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STATE OF SOUTH CAROLINA  
COURT OF COMMON PLEAS  
COUNTY OF CHARLESTON.

SRP 2011-6, LLC,  
Plaintiff,

vs. CASE NO. 2018-CP-10-2344

Alluette K. Jones, South Carolina Federal Credit  
Union, Synovus Bank, and Historic Charleston  
Foundation,

Defendants.

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**RECEIVED**  
JAN 17 2020  
SC Court of Appeals

Hearing before the Honorable Mikell R.  
Scarborough, reported by Christine A. Smith, Court  
Reporter and Notary Public, at 10:06 a.m. on  
October 15, 2019 at 100 Broad Street, Courtroom 2A,  
Charleston, South Carolina.

**COPY**

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Alluette Jones, Pro se

P R O C E E D I N G S

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THE COURT: Let me see if I can get Mr. Sullivan on the line.

MR. SULLIVAN: Good morning. This is Andrew.

THE COURT: Mr. Sullivan, good morning. This is Mikell Scarborough.

MR. SULLIVAN: Judge Scarborough, how are you this morning?

THE COURT: Good. I am in the courtroom with Ms. Alluette Jones. We're on the record in the case of SRP 2011-6, LLC versus Alluette K. Jones. It's case number 2018-CP-10-2344.

Good morning, Ms. Jones.

MS. JONES: Good morning.

THE COURT: I received late yesterday afternoon a filing for an emergency hearing. It looks like that was filed October 11th, and it came with a couple of attachments, A and B, a cover letter as well.

It seems to indicate that you were not served with process in this matter. That seems to be the basis for that.

MS. JONES: That's correct.

THE COURT: Mr. Sullivan, have received a copy

1 of any of this documentation?

2 MR. SULLIVAN: I did from Marti, your law  
3 clerk, late yesterday afternoon. That's the first I  
4 had seen any of this. I have had an opportunity to  
5 review the motion that was filed as well as some of  
6 the allegations in the motion, and I'm happy to  
7 respond to any of those allegations.

8 THE COURT: Very good. Ms. Jones, go ahead  
9 and make your record. Tell me what's going on. I've  
10 reviewed the file. I looked at the Affidavit of  
11 Service, and the Affidavit of Service from whomever  
12 it was indicated that they had served you and  
13 verified that that was who you were. So tell me what  
14 is your basis for claiming you were not served is.  
15 You need to state it for the record. I need to make  
16 a record.

17 MS. JONES: Well, I wasn't served. I have no  
18 record of being handed any kind of information, and I  
19 just want it thrown out because I was not served.

20 THE COURT: All right. And the basis for that  
21 is apparently your daughter was in the hospital?

22 MS. JONES: Absolutely. I have proof that she  
23 was in the hospital. I have proof from the fire  
24 department. It was an incident that happened and it  
25 took me away for almost all of that day.

1 THE COURT: Well, that's kind of what I was  
2 looking for. Do you have anything other than a bill  
3 from MUSC saying that she went to the emergency room?

4 MS. JONES: I can get the detailed information  
5 that she went there and she had to stay because she  
6 was admitted to IOP. Yes, I can prove that.

7 THE COURT: Does she live with you?

8 MS. JONES: Yes.

9 THE COURT: Okay. And where is she today?

10 MS. JONES: She's home.

11 THE COURT: Very good. Okay. Mr. Sullivan,  
12 let me hear from you.

13 MR. SULLIVAN: Well, Your Honor, I certainly  
14 stand by the Affidavit of Service that was filed by  
15 the process server. I mean, I think it very clearly  
16 not only indicates that Ms. Jones acknowledged her  
17 identity when the process server served her with the  
18 initial pleadings, but also provide an accurate  
19 description of the physical appearance of Ms. Jones  
20 at that time.

21 I have had countless communications and  
22 correspondence with Ms. Jones dating all the way back  
23 to a prior foreclosure we were involved with.

24 We sent a demand letter to Ms. Jones on  
25 February 7th of 2018, and on March 6th of 2018

1 received a letter from Ms. Jones refusing the debt.  
2 So she had knowledge at least that a lawsuit was  
3 forthcoming. We subsequently responded and validated  
4 the debt by way of letter on March 19th, 2018. Of  
5 course the lis pendens, summons and complaint, and  
6 initial pleadings were filed on May 7th.

7 The process server did serve her, at least  
8 according to the records that we have, on May 10th.  
9 I believe it was alleged in the motion that she  
10 indicated that she wasn't personally served her, and  
11 that we served her via publication which is not the  
12 case at all.

13 Subsequent to having been served with the  
14 pleadings, she did engage with my client for some  
15 loss mitigation of which she was ultimately denied in  
16 a denial letter issued to her. Of course, moving  
17 forward we eventually get to a foreclosure hearing at  
18 which Ms. Jones appeared at that foreclosure hearing.  
19 Not at one point in that hearing did Ms. Jones ever  
20 indicate that she was not personally served in the  
21 lawsuit. In fact, to the contrary, indicated that  
22 she simply needed more time to sell, I believe,  
23 another property that she owned and was trying to  
24 sell that either to reinstate or payoff the loan of  
25 my client.

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Your Honor indicated that you would grant that request and extended the sale date out to May 7th. One day prior to that sale Ms. Jones filed bankruptcy, pro se, Chapter 13. That bankruptcy was ultimately dismissed. The property was rescheduled for a foreclosure sale in early August. On August 6th she refiled for Chapter 13 bankruptcy and filed inadequate and incomplete schedules and other documentation.

At that point in time, Your Honor, from the bankruptcy court perspective we moved for relief from the automatic stay and the Court in the bankruptcy in the second case, did find that Ms. Jones had engaged in a scheme to delay and hinder the creditor from pursuing relief and seeking foreclosure.

That order has been entered with the ROD as of, I believe, August -- no. I take that back. September -- I don't have that in front me. I believe it was late in September. That order was, in fact, filed with the Register of Deeds in Charleston County, and so my position is ultimately this, Your Honor. Ms. Jones has had more than an adequate opportunity to get whatever -- seek whatever relief she was trying to seek, whether it be through the bankruptcy process or this other asset that she

1           apparently owns that she was going to sell and  
2           otherwise pay off my client.

3                       This is just another attempt one day before  
4           the foreclosure sale to delay my client its  
5           opportunity and its right to foreclosure this  
6           property and have it sold to be made whole. My  
7           client, since the February 12st foreclosure hearing,  
8           has incurred \$8,580.92 in attorneys' fees and costs  
9           for not only having to have this property scheduled  
10          for sale on three different occasions, but going  
11          through the processes and the bankruptcy matters to  
12          have those dismissed.

13                      So I stand certainly behind everything that's  
14          been filed in this lawsuit, of course, Your Honor --  
15          that Ms. Jones certainly had knowledge of what was  
16          going on, that she was served in this action, and I  
17          would ask the Court to deny her motion and have this  
18          property sold at this morning's foreclosure sale.

19                      THE COURT: Thank you, Mr. Sullivan. Anything  
20          further, Ms. Jones.

21                      MS. JONES: Yes, sir. I object to everything  
22          he said because I was never served by law. Never,  
23          ever did this person put anything in my hand on that  
24          day he said. And I have a video which showed that  
25          the incident occurred, that my daughter had to leave,

1 and I went behind the ambulance. I couldn't go in  
2 there with her to MUSC when she got admitted to IOP,  
3 the Institute of Psychiatry.

4 THE COURT: Well, Ms. Jones, the affidavit --  
5 I'm going to read from the affidavit, the language  
6 from the affidavit, that was filed on May 11th of  
7 2018. It says that on the 10th day of May, 2018 at  
8 7:12 p.m. at the address of 142 Coming Street in  
9 Charleston, South Carolina, affiant served the  
10 above-described documents upon Alluette K. Jones, who  
11 accepted service with identity confirmed by subject  
12 stating their name, a black female approximately over  
13 65 years of age, 5'6" to 5'8" tall weighing 140 to  
14 160 pounds with gray hair with glasses. Her hair was  
15 more white than gray, it says. And then, Is the  
16 place the usual dwelling house or abode of the party  
17 being served? They checked, Yes.

18 Ms. Jones, that certainly appears to describe  
19 you and according to the affidavit of the process  
20 server, he confirmed your identity with you at the  
21 time of service.

22 MS. JONES: Sir, honestly, he never served me.  
23 Honestly. I have a video that shows that I was not  
24 there on the 10th because my daughter started a fire,  
25 and I didn't know what to do. I had to call the fire

1 department. They came. My friend and he took a  
2 video of the whole thing. I was not there. I was  
3 not there.

4 THE COURT: Okay.

5 MS. JONES: Do you want to see the video?

6 THE COURT: No. No, ma'am. Not at this point  
7 in time. Ms. Jones, I find that you've been served.  
8 I'm sorry that this has come to this point. You've  
9 had ample opportunity to bring this to the Court's  
10 attention, whether it would have been in the February  
11 hearing at which time the sale was set for May or  
12 thereafter.

13 MS. JONES: Your Honor, can I have --

14 THE COURT: Just one second. I'm talking for  
15 the record, and then I'll let you respond. Okay?

16 Bankruptcy Court order from September 18th of  
17 this year, not quite a month ago, found that the  
18 debtor had acted in bad faith and abused the  
19 bankruptcy process to delay the foreclosure process  
20 by the multiple filings of bankruptcy in this case,  
21 and frankly, Ms. Jones, I find the same. I find that  
22 this is a delay tactic. I'm sorry for your  
23 situation. I'm sorry to hear about your daughter and  
24 that she's not well, and I'm concerned about where  
25 you all are going to go, but I'm going to deny the

1 motion. I'm glad to hear from you.

2 MS. JONES: Okay. I want to have Freddie  
3 Whaley come up and show you the video of what  
4 happened that day because I was not there, and I  
5 served, he said, which I wasn't. I didn't have any  
6 paperwork indicating -- when you're served do they  
7 put papers in your hands or how do they do that?

8 THE COURT: Generally they do.

9 MS. JONES: Couldn't he have gotten that  
10 information off of a driver's license or something?  
11 Isn't that public record?

12 THE COURT: Well, the affidavit of the process  
13 server, who's got no stake in the case, says that  
14 Alluette K. Jones accepted service with identity  
15 confirmed by subject stating their name.

16 MS. JONES: Can I see the person? Am I able  
17 to see who served me?

18 THE COURT: Not today.

19 MS. JONES: Can Freddie Whaley be a witness?

20 THE COURT: Ms. Jones, if you had brought this  
21 up in February of this year we could have had a  
22 full-fledged hearing on this. For whatever reason  
23 you waited until last Friday, or whatever it was, to  
24 bring the matter to the Court's attention. We,  
25 frankly, didn't know about it until late yesterday

1 afternoon after 4:00, so I'm trying to have this  
2 hearing for you today just to give you -- I think you  
3 have the right to a hearing. I'm going to give you  
4 the right to that hearing, but I don't find -- if you  
5 had brought with you today the transcript of the EMS  
6 and the fact that it was at such and such time and  
7 you were in the transcript and it was there, but --  
8 if you had had a written record to that fact I would  
9 have accepted that.

10 MS. JONES: I do have a written record.

11 THE COURT: I'm not going to take the time now  
12 to watch a video that you could have brought to me in  
13 February of this year if this was, in fact, an issue.

14 MS. JONES: I didn't know the process. I just  
15 now learned it, sir. That's why I'm bringing you all  
16 the information.

17 THE COURT: I'm going to deny your motion.

18 MS. JONES: The gentleman talked to him. He  
19 did not talk to me. I wasn't there. The  
20 gentleman -- can I bring this witness up to state  
21 that this gentleman spoke to him and not me? I  
22 wasn't there, Judge Scarborough.

23 THE COURT: Ms. Jones, I --

24 MS. JONES: Can I have him on the record with  
25 that?

1 THE COURT: Ms. Jones, I find that you did. I  
2 just --

3 MS. JONES: I am challenging the jurisdiction,  
4 sir. I was not served.

5 THE COURT: I understand that. I understand  
6 that. All right. Thank you very much. I'm going to  
7 deny the claim. The property is going to be sold.  
8 Ms. Jones, we're selling property today for the first  
9 time in North Charleston. That's where we're going  
10 now. My understanding is that the lender has put a  
11 bid in and we'll be doing that. All right.

12 MS. JONES: Yes, sir.

13 MR. SULLIVAN: Thank you, Your Honor.

14 THE COURT: All right, Mr. Sullivan. Thank  
15 you, sir.

16 MR. SULLIVAN: Okay. Thank you.

17 THE COURT: Bye-bye now.

18 MS. JONES: Judge, can I give this to the  
19 gentleman for you?

20 THE COURT: Sure.

21 MS. JONES: This is the lis pendens.

22 THE COURT: Has this been filed? Is it a  
23 filed document?

24 MS. JONES: Yes, sir.

25 THE COURT: When did you-all file that?

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MS. JONES: Today.

THE COURT: Let me take a look. We'll take this up. This is in the U.S. District Court. I guess I'll see you over there at some point in time. Okay? Thank you, Ms. Jones. Good to see you. Take care.

(The proceedings were concluded at 10:21 a.m.)

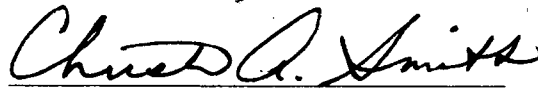
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State of South Carolina) )  
County of Charleston ) C E R T I F I C A T E

I, Christine A. Smith, Court Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 2nd day of January, 2020 at Charleston, Charleston County, South Carolina.

  
Christine A. Smith  
Notary Public  
My Commission Expires  
May 12, 2021