

FORM 13

BRIEF OF APPELLANT*

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM SUMTER COUNTY

Court of Common Pleas

THE HONORABLE THOMAS E. PLAYER Jr.

Case No. 2018-001277

RECEIVED
APR 26 2019
SC Court of Appeals

Donna Erickson

Respondent,

v.

Felicia Ruff

Appellant.

[INITIAL] BRIEF OF APPELLANT

Felicia Ruff

1455 Hidden Oaks Drive

Wedgfield, South Carolina 29168

(803) 468-5364

Appellant

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STATEMENT OF ISSUES ON APPEAL

1. DID THE TRIAL COURT ERR IN FAILING TO FIND THIS ACTION IS BARRED BY RES JUDICATA?
2. DID THE TRIAL COURT ERR IN CHARGING THE JURY THAT FRAUD MUST BE PROVED BY A PREPONDERANCE OF THE EVIDENCE?

STATEMENT OF THE CASE

On May 22, 2018, Donna Erickson, via legal representative, Joseph K. Coffey, brought this action of foreclosure against me, Felicia D. Ruff. The case was heard and a decision was made in favor of Donna Erickson. I was not present at the hearing. I had no knowledge of the hearing. There were alleged attempts to contact me. Yet, I was never notified. The decision resulted in the property at 1455 Hidden Oaks Drive, be foreclosed on. I am filing an appeal because, the property in question, has been paid for. The agreed upon \$18,000.00 asking price has been

met. So, I ask; How can a property that has been paid for, be foreclosed on? Fraud?

Prior to Donna Erickson bringing this hearing of Foreclosure against me, I had made attempts of my own to communicate with Donna, in hopes of arranging a closing. To no avail. I received no correspondence from Donna Erickson. Not able to do any more than that, for lack of contact information (with the exception of her mailing address), I was left in limbo. Fast forward to a couple of years later, and there's this hearing held in my absence, granting paid for property, to someone who, technically, doesn't own the property anymore. Donna Erickson's refusal to correspond with me in order to arrange a closing. In 2013, I had to file bankruptcy to save my home. In doing so, I have been led to strongly believe, Donna Erickson, has been left with the impression that my filing for Bankruptcy, voided the equity already paid in to the property. I recall having a conversation with her own (Donna Erickson) legal representation about this exact instance. He, Joseph K. Coffey, agreed (equity paid into the home still stands). With this all of this, still a case of Foreclosure was brought against me. My strong faith in the Justice system, has prompted to me to file this appeal. For I am convinced that had The Honorable Thomas E. Player, had known that this property was already paid for, and there had been disregarded attempts made (by the buyer of said property 1455 Hidden Oaks Dr.) to arrange a closing, He, The Honorable Thomas E. Player, would not have

decided in the way He did. I believe the lack of information that should have been provided to Him (Thomas E. Player) by Donna Erickson and/or her legal representation, regarding the property agreed upon buying/selling price being met, resulted in a wrong decision.

STANDARD OF REVIEW

I, Felicia Ruff, am no lawyer. I lack the legal jargon and conversation required and or expected in such legal documents. However, what I do know is, there are no citations, codes, or statutes, to confirm or validate, words from the heart. I, Felicia Ruff, am fighting for a home that I have paid for. My requests to Donna Erickson for correspondence to arrange a closing, have been disregarded. I have been robbed of my right to home ownership. I am at the mercy of The South Carolina Court of Appeals, to remand this case back to the lower courts.

FACTS

The facts are as follows;

A contract, for the purchase of 1455 Hidden Oaks Dr., was entered into on November of 2010, between Donna Erickson, and, Felicia Ruff. The buying/selling price of \$18,000.00 was agreed upon. The \$18,000.00 has been met. The legal and required need for a closing has not been conducted. This is the result of the seller, Donna Erickson, disregarding the buyer's (Felicia Ruff) attempt to communicate this fact. Rights are being violated. My right to be heard, my right to own what I have worked so hard to pay for, has been stripped of me. I believe, facts, not heard by The Honorable Thomas E. Player, evidence not presented to The Honorable Thomas E. Player, would change the outcome of this case.

ARGUMENTS

- I. BECAUSE RESPONDENT COULD HAVE RAISED FRAUD IN HIS PRIOR BREACH OF CONTRACT SUIT AGAINST APPELLANT, HE IS BARRED BY RES JUDICATA FROM BRINGING THIS SUIT.

[I, Felicia Ruff, do not possess the knowledge of citations of authority.]

- II. BECAUSE FRAUD MUST BE PROVED BY CLEAR AND CONVINCING EVIDENCE, THE TRIAL COURT ERRED WHEN IT CHARGED THE JURY THAT THE RESPONDENT MUST PROVE FRAUD BY A PREPONDERANCE OF THE EVIDENCE.

[I, Felicia Ruff, do not possess the knowledge of citations of authority.]

CONCLUSION

For the reasons stated, this Court should reverse the judgment of the circuit court.

Respectfully submitted,

April 25, 2019

Felicia D. Ruff

Wedgefield, South Carolina 29168

(803) 468-5364

Appellant

**FORM 7
PROOF OF SERVICE OF INITIAL BRIEF AND DESIGNATION OF
MATTER**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

THE HONORABLE THOMAS E. PLAYER

Case No. 2018-001277

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PROOF OF SERVICE

I certify that I have served the Initial Brief and Designation of Matter on Donna Erickson by depositing a copy of it in the United States Mail, postage prepaid, on April 25, 2019, addressed to her attorney of record, Joseph K. Coffey, Post Office Box 1292, Manning, South Carolina 29102.

April 25, 2019

Felicia Ruff
1455 Hidden Oaks Drive
Wedgefield, South Carolina 29168
(803) 468-5364
Appellant



The South Carolina Court of Appeals

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CLERK

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April 15, 2019

Felicia Ruff
1455 Hidden Oaks Drive
Wedgefield SC 29168

Re: Donna Erickson v. Felicia Ruff
Appellate Case No. 2018-001277

Dear Ms. Ruff:

We are in receipt of your appellant's initial brief, filed on March 12, 2019, which is presumed to be a response to this Court's letter dated February 28, 2019. Please be advised that the deficiencies outlined in this Court's letter of February 28 must be corrected in their entirety before this appeal can proceed. Specifically, the brief must be double spaced as required by Rule 267(c) of the South Carolina Appellate Court Rules (SCACR). Please be advised that proof of service must also be provided for the amended appellant's initial brief. You must serve and file an amended appellant's initial brief within ten (10) days from the date of this letter. This is the Court's second request for these corrections. Failure to comply with the Court's request within ten (10) days of the date of this letter will result in the dismissal of this appeal.

Very truly yours,


CLERK

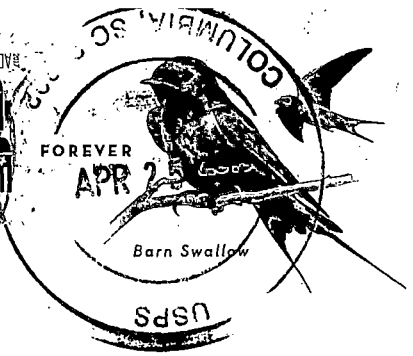
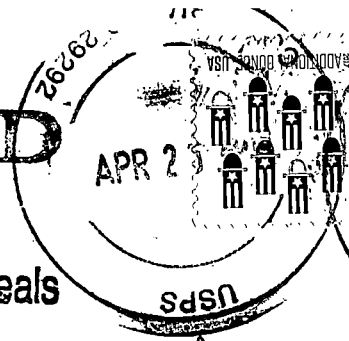
cc: Joseph King Coffey, Esquire

Ms. Felicia Duff
1455 Hidden Oaks Drive
Wedgetfield, South Carolina
29168

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APR 26 2019

SC Court of Appeals



South Carolina Court of Appeals
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