken on August 20, 2018, I can provide you with that. Based upon a review of my records, I estimate that it would be approximately 40 pages long. A deposit in the amount of \$130.00 would be necessary prior to preparation of the transcript (\$3.25 per page x 40 pages).

?Upon receipt of your certified check or money order (no personal checks) in the amount of \$130.00, I will prepare the transcript to you. I am given 60 days from payment in which to prepare the record. Extensions of time may be granted if necessary.

If I have over-estimated the number of pages, you will be sent a refund of the overpayment. If I have under-estimated the number of pages, you will be sent an invoice for the balance due. Upon receipt of that payment, the transcript will be sent to you.

Attached please find a request form to fill out and send in with your payment.

Thanks,

Krystal J. Smith

P.O. Box 13563

Florence SC 29504

From: best4lessclothing <best4lessclothing@gmail.com>
Sent: Tuesday, August 21, 2018 1:10 PM
To: Smith, Krystal J.
Subject: Re: Anderson brother's bank vs. Dazarhea parson 2013-CP-33-306

Thank you

On Tue, Aug 21, 2018, 1:10 PM Smith, Krystal J. <krsmith@sccourts.org<mailto:krsmith@sccourts.org>> wrote:
?Hello -

I am currently in court out of town. When I get to the hotel this evening, I will look at this and get you a cost for the deposit.

<mailto:best4lessclothing@gmail.com<mailto:best4lessclothing@gmail.com>>> wrote:
Thank you

On Wed, Sep 12, 2018, 5:30 PM Smith, Krystal J. <krsmith@sccourts.org<mailto:krsmith@sccourts.org><mailto:krsmith@sccourts.org<mailto:krsmith@sccourts.org>>>> wrote:
?Hello -

I just wanted to let you know that I received your money order deposit today and have added your request to my list.

Thank you,

Krystal J. Smith

From: best4lessclothing <best4lessclothing@gmail.com<mailto:best4lessclothing@gmail.com><mailto:best4lessclothing@gmail.com<mailto:best4lessclothing@gmail.com>>>>

Sent: Monday, September 10, 2018 9:58 AM

To: Smith, Krystal J.

Subject: Re: Anderson Brothers Bank vs. Dazarhea Parsons et al - Case # 2013-CP-33-306

Just mailed the money order.

On Sun, Sep 9, 2018, 9:11 PM Smith, Krystal J. <krsmith@sccourts.org<mailto:krsmith@sccourts.org><mailto:krsmith@sccourts.org<mailto:krsmith@sccourts.org>>>><mailto:krsmith@sccourts.org<mailto:krsmith@sccourts.org>>>><mailto:krsmith@sccourts.org<mailto:krsmith@sccourts.org>>>>> wrote:
Krystal J Smith

From: best4lessclothing <best4lessclothing@gmail.com<mailto:best4lessclothing@gmail.com><mailto:best4lessclothing@gmail.com<mailto:best4lessclothing@gmail.com>>>><mailto:best4lessclothing@gmail.com<mailto:best4lessclothing@gmail.com>>>><mailto:best4lessclothing@gmail.com<mailto:best4lessclothing@gmail.com>>>>>

Sent: Sunday, September 9, 2018 8:45:14 PM

To: Smith, Krystal J.

Subject: Re: Anderson Brothers Bank vs. Dazarhea Parsons et al - Case # 2013-CP-33-306

I will be mailing the money order tomorrow. Who is it made out to?

On Tue, Aug 21, 2018, 8:55 PM Smith, Krystal J. <krsmith@sccourts.org<mailto:krsmith@sccourts.org><mailto:krsmith@sccourts.org<mailto:krsmith@sccourts.org>>>><mailto:krsmith@sccourts.org<mailto:krsmith@sccourts.org>>>><mailto:krsmith@sccourts.org<mailto:krsmith@sccourts.org>>>><mailto:krsmith@sccourts.org<mailto:krsmith@sccourts.org>>>><mailto:krsmith@sccourts.org<mailto:krsmith@sccourts.org>>>><mailto:krsmith@sccourts.org<mailto:krsmith@sccourts.org>>>>> wrote:
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?Upon receipt of your certified check or money order (no personal checks) in the amount of \$130.00, I will prepare the transcript to you. I am given 60 days from payment in which to prepare the record. Extensions of time may be granted if necessary.

If I have over-estimated the number of pages, you will be sent a refund of the overpayment. If I have under-estimated the

State of South Carolina)
) Court of Common Pleas
County of Marion) Twelfth Judicial Circuit
) Case No. 2013-CP-33-00306
)
Anderson Brothers Bank,)
)
) Plaintiffs,)
)
-vs-) Transcript of Record
)
)
Dazarhea Parson and Arnold)
Parson,)
)
) Defendants.)
)

August 20, 2018
Marion, South Carolina

B E F O R E:

The Honorable Thomas A. Russo, Judge

A P P E A R A N C E S:

Suzanne G. Griggs, Esquire
Attorney for the Plaintiff

Krystal J. Smith
Circuit Court Reporter

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I N D E X

<u>WITNESS/DESCRIPTION</u>	<u>PAGE NUMBER</u>
Rule 60(b) Motion.....	4
Court Reporter Certification.....	29

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
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(No Exhibits Presented)

COURT REPORTER LEGEND

dashes --	intentional or purposeful interruption
	or change in thought
ellipses . . .	trailing off
[ph]	phonetically written
[sic]	written as said

1 AUGUST 20, 2018

2 (WHEREUPON, the proceedings began at 9:47 a.m.)

3 THE COURT: All right. The first matter I've got then
4 is Anderson Brothers Bank versus Dazarhea Monique Parson, et
5 al.

6 All right. This is a motion under Rule 60 to void a
7 judgment. Is that correct?

8 MS. PARSON: Correct.

9 MR. PARSON: Yes. And to challenge jurisdiction.

10 THE COURT: All right. And, sir, your name is?

11 MR. PARSON: Arnold Parson.

12 THE COURT: I'm sorry?

13 MR. PARSON: Arnold Parson, Jr.

14 THE COURT: Okay. And ma'am?

15 MS. PARSON: Dazarhea Parson.

16 THE COURT: All right. Okay. All right. And I see --
17 I thought I see -- I'm just trying to see -- I see Arnold
18 Parson is a litigant and, Dazarhea, are you also a named
19 party in this matter?

20 MS. PARSON: Correct.

21 THE COURT: All right. Okay. It's your motion. I'll
22 be happy to hear from you.

23 MR. PARSON: First, I would like to ask did you have a
24 chance to review the motion, sir?

25 THE COURT: Yes, sir.

1 MR. PARSON: I'd like to state that there's a
2 presumption that has been made, being made or will be made
3 that they be expressed so that we have an opportunity to
4 knowingly, willingly, and intelligently to rebut said
5 presumptions that are being made.

6 We are here today on a 60(b) and a challenge to the
7 jurisdiction, 60(b) being that a special referee had a duty
8 to disqualify himself. Both upon information and belief, the
9 special referee had a duty to disqualify himself pursuant to
10 his canons, judicial canons, as well as pursuant to federal
11 law, 28(e)(1)(C)455(a). The special referee's spouse was the
12 notary, as well as the witness on the debated documents, as
13 well as a representative for the plaintiff at the sale.

14 If I could turn the Court's attention to the memorandum
15 in support, page 10, number 2.

16 THE COURT: Give me one second here. Page 7 you said?

17 MR. PARSON: Page 10.

18 THE COURT: I'm sorry?

19 MR. PARSON: Page 10.

20 THE COURT: 10? I apologize.

21 MR. PARSON: Yes, sir.

22 THE COURT: All right, sir. I'm on page 10.

23 MR. PARSON: Page 10, I would challenge the validity of
24 the special referee's deed.

25 THE COURT: Yes, sir.

1 MR. PARSON: The notary -- it says pursuant to South
2 Carolina law, S.C. Code 26-1-90(c), a notary may not perform
3 a notarial act if the notary is a signer of a party, a party
4 to, beneficiary of the record that is to be notarized, so
5 long as the notary is also not a party to the record
6 individually or in some other representative or fiduciary
7 capacity.

8 Upon information and belief, Mrs. Griggs was aware that
9 the special referee's wife would be involved, as stated in
10 the affidavit in support.

11 If I could get the Court -- direct the Court's attention
12 to the affidavit of truth on page 2, line 8.

13 After the hearing on July 29th, 2013, as we were leaving,
14 counsel for the respondents, Suzanne Griggs, went upstairs to
15 speak with the special referee's spouse while the witness
16 stayed downstairs with the special referee.

17 MS. PARSON: And on September 10th, 2013, at the sale,
18 appearing on behalf of the respondents, Anderson Brothers
19 Bank and their representative, was the spouse of the special
20 referee, Ms. Porter, and as such, she did intervene for the
21 respondents.

22 THE COURT: What? Where are you now?

23 MR. PARSON: Oh, that was page --

24 MS. PARSON: Number 9.

25 MR. PARSON: Page 3, number 9.

1 MS. PARSON: Page 3.

2 THE COURT: All right.

3 MR. PARSON: We would ask that the affidavit of truth be
4 entered into the record as evidence to the facts of the case,
5 as well as all exhibits, Exhibit B and A, and I also would
6 like to direct the Court's attention to Exhibit A, the
7 special referee's deed.

8 THE COURT: All right.

9 MR. PARSON: On page 2, I would ask the Court to look at
10 the signatures of the -- of the witness.

11 I would ask the Court to also turn to page 3, where you
12 can see the written handwriting of the witnesses and of the
13 notary.

14 I would also like to ask the Court to turn to page -- to
15 the affidavits attached to that and down to the bottom of the
16 signature page where it says responsible person connected
17 with the transaction. I believe that's Mrs. Griggs
18 signature. So Mrs. Griggs was as well involved in it.

19 Pursuant to lots of other established law, he had a duty
20 to disqualify himself, and we did not have to file an
21 affidavit if it was self-executed.

22 MS. PARSON: And further, he was also objected to prior
23 to this particular hearing on July 29th, 2013. Pursuant to
24 Rule 38, we demanded a trial by jury and after he had the
25 knowledge of finding out that we did object pursuant to Rule

1 53, he went over our objections without our consent and moved
2 forward.

3 MR. PARSON: And there was -- it is believed that there
4 was a violation of the procedures of the Court at that time,
5 being that we filed with the Court the -- being that we filed
6 with the Court an objection to the special referee, which the
7 rule clearly states that, you know, it's by our agreement
8 that we go before the special referee unless the Court orders
9 it. It was never ordered by the Court.

10 MS. PARSON: There was never any consent by all parties.

11 MR. PARSON: And there was never consent by all parties.
12 And pursuant to the rules, we objected.

13 MS. PARSON: The special referee also denied us our due
14 process by denying us discovery. After he moved forward
15 after receiving the objection, he stated that it was not in
16 South Carolina form, being that he could have -- he is
17 supposed to give us an opportunity to correct the defective
18 pleadings and reenter them, resubmit them to the Court for
19 him to make a determination, not just rule because it's not
20 in South Carolina form.

21 MR. PARSON: We ask the Court to take mandatory judicial
22 notice pursuant to Rule 201 of the authority of Gomez v. the
23 United States, where it states upon -- upon those basic fair
24 trial rights that can never be treated as harmless is a
25 defendant's right to an impartial adjudication, be it judge

1 or jury.

2 MS. PARSON: And due process in law requires that a
3 person shall also have the opportunity to be heard before
4 legally appointing a qualified impartial tribunal before any
5 binding decree or judgment can be made affecting his rights
6 of life, liberty or property. That was never done.

7 MR. PARSON: I would also like to direct the Court's
8 attention to Exhibit B, special referee's Order of Judgment
9 of Foreclosure and Sale.

10 THE COURT: Okay.

11 MR. PARSON: I would like to direct the Court's
12 attention to page 10 -- I mean -- pardon -- page 11, number
13 19.

14 It is further ordered, adjudged, and decreed that if a
15 plaintiff -- if the plaintiff or plaintiff's representative
16 does not appear at the scheduled sale of the above described
17 property, then the sale of the property will be null, void,
18 and of no force and effect.

19 And we'd ask -- again, we'd ask for Exhibit A and
20 Exhibit B to be entered into the record of law as well, and
21 an affidavit of truth in support of the said motions.

22 THE COURT: All right, sir. Okay. All right. Anything
23 further, ladies and gentlemen?

24 MS. PARSON: Not at this time.

25 MR. PARSON: Not at this time.

1 THE COURT: All right. Ms. Griggs, I would be happy to
2 hear from you, ma'am.

3 MS. GRIGGS: Thank you, Your Honor.

4 Judge, first let me state for the record this petition
5 or motion to vacate this judgment under Rule 60 is extremely
6 late. Under the rule -- under the case law that's set within
7 this jurisdiction, Your Honor, you can't come in five years
8 later and try to vacate or void this judgment.

9 This is a foreclosure action from 2013, Your Honor.
10 Judge Porter entered the foreclosure order in 2013. We have
11 been dealing with the Parsons since that time. I've got this
12 box of documents, at least one more of those in my car right
13 now, in addition to countless documents that have been filed
14 with this Court, the Court of Appeals, and the Supreme Court
15 for the state of South Carolina.

16 These immediately same issues have been tried, brought
17 before the various appellate courts, and all dismissed.

18 MS. PARSON: Objection.

19 MS. GRIGGS: And that continues to happen every time I
20 talk or have -- or are with the Parsons in court. Your
21 Honor, I would like to be able to proceed.

22 THE COURT: Sure.

23 MS. GRIGGS: Thank you, Your Honor.

24 So under the standard that's been set within Rule 60,
25 you've got to bring it within a reasonable time. Well, we've

1 got one appellate court case that says 18 months is not
2 sufficient bringing of time to do it. Therefore, five years
3 cannot be considered reasonable time. There's a '96 case
4 that says four years is not within a reasonable time.

5 Again, these issues have been tried and heard and deemed
6 meritless. I'm happy to go into the merits of the
7 foreclosure and all of the various hearings that have gone on
8 since then. I don't know if the Court wants to hear that or
9 not, but I'm happy to do it.

10 THE COURT: No. Let me first ask the Parsons why the
11 long delay in bringing this action?

12 MS. PARSON: Forgives us if it seems like undue delay --

13 MR. PARSON: Undue delay, but we actually have been
14 trying to be heard on this. If you recall, we were here
15 before you before in January trying to have this matter
16 heard, but the matter --

17 MS. PARSON: January 21st.

18 MR. PARSON: But the matter was still on appeal.

19 THE COURT: All right.

20 MR. PARSON: From 2016, sir.

21 THE COURT: Right.

22 MS. PARSON: And we --

23 THE COURT: Well, I realize that -- that there's been a
24 lot of litigation involved over the years.

25 MS. PARSON: None of these issues --

1 MR. PARSON: They weren't.

2 MS. PARSON: -- were brought on appeal. And the appeal
3 that she's referring to, the first appeal, was dismissed due
4 to a technicality.

5 MR. PARSON: Okay.

6 MS. PARSON: It was not due to the merits. And the
7 second appeal was dismissed actually after we saw you, and
8 that was --

9 MR. PARSON: And that was based off of the same thing.

10 MS. PARSON: They -- they deemed it moot and they said
11 that there was no practical relief that they could provide us
12 for the relief that we were actually requesting.

13 MR. PARSON: They said that --

14 MS. PARSON: So the merits was never reached in that
15 particular appeal.

16 THE COURT: All right. I am going to ask a simple
17 question. This motion that you brought under Rule 60 --

18 MR. PARSON: Yes, sir.

19 THE COURT: Why wasn't it brought years ago?

20 MR. PARSON: Because we were still under appeal, sir,
21 and every time we'd try to bring this case when we were on
22 appeal, it was dismissed because it was on appeal, sir. We
23 have an order from Judge Haynes that was maybe two years
24 after the fact that was still within a reasonable time, and
25 then, again, your order, sir, itself. We have been trying to

1 come before the Court on this matter, but we --

2 THE COURT: You haven't been trying to bring this Rule
3 60 motion.

4 MR. PARSON: Yes, sir. That's why we were here the last
5 time.

6 MS. PARSON: Before you.

7 MR. PARSON: For an injunction, for a 60(b), and for to
8 challenge the jurisdiction. We were here, yes, sir, before
9 you.

10 THE COURT: When?

11 MR. PARSON: Back in January.

12 THE COURT: Of this year?

13 MS. PARSON: July 21st.

14 MR. PARSON: It was the 22nd then.

15 MS. PARSON: It was 2016.

16 MR. PARSON: 2016. Pardon me.

17 MS. PARSON: And the first one wasn't Haynes. It was --

18 MR. PARSON: In 2015.

19 MS. PARSON: In 2015. And there's no statute of
20 limitations for extrinsic fraud. This is extrinsic fraud
21 upon the Court. But then --

22 MR. PARSON: Upon information and belief.

23 MS. PARSON: -- upon information and belief --

24 MR. PARSON: There's no fraud because this goes to the

25 --

1 THE COURT: Hold on. Let me get some ground rules here.

2 MR. PARSON: Okay.

3 THE COURT: One or the other of you need to argue this
4 motion. I can't have both of you arguing the motion. The
5 court reporter cannot take down both of you talking at the
6 same time. She can't bounce back between one and the other.
7 You need -- one of you need to decide who is going to present
8 the motion.

9 MS. PARSON: I will.

10 THE COURT: And that's who I need to hear from.

11 The concern I've got is this -- this lengthy delay in
12 bringing this motion some five years later. And I know you
13 said you tried to bring it earlier, but I'm not understanding
14 why you couldn't file this motion earlier. Whether it got
15 heard earlier or not, this -- this wasn't filed until this
16 year, 2018.

17 MS. PARSON: We filed the first 60(b) for October 16th,
18 2015. The Clerk of Court office denied us a hearing, and we
19 paid for the motion to be put on the roster and they would
20 not give us a hearing date on October 16th. On October 28th,
21 we also filed objections to this writ of assistance order.

22 MR. PARSON: Pardon me. Could we ask for that to be
23 stricken from the record, the -- that part of what she just
24 said? That was --

25 THE COURT: Here's the -- folks, I'm not trying to be

1 difficult. Again, one of y'all are going to have to present
2 this motion, and I'm --

3 MR. PARSON: I will.

4 THE COURT: -- going to have the other one sit down.

5 MR. PARSON: I want to go forward, sir.

6 THE COURT: All right.

7 MR. PARSON: Now, the issue is we brought -- we
8 attempted to bring these issues before the Court, and we were
9 denied our right to bring these -- to be heard on these
10 issues.

11 THE COURT: When did you first file this Rule 60 motion?

12 MR. PARSON: The very first one was filed in October of
13 2015.

14 THE COURT: October of 2015?

15 MR. PARSON: Yes, sir.

16 THE COURT: All right. Then when --

17 MR. PARSON: After the appeal had ended, then we was
18 hoping to try and get a hearing, but something transpired in
19 between there and another appeal came and, therefore, we
20 weren't able to -- it was dismissed by Judge Haynes saying
21 that he had no jurisdiction because the matter was still on
22 appeal.

23 And the same was with your order, sir. So we were never
24 allowed to be heard on any of these matters.

25 THE COURT: Ms. Griggs?

1 MS. GRIGGS: Your Honor, they have brought some of these
2 issues before the Court before, but as opposed to just filing
3 a motion, a 60(b) motion, they should have put it in the
4 appellate documents that were filed.

5 Again, since 2013, they appealed the underlying
6 foreclosure order to the Court of Appeals.

7 THE COURT: Right.

8 MS. GRIGGS: It was with the Court of Appeals for a long
9 time. I believe it was not until December of 2014 that the
10 Court of Appeals actually dismissed that appeal. We then
11 went forward with a writ of assistance.

12 In the meantime, they appealed the Court of Appeals
13 decision to the Supreme Court of South Carolina, which denied
14 cert. The judge entered the writ of assistance. We had a
15 lockout date scheduled. They appealed the writ of
16 assistance. So there was yet another appeal made.

17 At some point in time, I believe it was November of
18 2015, we actually had the lockout. That's when the Sheriff's
19 Department, which you are going to hear that matter in just a
20 few, assisted with getting their contents of their property
21 out.

22 Please keep in mind, Anderson Brothers Bank had a
23 recorded deed into Anderson Brothers Bank for almost 2 years
24 by that point in time on a \$19,000 loan.

25 Subsequent to the lockout and when the contents were

1 removed from the property, the Parsons had filed various
2 pleadings with this Court seeking to undo what had been done.
3 No judge has actually found any of their issues having any
4 merit.

5 Since that point in time, Mr. Parson has sued Danny
6 Herron, which was a representative of Anderson Brothers Bank
7 who was present in on-site that date of the lockout, in
8 federal district court, Your Honor.

9 MR. PARSON: Objection.

10 MS. GRIGGS: That case has been dismissed against Mr.
11 Herron at this point in time. Now, keep in mind, he's filed
12 a motion to bring Mr. Herron back in and bring Anderson
13 Brothers Bank back into the federal district court case.
14 That matter is still pending.

15 And then his father earlier this year -- excuse me -- in
16 2017, turned around and sued --

17 MS. PARSON: Objection.

18 MS. GRIGGS: -- Marion County Sheriff's Department.

19 THE COURT: Don't -- just have a seat, ma'am. You are
20 not in this now. Go ahead.

21 MS. GRIGGS: His father, represented by Lewis Morant,
22 who I think you've got that matter here shortly as well,
23 turned around and sued Anderson Brothers Bank and the
24 Sheriff's Department, alleging various things, and so I came
25 to Marion that -- for that hearing and got Anderson Brothers

1 Bank dismissed from that litigation as well.

2 These issues with respect to the special referee -- they
3 don't like what he issued. They don't like the order that he
4 entered, but that's too bad. That's from five years ago. It
5 is time for these people to stop wasting the judicial economy
6 and stop filing all of these meritless claims. It is
7 absolutely ridiculous that it is five years and we are still
8 dealing with this issue, Your Honor.

9 THE COURT: All right.

10 MR. PARSON: Your Honor, I'd like to object to
11 everything she just said. For one, she -- she was mentioning
12 the deed.

13 THE COURT: This is -- Mr. Parson, this is a motion
14 hearing. You don't need to object to anything she said. You
15 can just take up a different position, and I am going to note
16 both sides' positions.

17 MR. PARSON: Okay. All right.

18 THE COURT: But go ahead. I understand you disagree
19 with the things she's shared with the Court.

20 MR. PARSON: We were just asking, as any reasonable
21 person would expect, to be heard before an impartial
22 tribunal, for our discovery to be had, so that we can have
23 discovery back and forth so we can make a formidable defense
24 on the issues that they are bringing forward.

25 I mean what person wouldn't want to validate a debt? If

1 someone came and told you, Judge, you owe me \$100, wouldn't
2 you want that debt validated? You wouldn't just say, well,
3 oh, he said he owes me that. We want the debt validated.

4 None of these things were ever done. We requested
5 discovery. They didn't even give us any discovery. We
6 showed the special referee that we did request for discovery.
7 He looked at it and said it wasn't formal. It wasn't in
8 South Carolina form. And upon information and belief, being
9 that we are laymen, we should have had an opportunity to cure
10 any defects in that and resubmit that at least within -- I
11 believe the rule says 10 days.

12 THE COURT: You appealed that decision.

13 MR. PARSON: Yes.

14 THE COURT: And that went through the appellate process
15 and it was denied, and then you appealed that decision to the
16 Supreme Court.

17 MR. PARSON: Well, attempted to appeal, sir. And we
18 attempted to appeal --

19 THE COURT: Correct.

20 MR. PARSON: Yes, we did, and Ms. Griggs filed something
21 saying that we didn't send something on the record of appeal,
22 which was kind of -- the transcript clearly shows that she
23 brought in an accountant to have entered into the record
24 after we ended the hearing. That's what the transcript
25 shows. We've got the transcript. The transcript shows that.

1 She raised that issue. I raised that issue back on
2 appeal, and it was dismissed for failure to comply. That was
3 the issue with why it was --

4 THE COURT: But -- but here's the thing. Those issues
5 were dealt with through the appellate process.

6 MR. PARSON: We just want to talk about the issues that
7 weren't dealt with.

8 THE COURT: Well, I don't -- I don't -- I'm not here to
9 relitigate any of the appellate process. I'm here to deal
10 with your Rule 60 motion.

11 MR. PARSON: Yes, sir.

12 THE COURT: The motion that's before the Court here
13 today.

14 MR. PARSON: Yes, sir.

15 THE COURT: So that's really the focus that I have here
16 today is to deal with what's in front of me, which is the
17 Rule 60 motion.

18 MR. PARSON: Yes, sir.

19 THE COURT: Which you've addressed both in your
20 memorandum and your exhibits and your affidavit.

21 MR. PARSON: And as far as -- I mean as far as
22 everything she mentioned that took place from November 2nd and
23 after, I am going to ask that that be stricken from the
24 record because, honestly, that has no reason to do with why
25 we're here today.

1 Everything that transpired after the fact, that's
2 irrelevant to the motion and the memorandum. Everything in
3 that motion and in that memorandum pertains to July 29th,
4 2013, and that particular hearing that took place then.
5 Everything else is irrelevant..

6 However, for arguendo purposes, they are relying on the
7 deed, a deed that is invalid. How does that deed act as
8 protection toward them?

9 THE COURT: Well, it's your position that the deed is
10 invalid.

11 MR. PARSON: Well, upon information and belief, it is.

12 THE COURT: Right.

13 MR. PARSON: Pursuant to South Carolina statute.

14 THE COURT: And -- and your -- and you appealed that,
15 and you went through that process. Correct?

16 MR. PARSON: No, sir. That issue of the special
17 referee's spouse was not an appealable issue because they
18 clearly stated that any issue that wasn't brought before the
19 lower court cannot be brought -- moved on appeal. And
20 therefore --

21 THE COURT: And so that's your purpose in filing this
22 motion, this Rule 60 motion?

23 MR. PARSON: No. That's not the purpose. The purpose
24 of filing my Rule 60 motion is to have the judgment vacated
25 because it's void and in violation it is believed of the

1 South Carolina and federal law, sir. That's my reason.

2 THE COURT: Set forth in your memorandum?

3 MR. PARSON: Set forth in my memorandum and my motion.

4 Yes, sir.

5 THE COURT: All right.

6 MS. GRIGGS: Your Honor, may I add one more thing?

7 THE COURT: Yes, ma'am.

8 MS. GRIGGS: Let me just be clear about Ms. Porter's
9 participation or involvement in this action. Haigh Porter
10 serves as a special referee for Marion County. He has for
11 umpteen years now. He's a master in equity for Florence
12 County.

13 His wife, Betsy Porter, has worked in his office for a
14 very, very long time. In addition to her employment with
15 him, she also is employed by ERV. ERV is a bidding service
16 used widely throughout the state of South Carolina to submit
17 bids at foreclosure hearings.

18 Betsy Porter was not a representative of Anderson
19 Brothers Bank. My firm contracted with ERV Bidding Service,
20 who has a relationship with Ms. Porter, and that's how the
21 bid was submitted at the sale, Your Honor.

22 THE COURT: So her -- her role is to appear at the sale
23 to submit Anderson Brothers' bid through ERV?

24 MS. GRIGGS: That's correct. Through ERV, Your Honor.
25 I wanted to clarify that for the record.

1 THE COURT: Okay. And that's the only role is just to
2 put the bid on the record?

3 MS. GRIGGS: That's correct, Your Honor. She just
4 announced whatever the number is that day, and that's what
5 she did on behalf of ERV, on behalf of Anderson Brothers
6 Bank, which she does hundreds of times a year on behalf of
7 ERV across the various counties in the Pee Dee region.

8 THE COURT: All right.

9 MR. PARSON: I would ask the Court to take mandatory
10 judicial notice that she has clearly admitted that the
11 special referee's spouse is either -- well, she was a
12 representative for the bank because the order clearly states
13 that if there was no representative there for the bank at the
14 sale, then the sale is null and void and, therefore, that
15 definitely makes that deed -- would make that deed null and
16 void if she was not there as a representative of the bank.

17 And if she was there as a representative of the bank,
18 then it makes it that the special referee did have the duty
19 to disqualify himself. And not only was she there placing a
20 bid as a representative of the bank, she was also the notary
21 and the witness on the special referee's reconveyance
22 documents, which is clearly a violation of South Carolina
23 law.

24 It clearly states -- I would like to direct the Court's
25 attention to the memorandum. Again, it states that -- on

1 number 2, if the notary will receive directly from the --
2 hold on. Pardon me. So long as the notary is not also a
3 party to the record individually or in some other
4 representative fashion.

5 In his order, Your Honor, which I previously read into
6 the record, page 11, number 19, clearly states it is further
7 ordered, adjudged, and decreed that if the plaintiff or
8 plaintiff's representative or upon -- or the plaintiff's
9 representative does not appear at the scheduled sale of the
10 above-described property, then the property sale will be
11 null, void, and of no force and effect.

12 So it's either she was there as a representative or she
13 wasn't, because if she wasn't, then that sale is definitely
14 void because that means there was no representative appearing
15 for them, and it's in his order.

16 MS. GRIGGS: Your Honor, Mr. Parson is mischaracterizing
17 that paragraph. What that paragraph means is that if a
18 proposed sale is going forward and the bank doesn't have --
19 or the lender doesn't have someone there or someone bidding
20 there on their behalf, we are going to push that sale back to
21 the next month. The sale doesn't go forward that day.

22 THE COURT: Well, it specifically says the sales will be
23 rescheduled for the next available date -- sales date.

24 MS. GRIGGS: Thank you, Your Honor.

25 MR. PARSON: So therefore, she had to be there as a

1 representative. It's -- it's right here in this order.

2 THE COURT: Okay.

3 MR. PARSON: Which it definitely would be presumed to be
4 a conflict of interest. It would be a breach of the question
5 of his impartiality.

6 And Ms. Griggs wants to bring up number 7. It is an
7 order from the magistrate's office dismissing all criminal
8 charges brought against me on that day when they came and
9 removed -- unlawfully removed us from our property, as stated
10 in this order, if the Court would like to review that.

11 THE COURT: I'm just dealing with this motion, sir.

12 MR. PARSON: Oh, okay.

13 Also, what Ms. Griggs is failing to say to the Court is
14 that, again, these issues were originally first filed October
15 16th. On October 16th, we filed a Rule 60(b) to also
16 challenge the jurisdiction.

17 And pursuant to South Carolina law and to the United
18 States law, they have to prove the jurisdiction on the record
19 prior to assumed jurisdiction. The hearing was never held
20 prior to them taking any actions. They did assume the
21 jurisdiction and it was never proven on the record, and
22 that's what caused the issue of me being arrested because I
23 had a right to be heard pursuant to South Carolina
24 Constitution, Article 1, Section 3, as well as State v.
25 Brown. Pardon me, State v. Harold. I had a right to be

1 before an impartial tribunal.

2 THE COURT: Okay. All right. All right, folks. I am
3 going to take this matter under advisement. I am going to
4 review the issues and the matters that were presented, and I
5 will have a decision for you possibly by the end of this
6 week. If not, then as early as next week.

7 MR. PARSON: Okay. One thing, there is no time limit on
8 a 60(b) for the voidness of it and, again, I'd like to ask
9 that the memorandum -- instead of having to read it out on
10 the record, that the memorandum on page -- that the Court
11 take notice of the page. It's on page -- it starts on page
12 10 at number 3.

13 THE COURT: All right.

14 MR. PARSON: And then it goes to page 12.

15 THE COURT: 12, yeah.

16 MR. PARSON: And I also want to touch a little base upon
17 the fraud upon the Court, sir.

18 THE COURT: I'm sorry?

19 MR. PARSON: I would also like to touch a little base on
20 fraud upon the Court, sir.

21 THE COURT: All right, sir.

22 MR. PARSON: These documents were clearly fraudulent
23 documents. Again, Ms. Griggs knew that the special referee's
24 wife would be involved because after the hearing, like I
25 said, she went upstairs directly and spoke with her.

1 So they knew what was going on prior to us even getting
2 involved, and that seems a bit unfair. That seems to go
3 against the judicial machinery in its regular actions of
4 adjudicating cases impartially. You know, that's -- that's
5 -- that's -- that's another query.

6 THE COURT: All right. I am making a part of the record
7 the memorandum, Exhibit A, Exhibit B, as well as the
8 affidavit of truth which was submitted as well and will
9 consider all of that. All right?

10 MS. PARSON: Your Honor --

11 MR. PARSON: That's also prood -- may I -- may I put up
12 these notes of dismissal? It clearly says why he dismissed
13 it and the fact of the procedures that were violated within
14 there, what they did not do that they should have done and
15 why he --

16 THE COURT: What relevance is that to -- to these
17 issues?

18 MR. PARSON: Not really, but she wants to raise those
19 issues, sir; so I just wanted to put --

20 THE COURT: I am just going to consider these issues.

21 MR. PARSON: Thank you, sir.

22 MS. GRIGGS: Your Honor, I've got copies of these two
23 cases if you would like them.

24 THE COURT: All right. Please let me have those.

25 MS. GRIGGS: May I approach?

1 THE COURT: Yeah.

2 MR. PARSON: Which cases are those?

3 MS. GRIGGS: I am giving you copies.

4 MS. GRIGGS: Your Honor, I would be remiss if I did not
5 say that I am highly offended by any suggestion that I have
6 committed fraud upon this Court.

7 THE COURT: I understand.

8 All right. Folks, like I said, I am going to consider
9 everything that's been submitted, and I will have an answer
10 for you in the next several days. Thank you.

11 MR. PARSON: Thank you very much.

12 (WHEREUPON, the proceedings ended at 10:21 a.m.)

13

14 --- END REQUESTED TRANSCRIPT ---

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1 State of South Carolina)
2) Certificate
3 County of Florence)
4

5 I, the undersigned, Krystal J. Smith, Notary Public and
6 Official Court Reporter for the Twelfth Judicial Circuit of
7 the State of South Carolina, do hereby certify that the
8 foregoing pages, numbered 1 through 28, constitute a true,
9 accurate, and complete Transcript of Record of all the
10 proceedings had and evidence introduced in the hearing of the
11 above captioned case, relative to appeal, in the Court of
12 Common Pleas for Marion County, South Carolina, on the 20th
13 day of August, 2018.

14 I do further certify that I am neither of kin, counsel,
15 nor interest to any party hereto.

16
17 Krystal J. Smith
18 Court Reporter

19
20 Florence, South Carolina
21 November 10, 2018

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