

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
JAN 17 2020
SC Court of Appeals

Larry W. Richardson,Appellant,

v.

Ashford Subdivision Homeowners' Association, Inc.,Respondent.

Appellate Case No. 2019-01630

**MEMORANDA CONTRA TO MEMORANDUM OF LAW IN SUPPORT
OF RESPONDENT'S MOTION TO DISMISS**

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT
OF APPEALS

Appellant, Larry W. Richardson respectfully submits this Memoranda
Contra to respondent's Morandum of Law in Support of Respondents
Motion to Dismiss.

BACKGROUND

Appellant and his wife purchased a home in the Ashford Subdivision.
There was no mention of any HOA or POA in any of the paperwork
involved in the sale. There was minimal paperwork since the Appellant
paid cash in full for the home. On or about May 3, 2013, approximately

three years after the purchase of the home, a real estate management organization calling itself 'TRADD Commercial' on behalf of an organization calling itself 'Ashford Subdivision POA' sent Appellant a letter stating that the Appellant was "delinquent in their POA payments" (Exhibit A). Appellant responded with a letter dated May 6, 2013 (Exhibit B). Eight years after the purchase of the home a real estate management company calling itself 'First Service Residential' sent Appellant a "LATE NOTICE" letter (Exhibit C) claiming that "on Behalf of the Board Of Directors" of the Ashford Subdivision HOA, Respondent, stating that the Appellant's account was "past due". Appellant responded to Respondent's letter by sending the Respondent a copy of the very same letter that was sent to TRADD on May 6, 2013 (see Exhibit B). Respondent sent two more letters to Appellant, one dated July 11, 2017 a second notice (Exhibit D) and one dated August 11, 2017 a final notice (Exhibit E). On November 3, 2017, over eight years from the date of the purchase of the home, Respondent via attorney Elizabeth J. Saraniti sent Appellant a letter (Exhibit F) informing the Appellant that Respondent had filed a lien against the appellants property. The Respondent included copies of a NOTICE OF LIEN FOR DELINQUENT ASSESSMENTS BY ASHFORD SUBDIVISION HOMEOWNERS' ASSOCIATION, INC. (Exhibit G), a two page Horry County Register of Deeds Transmittal Sheet

(Exhibit H), a LIS PENDENS document (Exhibit I), a CERTIFICATE OF EXEMPTION FROM ADR DOCKET NO. 2019-CP-26- (Exhibit J), And a seven page SUMMONS (Exhibit K) with the exhibit F letter. Appellant replied to the Respondent's letter with a letter dated June 17, 2019 (Exhibit L). On July 1, 2019 Respondent sent a letter (Exhibit M) to the appellant. The letter included a document titled "Email Report" (Exhibit N), a CERTIFICATE OF MAILING (Exhibit O), an AFFIDAVIT OF DEFAULT (Exhibit P), and a CERTIFICATE OF CERTIFIED MAILING (Exhibit Q). On July 22, 2019 Respondent sent a letter (Exhibit R) to Appellant containing a three page ORDER OF REFERENCE (Exhibit S), and a NOTICE OF HEARING (Exhibit T), and a CERTIFICATE OF MAILING (Exhibit U). The hearing was held on August 21, 2019. On August 29, 2019 the Respondent sent a letter (Exhibit V) to Appellant containing a two page NOTICE OF SALE (Exhibit W) and a CERTIFICATE OF MAILING (Exhibit X). On September 11, 2019 Appellant hand delivered an official check to the office of the attorney for the Respondent in the amount of \$5,598 to stop the sale of the property. The receipt for that check is found at Exhibit Y). On September 23, 2019 Appellant sent a letter (Exhibit Z) to the SC Court of Appeals notifying them of the intent to appeal the ruling of the 'Special Referee'. The SCCOA sent Appellant two letters (Exhibits AA[two pages] and AB[two pages]) dated September 27, 2019 to

Appellant. Appellant filed a two page NOTICE OF APPEAL (Exhibit AC) and a two page PROOF OF SERVICE (Exhibit AD) with the Horry County Clerk of Court. On October 4, 2019. Appellant also submitted an official check for the \$250.00 filing fee with the letter containing exhibit AD {see Exhibit AE}. On October 15, 2019 Appellant filed two page AMENDED NOTICE OF APPEAL (Exhibit AE) {A copy of the check submitted on October 4, 2019 is printed on this exhibit}.

Appellant also submitted a PROOF OF SERVICE (Exhibit AF) on October 4, 2019. On or about October 25, 2019 Appellant received a phone call from the SCCOA asking that a copy of the transcript of the August 31 hearing be provided to the Court. Appellant attempted to obtain said transcript only to find there was no transcript of the hearing on file (see Exhibit AG, AFFIDAVIT DATED October 28, 2019). On or about October 25, 2019 Appellant obtained a copy of the ten page JUDGMENT IN A CIVIL CASE (Exhibit AH) for this case. On November 5, 2019 the SCCOA sent Appellant a letter (Exhibit AI). On December 10, 2019 Appellant hand delivered the twelve page [INITIAL] BRIEF OF APPELLANT (Exhibit AJ) to the SCCOA and the PROOF OF SERVICE in regards to informing the Respondent (Exhibit AK). On December 10, 2019 the SCCOA clerk's office called Appellant to inform that the Designation of Matter section was missing from the brief. Appellant completed the DOA (Exhibit AL) and mailed it via certified

mail on that day and executed another PROOF OF SERVICE (Exhibit AM) for the DOA.

ARGUMENT

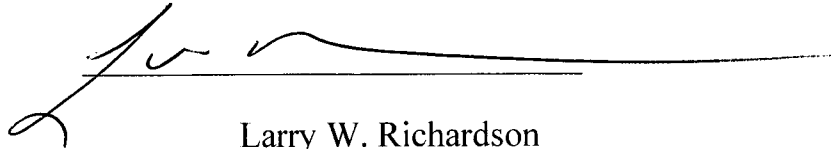
THE MOTION TO DISMISS SHOULD BE DENIED BASED ON THE FALSE (MISLEADING) PRESENTATION OF RESPONDENT IN BOTH ARGUMENT I AND II.

Pertaining to Argument I of the respondent the fact that the SCCOA in their letter dated September 27, 2019 (Exhibit AB), a copy of which was sent to Respondent by the SCCOA, clearly establishes a new 'due by' date for the submission of Appellant's official NOTICE OF APPEAL. Therefore the statement that Appellant failed to "TIMELY SERVE NOTICE" is not accurate. Pertaining to Argument II of the Respondent the fact that Appellant paid the judgment fee in no way means that there was and is no "JUSTIFIABLE CONTROVERSY BETWEEN THE PARTIES". The payment of the judgment was nothing more than a prudent action to keep Appellant's house from being sold until Appellant could make an appeal on the ruling that was made. Under Equity of Law even if any procedural errors were made they in no way caused harm to either side. In the spirit of fairness and justice the Court must deny the Respondent's Motion to Dismiss.

CONCLUSION

This Motion to Dismiss should be denied since the appellant did meet the

Court assigned deadline to file the Notice of Appeal and the fact that payment of the judgment removes any point of contention between the parties is ridiculous; therefore, Appellant would respectfully request that the Court deny Respondent's Motion to Dismiss.



Larry W. Richardson
303 Tapscott St.
Myrtle Beach, SC 29579
(843) 957-8180
Appellant

Other Counsel of Record:
Elizabeth J. Saraniti
Post Office Box 14737
Surfside Beach, South Carolina 29587-4737
Attorney for Respondent
(843) 650-9757

Document submitted by Appellant Larry W. Richardson, 303 Tapscott St,
Myrtle Beach, SC, 29579 (843) 957-8180

EXHIBIT A

EXHIBIT A



TRADD COMMERCIAL

Management Division

Date: May 3, 2013

To: Homeowners of Ashford Subdivision

From: Tradd Management, LLC

Re: Ashford Subdivision

Dear Homeowner:

If you are receiving this letter for a delinquent balance, enclosed is a tenant statement showing your current amount due. In accordance with the Ashford Subdivision collection policy the payment grace period of 30 days has expired. Therefore, your account has been assessed a late fee for nonpayment of the POA fees. Your account has also been assessed an administrative fee of \$25.00 for handling the delinquent notification. The balance of your POA fees as noted on the owner statement is due upon receipt of this letter. The POA fees must be paid in full within 30 days to avoid the issuance of a Legal Demand Letter. Please note upon the mailing of a Legal Demand Letter, attorneys fees and additional administrative fees will be assessed to your POA account. To avoid any further cost or legal remedies for collections, please remit your payment on or before June 3, 2013.

If you are receiving this letter because of an infraction(s) of the rules and regulations, enclosed is a violation notice and a copy of the rules and regulations. Please correct the infraction(s) as noted to avoid any future fines for noncompliance.

If you have any questions about the enclosed information, do not hesitate to contact Heather or myself. Tradd Management encourages open communication at all times. For your convenience below is our contact information.

Tradd Management
1039 44th Ave, North, Ste, #203
Myrtle Beach, SC 29577
843-839-9780 (8am-5pm)
hellis@traddcommercial.com
pclark@traddcommercial.com

Kind Regards,

Pat Clark, CPM
Director of Asset Management

EXHIBIT B

EXHIBIT B

Dear Ms. Ellis,

6 May, 2013

This is to inform you that I have looked at my property deed carefully, and your name is not mentioned anywhere, neither is the existence of any HOA or POA. In fact one of the reasons I decided to buy in Ashford is because of the lack of an HOA or POA.

I notice that you, or your representative were on my property, key word here is my property. Please do not repeat this trespass.

I have further checked all the documents concerning my purchase of my house, and you and/or the Tradd Commercial were not mentioned anywhere. I also know, without a doubt, that I have not signed ANY DOCUMENT joining any HOA or POA, therefore you have no contract with my signature.

I hope this communication is clear enough for you to understand my position.

Larry Richardson
303 Tapscott St
Myrtle Beach, SC

This document is not signed by me, because I do not trust you not to pull some shenanigans and copy it onto a bogus document.

EXHIBIT C

EXHIBIT C

Ashford Subdivision HOA
215 Ronnie Court
Myrtle Beach, SC 29579

June 12, 2017

Larry Richardson
Gayle Richardson
303 Tapscott St
Myrtle Beach, SC 29579

LATE NOTICE

Re: 303 Tapscott St (0097)

Dear Owner:

As of 06/12/2017, our records reflect that your account is past due in the amount of **\$1,156.61**, which may include interest, late charges, administrative fees, and / or fines. All payments should be received by the due date to avoid additional charges.

If your records do not correspond with our records, please contact our Customer Care Center for assistance at 1-800-870-0010. If your records do correspond with ours, please forward payment in full to the address below. Be sure to include your account number **(50895)** with your payment.

Ashford Subdivision HOA
c/o FirstService Residential - SC
P.O. Box 93094
Las Vegas, NV 89193-3094

You may also make your payment online, via e-check or credit card, by registering at www.clickpay.com/firstservice. For assistance registering on the Clickpay website, please call Clickpay Customer Service directly at 1-888-354-0135.

ON BEHALF OF THE BOARD OF DIRECTORS

Sincerely,

FirstService Residential
Managing Agent

EXHIBIT D

EXHIBIT D

Ashford Subdivision HOA
215 Ronnie Court
Myrtle Beach, SC 29579

July 11, 2017

Larry Richardson
Gayle Richardson
303 Tapscott St
Myrtle Beach, SC 29579

SECOND NOTICE

Re: ~~303~~ Tapscott St (0097)

Dear Owner:

Our records reflect that, as of 07/11/2017, your account is past due in the amount of **\$1,211.61**, which may include interest, late charges, administrative fees, and/or fines. All payments should be received by the due date to avoid additional charges.

A previous Notice was sent to you in case payment had been overlooked; however, no response was received. Now we must request that you make **immediate** payment of the above amount to avoid any further collection proceedings. Please forward payment in full to the address below. Be sure to include your account number **(50895)** with your payment.

Ashford Subdivision HOA
c/o FirstService Residential - SC
P.O. Box 93094
Las Vegas, NV 89193-3094

You may also make your payment online, via e-check or credit card, by registering at www.clickpay.com/firstservice. For assistance registering on the Clickpay website, please call Clickpay Customer Service directly at 1-888-354-0135.

Please remember, the Community's legal documents, which you agreed to abide by when you purchased your home, requires prompt payment of Assessments or the Association has the authority to enforce collection through various legal means. Please understand that this action will incur legal expenses, which will be payable by you in addition to the outstanding balance due.

Should you have questions, please contact our Customer Care Center for assistance at 1-800-870-0010.

Please be informed that this is an attempt to collect a debt and any information obtained will be used for that purpose only.

ON BEHALF OF THE BOARD OF DIRECTORS

Sincerely,

FirstService Residential
Managing Agent

EXHIBIT E

EXHIBIT E

Ashford Subdivision HOA

215 Ronnie Court
Myrtle Beach, SC 29579

August 11, 2017

Larry Richardson
Gayle Richardson
303 Tapscott St
Myrtle Beach, SC 29579

FINAL NOTICE

Re: 303 Tapscott St (0097)

Dear Owner:

Our records reflect that, as of 08/11/2017, your account is past due in the amount of **\$1,266.61**, which may include interest, late charges, administrative fees, and/or fines.

Pursuant to the Laws of the State and your Association's governing documents, the Board of Directors requests payment of **\$1,266.61** within **ten (10) days** of the date of this letter in order to satisfy delinquent assessment amounts.

If full payment of this amount is not received in this office within **ten (10) days** of the date of this letter, **Ashford Subdivision HOA** will turn the collection proceeding over to the Association's Attorney. Please understand that this action will incur legal expenses, which will be payable by you in addition to the outstanding balance due. If you are experiencing a financial hardship, please contact us within **(10) days** to determine if a payment plan may be an option.

Previous attempts to resolve this issue have been unsuccessful. This is the last and only Notice you will receive regarding intention to send your account to the collection attorney. However, you can avoid this action by sending immediate payment in full. Please forward payment in full to the address below. Be sure to include your account number **(50895)** with your payment.

Ashford Subdivision HOA
c/o FirstService Residential - SC
P.O. Box 93094
Las Vegas, NV 89193-3094

You may also make your payment online, via e-check or credit card, by registering at www.clickpay.com/firstservice. For assistance registering on the Clickpay website, please call Clickpay Customer Service directly at 1-888-354-0135.

Should you have questions, please contact our Customer Care Center for assistance at 1-800-870-0010.

Please be informed that this is an attempt to collect a debt, and any information obtained will be used for that purpose only.

ON BEHALF OF THE BOARD OF DIRECTORS

Sincerely,

FirstService Residential
Managing Agent

EXHIBIT F



EXHIBIT F
MOORE, JOHNSON & SARANITI
Law Firm, P.A.

Virginia Lee Moore
Certified Family Court Mediator
Sarah A. Johnson
Also member of North Carolina Bar
Elizabeth J. Saraniti
Also member of Ohio Bar
Angela D. Harrison
Nancy M. Zovnic

Physical Address:
(overnight deliveries only)
1271 Glenns Bay Road
Surfside Beach, SC 29575
Mailing Address:
P.O. Box 14737
Surfside Beach, SC 29587-4737
Phone: 843-650-9757
Fax: 843-650-9747

This communication is an attempt to collect a debt and any information obtained will be used for that purpose

Via Regular & Certified Mail. Return Receipt Requested #70171000000051745086

November 3, 2017

Larry W. Richardson
Gayle P. Richardson
303 Tapscott St.
Myrtle Beach, SC 29579

RE: Ashford Subdivision: #0097
My file#: C7492ES

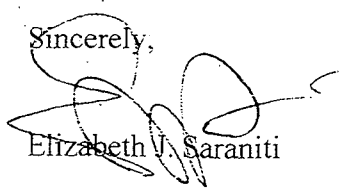
Dear Mr. and Mrs. Richardson:

Enclosed please find a clocked-copy of a lien that has been placed on your property. If you wish to resolve this matter prior to further legal action, as well as to have the lien released from your property, **you must contact me to obtain the payoff.** The amount due is payable *only in certified funds, bank cashier's check or money order, and should be made payable to Moore, Johnson & Saraniti Law Firm, P.A.* and forwarded:

Moore, Johnson & Saraniti Law Firm, P.A.
Attn: Elizabeth J. Saraniti
Post Office Box 14737
Surfside Beach, SC 29587

Interest, late fees and attorney's fees will continue to accrue on this lien until it is paid in full. **Please be advised that the amount listed on the lien is not a payoff amount. You must contact my office to obtain the payoff.** I look forward to your prompt response.

Sincerely,


Elizabeth J. Saraniti

EJS/aft
Enclosures: as stated

EXHIBIT G

EXHIBIT G

Instrument#: 2017000127298, LIEN BK: 255 PG: 871 DOCTYPE: 064 11/01/2017 at 12:49:14 PM, 2 OF 4 MARION D. FOXWORTH III, Horry County, SC REGISTRAR OF DEEDS

Please return to:
Moore, Johnson & Saraniti Law Firm, P.A.
P.O. Box 14737
Surfside Beach, SC 29587-4737

State of South Carolina) NOTICE OF LIEN FOR DELINQUENT
) ASSESSMENTS BY ASHFORD SUBDIVISION
County of Horry) HOMEOWNERS' ASSOCIATION, INC.

TO ALL WHOM IT MAY CONCERN:

PLEASE TAKE NOTICE that pursuant to the terms of the governing documents and all applicable amendments thereto and the *Code of Laws of South Carolina, 1976* as amended, the above named party does hereby claim and assert an assessment lien as follows:


OWNER(s): Larry W. Richardson
 Gayle P. Richardson
 303 Tapscott St.
 Myrtle Beach, SC 29579

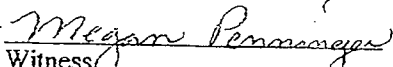
AMOUNT:	Delinquent Assessments and related charges -----	\$	1,401.61
	Attorney's Fees to date -----	\$	569.00
	Filing Fees and Costs -----	\$	25.50
	Total Due -----	\$	1,996.11

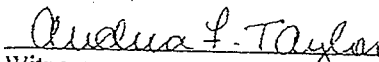
IN ADDITION all assessments and related fees, interest, late charges, attorney's fees and costs accruing from the date of this lien until payment is made in full.

The property encumbered by this lien is more particularly described as follows:
SEE ATTACHED EXHIBIT "A"

MOORE, JOHNSON & SARANITI LAW FIRM, P.A.

By: 
Elizabeth J. Saraniti (SC Bar #: 16150)
Post Office Box 14737
Surfside Beach, SC 29587-4737
(843) 650-9757


Witness


Witness

November 1, 2017
C7492ES

ELECTRONICALLY FILED - 2019 May 16 1:38 PM - Horry - COMMON PLEAS - CASE#2019CP2603015

EXHIBIT H

EXHIBIT H

Instrument#: 201700012/298, LIEN BK: 255 PG: 870 DOCTYPE: 064 11/01/2017 at 12:49:14 PM, 1 OF 4 MARION D. FOXWORTH III, Horry County, SC REGISTRAR OF DEEDS

EXHIBIT A

HORRY COUNTY REGISTER OF DEEDS TRANSMITTAL SHEET

Retain the transmittal sheet as it is the first page of your filed instrument. The book/page number will be required for future related filings of satisfactions, partial releases, amendments, and other instruments related to this filing.

TO BE FILED WITH EACH INSTRUMENT PRESENTED ELECTRONICALLY FOR RECORDING.
HORRY COUNTY REGISTER OF DEEDS, 1301 SECOND AVENUE POST OFFICE BOX 470, CONWAY,
SOUTH CAROLINA 29526

DOCUMENT TYPE OF INSTRUMENT BEING FILED: Condo Lien

DATE OF INSTRUMENT: 11/01/2017

DOCUMENT SHALL BE RETURNED TO:

NAME: Moore, Johnson & Saraniti Law Firm, P.A.

ADDRESS:

PO Box 14737

Surfside Beach, SC 29587

TELEPHONE: (843) 650-9757

FAX: (843) 650-975

E-MAIL ADDRESS: saraniti@grandstrandlawyers.com

Related Document

(s):

PURCHASE PRICE / MORTGAGE AMOUNT: \$

BRIEF PROPERTY DESCRIPTION: ASHFORD LOT 97

TAX MAP NUMBER (TMS #) 162-33-01-082 / PIN NUMBER:

GRANTOR / MORTGAGOR / OBLIGOR / MARKER (FROM WHO):

FULL BUSINESS NAME

1. ASHFORD SUBDIVISION HOMEOWNERS ASSOCIATION INC

GRANTEE / MORTGAGEE / OBLIGEE (TO WHO):

<u>LAST NAME</u>	<u>FIRST NAME</u>	<u>MIDDLE NAME</u>
1. <u>RICHARDSON</u>	<u>LARRY</u>	<u>W</u>
2. <u>RICHARDSON</u>	<u>GAYLE</u>	<u>P</u>

ELECTRONICALLY FILED - 2019 May 16 1:38 PM - HORRY - COMMON PLEAS - CASE#2019CP2603015

EXHIBIT H

Instrument#: 2017000127298, LIEN BK: 255 PG: 873 DOCTYPE: 064 11/01/2017 at 12:49:14 PM, 4 OF 4 MARION D. FOXWORTH III, HORRY COUNTY, SC REGISTRAR OF DEEDS

EXHIBIT A

ALL AND SINGULAR, that certain piece, parcel, or lot of land, together with any and all improvements thereon, lying and being situate in Horry County, South Carolina, and being shown and designated as Lot 97 of Ashford on a plat prepared by James B. Godfrey, III, dated November 2, 1999, recorded November 12, 1999, in the Office of the Register of Deeds for Horry County in Plat Book 166, Page 91, reference to which is craved as forming a part and parcel hereof.

ALSO, ALL AND SINGULAR, a 1999 Brigadier Mobile Home, Serial # B47244A/B, which has been detitled and is a part of the real estate.

This being the identical property conveyed unto Larry W. Richardson and Gayle P. Richardson from Real Estate 4 U, LLC, a North Carolina Limited Liability Company by deed dated September 16, 2009 and recorded September 16, 2009 in Deed Book 3420 at Page 2014, records for Horry County, South Carolina.

TMS #: 162-33-01-082

PIN#: 39915040004

PROPERTY ADDRESS: 303 Tapscott St., Myrtle Beach, SC 29579

ELECTRONICALLY FILED - 2019 May 16 1:38 PM - HORRY - COMMON PLEAS - CASE#2019CP2603015

EXHIBIT I

EXHIBIT I

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) FOR THE FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF HORRY) Civil Action Numbers: 2019-CP-26-

Ashford Subdivision Homeowners' Association, Inc.;
Plaintiff,
vs.
Larry W. Richardson; Gayle P. Richardson and Conway Hospital, Inc. d/b/a Conway Medical Center;
Defendants.

LIS PENDENS
(Foreclosure)
(Non-Jury)

C7492ES

NOTICE IS HEREBY GIVEN that an action has been commenced and is now pending in this court upon Complaint of the above-named Plaintiff against the above-named Defendants for Foreclosure of an Assessment Lien recorded in the Office of the Clerk of C. for Horry County at Lien Book 255 at Page 870.

The premises covered and affected by the Assessment Lien were at the time of making thereof, and at the time of the filing of this Notice, described as follows:

ALL AND SINGULAR, that certain piece, parcel, or lot of land, together with any and all improvements thereon, lying and being situate in Horry County, South Carolina, and being shown and designated as Lot 97 of Ashford on a plat prepared by James B. Godfrey, III, dated November 2, 1999, recorded November 12, 1999, in the Office of the Register of Deeds for Horry County in Plat Book 166, Page 91, reference to which is craved as forming a part and parcel hereof.

ALSO, ALL AND SINGULAR, a 1999 Brigadier Mobile Home, Serial # B47244A/B, which has been detitled and is a part of the real estate.

This being the identical property conveyed unto Larry W. Richardson and Gayle P. Richardson from Real Estate 4 U, LLC, a North Carolina Limited Liability Company by deed dated September 16, 2009 and recorded September 16, 2009 in Deed Book 3420 at Page 2014, records for Horry County, South Carolina.

TMS #: 162-33-01-082
PIN#: 39915040004
PROPERTY ADDRESS: 303 Tapscott St., Myrtle Beach, SC 29579

ELECTRONICALLY FILED - 2019 May 16 1:38 PM - HORRY - COMMON

#2019CP2603015

EXHIBIT I

MOORE, JOHNSON & SARANITI LAW FIRM, P.A.

s/ Elizabeth J. Saraniti

Elizabeth J. Saraniti (SC Bar #: 16150)

Attorneys for the Plaintiff

P.O. Box 14737

Surfside Beach, SC 29587

(843) 650-9757 (843) 650-9747 fax

May 8, 2019
Surfside Beach, South Carolina

EXHIBIT J

EXHIBIT J

STATE OF SOUTH CAROLINA)
HORRY COUNTY)
Ashford Subdivision Homeowners')
Association, Inc.)
Plaintiff,)
vs.)
Larry W. Richardson; Gayle P. Richardson)
and Conway Hospital, Inc. d/b/a Conway)
Medical Center;)
Defendants.)

IN THE CIRCUIT COURT FOR THE
15TH JUDICIAL CIRCUIT

CERTIFICATE OF EXEMPTION
FROM ADR

DOCKET NO. 2019-CP-26-

I certify that this action is exempt from ADR because:

- checkbox this is a special proceeding or action seeking extraordinary relief such as mandamus, habeas corpus of prohibition;
checkbox this action is appellate in nature;
checkbox this is a post-conviction relief matter;
checkbox this is a contempt of court proceeding;
checkbox this is forfeiture proceeding brought by the State;
checkbox [checked] this is a case involving a mortgage foreclosure; or Lien for Assessments
checkbox the parties submitted the case to voluntary mediation with a certified mediator prior to the filing of this action.

s/ Elizabeth J. Saraniti

Plaintiff/Attorney(s) for Plaintiff(s)

Elizabeth J. Saraniti (SC Bar #: 16150
PO Box 14737
Surfside Beach, SC 29587-4737
843-650-9757
843-650-9747 fax

Defendant/Attorney(s) for Defendant(s)

May 8, 2019

EXHIBIT K

EXHIBIT K

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF HORRY) FOR THE FIFTEENTH JUDICIAL CIRCUIT
Civil Action Numbers: 2019-CP-26-0315

Ashford Subdivision Homeowners' Association, Inc.;

Plaintiff,

vs.

Larry W. Richardson; Gayle P. Richardson and Conway Hospital, Inc. d/b/a Conway Medical Center;

Defendants.

SUMMONS

C7492ES

TO: THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your answer to the said Complaint on the subscribers at their office at 1271 Glenss Bay Road (physical address only), P.O. Box 14737 (mailing address), Surfside Beach, South Carolina 29587, and to file your answer in the office of the Clerk of Court for Horry County, all within thirty (30) days after the service hereof; exclusive of the day of such service; except that the United States of America, if named, shall have sixty (60) days to answer after the service hereof, exclusive of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for judgment by default for the relief demanded in the Complaint and a judgment will be rendered against you.

YOU WILL ALSO TAKE NOTICE that the Plaintiff in this Action will move for an Order of Reference or that the Court may issue a general order of reference of this action to a Master-in-Equity/Special Referee, pursuant to Rule 53, of the South Carolina Rules of Civil Procedure.

Handwritten note: filed May 27, 2019

ELECTRONICALLY FILED - 2019 May 16 1:38 PM - HORRY - COMMON PLEAS - CASE#2019CP2603015

EXHIBIT K

MOORE, JOHNSON & SARANITI LAW FIRM, P.A.
Attorneys for the Plaintiff

s/ Elizabeth J. Saraniti
Elizabeth J. Saraniti (SC Bar #: 16150)
P.O. Box 14737
Surfside Beach, SC 29587-4737
(843) 650-9757; (843) 650-9747 (fax)

May 8, 2019

ELECTRONICALLY FILED - 2019 May 16 1:38 PM - Horry - COMMON PLEAS - CASE#2019CP2603015

EXHIBIT K

6. The subject matter of this action is real and personal property located in Horry County, South Carolina, which property is more fully described as follows:

ALL AND SINGULAR, that certain piece, parcel, or lot of land, together with any and all improvements thereon, lying and being situate in Horry County, South Carolina, and being shown and designated as Lot 97 of Ashford on a plat prepared by James B. Godfrey, III, dated November 2, 1999, recorded November 12, 1999, in the Office of the Register of Deeds for Horry County in Plat Book 166, Page 91, reference to which is craved as forming a part and parcel hereof.

ALSO, ALL AND SINGULAR, a 1999 Brigadier Mobile Home, Serial # B47244A/B, which has been detitled and is a part of the real estate.

This being the identical property conveyed unto Larry W. Richardson and Gayle P. Richardson from Real Estate 4 U, LLC, a North Carolina Limited Liability Company by deed dated September 16, 2009 and recorded September 16, 2009 in Deed Book 3420 at Page 2014, records for Horry County, South Carolina.

TMS #: 162-33-01-082

PIN#: 39915040004

PROPERTY ADDRESS: 303 Tapscott St., Myrtle Beach, SC 29579

7. That the Plaintiff in this action filed a Notice of Lien for Delinquent Assessments by Ashford Subdivision Homeowners' Association, Inc., recorded on November 1, 2017, in Lien Book 255 at Page 870. Attached hereto as "Exhibit A".

8. As of May 8, 2019, there was due and owing to the Association the sum of \$2,743.73 together with attorneys' fees and the costs of this action.

9. The subject Defendants are further made a party to due to the similarity in name(s) to the primary Defendants against whom they claim or may claim a lien and in order to clear title to this property as follows:

a. That the Defendant, Conway Hospital, Inc. d/b/a Conway Medical Center has or may claim some interest in the property by virtue of the Judgment filed, against Priscilla Richardson, in civil case number 2018-CP-26-02216 on April 5, 2018. Any claim is junior in priority to the claim of the Plaintiff.

EXHIBIT K

10. That the Defendants, Larry W. Richardson and Gayle P. Richardson, are required under the governing documents of Ashford Subdivision Homeowners' Association, Inc. to pay certain fees and dues.

11. That the Plaintiff has exercised their option to foreclose on the property and declare the whole amount due.

12. Ashford Subdivision Homeowners' Association, Inc. waives a deficiency judgment against the Defendants, Larry W. Richardson and Gayle P. Richardson, for the full amount found to be due to Plaintiff under the associations governing documents.

13. Upon information and belief, the property which is the subject of this action has not been taken for tax, fine or assessment, pursuant to any statute, or seized by virtue of an execution or attachment against the property of the Plaintiff or Defendants.

WHEREFORE, having fully set forth this Complaint, Ashford Subdivision Homeowners' Association, Inc. prays that this Honorable Court inquire into the matters set forth herein and that:

A. That the amount due under the governing documents of the Ashford Subdivision Homeowners' Association, Inc. be ascertained and determined under the direction of this Court, together with attorney's fees and the cost of the action, and a judgment be awarded against the Defendants, Larry W. Richardson and Gayle P. Richardson, jointly and severally, in said amount.

B. That the Plaintiff's Lien for assessment be declared a lien, junior in priority only to any unpaid ad valorem real estate taxes and that Ashford Subdivision Homeowners' Association, Inc. have judgment of foreclosure for the amounts that are found to be due and owing thereon, with attorney's fees and for the costs of this action.

EXHIBIT K

C. That the property, together with all the appurtenances thereto according to said governing documents of the association, be sold under the Direction of this Court, subject to ad valorem real estate taxes, and personal property taxes (if any), the equity of redemption be barred, and that the proceeds of sale be applied as follows:

1. First to the costs and expenses of the within action and the sale;
2. Second, to the payment and discharge of the amount due on the Plaintiff's lien up to and including the post judgment debt accrued through the date of the foreclosure sale and together with allowable interest and reasonable attorney's fees aforesaid; and
3. Third, the surplus, if any, be held pending further determination of this Court and be distributed according to law.

D. For such and further relief as may be just and proper.

MOORE, JOHNSON & SARANITI LAW FIRM, P.A.

s/ Elizabeth J. Saraniti

Elizabeth J. Saraniti (SC Bar #: 16150)

Attorneys for the Plaintiff

P.O. Box 14737

Surfside Beach, SC 29587

(843) 650-9757 (843) 650-9747 fax

May 8, 2019
Surfside Beach, South Carolina

EXHIBIT K

NOTICE REQUIRED BY THE FAIR DEBT COLLECTION PRACTICES ACT, (THE 'ACT') 15 U.S.C. SECTION 1601, AS AMENDED

1. As of May 8, 2019, you owe \$2,743.73 plus attorney fees and costs. Because of interest, late charges and other charges that may vary from day to day, the amount due on the day that you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after we receive your check, in which event we will inform you before depositing the check for collection. For further information, write or call us as directed in paragraph 6 of this Notice.
2. The Plaintiff as named in the attached Summons and Complaint is the creditor to whom to debt is owed.
3. The debt as described in the Complaint attached hereto will be assumed to be valid by the creditor's law firm, unless the debtor(s), within thirty (30) days after the receipt of this notice, disputed, in writing, the validity of the debt or some portion thereof.
4. If the debtor(s) notify the creditor's law firm in writing within thirty (30) days of the receipt of this notice that the debt or any portion thereof is disputed, the creditor's law firm will obtain a verification of the debt and a copy of the verification will be mailed to the debtor(s) by the creditor's law firm.
5. If the creditor named as Plaintiff in the attached Summons and Complaint is not the original creditor, and the debtor(s) make a written request to the creditor's law firm within thirty (30) days from the receipt of this notice, the name and address of the original creditor will be mailed to the debtor(s) by the creditor's law firm.
6. Written requests should be addressed to Moore, Johnson & Saraniti Law Firm, P.A., P. O. Box 14737, Surfside Beach, SC 29587.
7. This notice should not be construed as a thirty (30) day grace period. Creditor may pursue collection efforts immediately and not wait thirty (30) days.

**THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION
OBTAINED WILL BE USED FOR THAT PURPOSE.**

ELECTRONICALLY FILED - 2019 May 16 1:38 PM - HORRY - COMMON PLEAS - CASE#2019CP2603015

EXHIBIT L



EXHIBIT L
MOORE, JOHNSON & SARANITI
Law Firm, P.A.

Virginia Lee Moore
Certified Family Court Mediator
Sarah A. Johnson
Also member of North Carolina Bar
Elizabeth J. Saraniti
Also member of Ohio Bar
Angela D. Harrison
Nancy M. Zovnic

Physical Address:
(overnight deliveries only)
1271 Glennis Bay Road
Surfside Beach, SC 29575
Mailing Address:
P.O. Box 14737
Surfside Beach, SC 29587-4737
Phone: 843-650-9757
Fax: 843-650-9747

July 1, 2019

Larry W. Richardson
303 Tapscott St.
Myrtle Beach, SC 29579

Gayle P. Richardson
303 Tapscott St.
Myrtle Beach, SC 29579

Newby, Sartip, Masel & Casper, LLC
Michael H. Sartip
PO Box 808
Myrtle Beach, SC 29578
*for Conway Hospital, Inc. d/b/a Conway
Medical Center*

RE: Ashford Subdivision HOA v. Larry W. Richardson; et al.
Case No.: 2019-CP-26-03015
Our File No.: C7492ES

To Whom It May Concern:

Enclosed please find a copy of a proposed Order of Reference with regard to the above-referenced matter, which was e-filed with the Court on the above date.

Thank you for your assistance.

Sincerely,

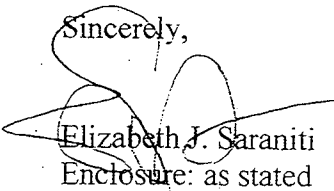

Elizabeth J. Saraniti
Enclosure: as stated

EXHIBIT M

EXHIBIT M

June 17, 2019

To Whom it may concern.

This letter is intended for both those in charge of the Ashford Home Owners Association Inc. and the Clerk of Court of Horry County.

I received your "Summons" ref: the Ashford Home Owners Association, Inc., on 26 May, 2019. This letter is to meet the 30 day requirement for providing my response.

My response is a repeat of my previous responses. I do not acknowledge that the Ashford HOA has any legal claim on me. I have NEVER put my signature to ANY document obliging me to be a member of said HOA. No document in the packet of paperwork I received when I purchased my home, paid in full on purchase. I have told previous companies representing the Ashford HOA that IF they could produce any document bearing my signature to the contrary that I would honor any provisions stipulated therein. Otherwise, please stop harassing me about something I have no connection with.

Larry Richardson

(I am not affixing my physical signature to this letter because I do not trust the principal actors in the management company pushing this mess not to manipulate it and produce a fake document.)

RECEIVED
JUN 18 2019
RC 11:40am

EXHIBIT N

EXHIBIT N

Filters Used:

1 Tagged Record

Email Report

Form Format

Date Printed: 6/25/2019

Time Printed: 10:26AM

Printed By: AUDREA

Date 6/25/2019 Time 9:48AM Duration 0.00 (hours) Code
Subject RE: 2019-CP-26-03015; Ashford Subdivision v. Larry W. Richards Staff
Client Douglas Zayicek MatRef FS Residential v. Richardson MatNo C7492ES
From "Zayicek, Douglas M." <DZayicek@bellamylaw.com>
To Collections <collections@grandstrandlawyers.com>, "McAndrew, Stephanie" <SMcAndrew@bellamylaw.com>
CC To
Bcc To
Reminders (days before) Follow Done Notify Hide Trigger Private Status
User1 User3
User2 User4

No conflict. I consent to serve.

Douglas M. Zayicek
Bellamy, Rutenberg, Copeland, Epps,
Gravely & Bowers, P.A.
P.O. Box 357
Myrtle Beach, SC 29578
General: (843) 448-2400
Facsimile: (843) 448-3022
www.BellamyLaw.com

-----Original Message-----

From: Collections [mailto:collections@grandstrandlawyers.com]
Sent: Monday, June 24, 2019 10:26 AM
To: McAndrew, Stephanie <SMcAndrew@bellamylaw.com>; Zayicek, Douglas M.
<DZayicek@bellamylaw.com>
Subject: 2019-CP-26-03015; Ashford Subdivision v. Larry W. Richardson; et al. (C7492ES)

Doug / Stephanie:

Our office has a case that we would like to refer to Doug Zayicek to hear as the Special Referee. Please see the caption attached and let me know if Doug has any conflicts and if he will consent to serve at Special Referee?

Sincerely,

Audrea F. Taylor
Legal Assistant to Elizabeth J. Saraniti Moore, Johnson & Saraniti Law Firm, P.A.
P.O. Box 14737
Surfside Beach, SC 29587
Phone: (843) 650-9757
Fax: (843) 650-9747

EXHIBIT O

EXHIBIT O

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) FOR THE FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF HORRY) Civil Action Numbers: 2019-CP-26-03015

Ashford Subdivision Homeowners' Association, Inc.;)
)

Plaintiff,)

vs.)

Larry W. Richardson; Gayle P. Richardson and)
Conway Hospital, Inc. d/b/a Conway Medical)
Center;)

Defendants.)

C7492ES

CERTIFICATE OF MAILING

The undersigned, as an employee of Moore, Johnson & Saraniti Law Firm, P. A., hereby certifies that on the date indicated below a copy of Order of Reference and Affidavit of Default, in the above-entitled action was served upon the Defendants by depositing same in the United States Mail, first-class postage prepaid, and addressed as follows:

Larry W. Richardson
303 Tapscott St.
Myrtle Beach, SC 29579

Gayle P. Richardson
303 Tapscott St.
Myrtle Beach, SC 29579

Newby, Sartip, Masel & Casper, LLC
Michael H. Sartip
PO Box 808
Myrtle Beach, SC 29578
*for Conway Hospital, Inc. d/b/a Conway
Medical Center*

Audrea Taylor
Audrea Taylor

July 1, 2019

EXHIBIT P

EXHIBIT Q

EXHIBIT Q

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) FOR THE FIFTEENTH JUDICIAL CIRCUIT
 COUNTY OF HORRY) Civil Action Numbers: 2019-CP-26-03015

Ashford Subdivision Homeowners' Association, Inc.;
 Plaintiff,
 vs.
 Larry W. Richardson; Gayle P. Richardson and
 Conway Hospital, Inc. d/b/a Conway Medical
 Center;
 Defendants.

CERTIFICATE OF CERTIFIED MAILING

C7492ES

The undersigned, as an employee of Moore, Johnson & Saraniti Law Firm, P. A., hereby certifies that on May 29, 2019, a copy of Certificate of Exemption, Summons, Complaint and Lis Pendens in the above-entitled action was served upon the Defendant, Conway Hospital, Inc. d/b/a Conway Medical Center by depositing same in the United States Mail, first-class postage prepaid, certified, return receipt requested and addressed as shown below.

Audrea Taylor
 Audrea Taylor

July 1, 2019
 Surfside Beach, South Carolina


SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Complete items 1, 2, and 3. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to:</p> <p style="margin-left: 20px;">Newby, Sartip, Masel & Casper, LLC Michael H. Sartip PO Box 808 Myrtle Beach, SC 29578</p>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (<i>Printed Name</i>) John Brooks</p> <p>C. Date of Delivery 5-29-19</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p style="font-size: 2em; text-align: center; margin-left: 100px;">808</p>																
<div style="text-align: center;">  9590 9402 4979 9063 2264 92 </div> <p>2. Article Number (<i>Transfer from previous label</i>) 7019 0160 0000 6718 8848</p>	<p>3. Service Type</p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise																
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™																
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																
<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	

EXHIBIT R



EXHIBIT B
MOORE, JOHNSON & SARANITI
Law Firm, P.A.

Virginia Lee Moore
Certified Family Court Mediator
Sarah A. Johnson
Also member of North Carolina Bar
Elizabeth J. Saraniti
Also member of Ohio Bar
Angela D. Harrison
Nancy M. Zovnic

Physical Address:
(overnight deliveries only)
1271 Glens Bay Road
Surfside Beach, SC 29575
Mailing Address:
P.O. Box 14737
Surfside Beach, SC 29587-4737
Phone: 843-650-9757
Fax: 843-650-9747

July 22, 2019

Larry W. Richardson
303 Tapscott St.
Myrtle Beach, SC 29579

Gayle P. Richardson
303 Tapscott St.
Myrtle Beach, SC 29579

Newby, Sartip, Masel & Casper, LLC
Michael H. Sartip
PO Box 808
Myrtle Beach, SC 29578
*for Conway Hospital, Inc. d/b/a Conway
Medical Center*

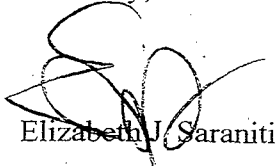
RE: Ashford Subdivision HOA v. Larry W. Richardson; et al.
Case No.: 2019-CP-26-03015
Our File No.: C7492ES

To Whom It May Concern:

Enclosed please find a copy of Order of Reference, Affidavit of Default and Notice of Hearing, along with a Certificate of Mailing, for the above-referenced matter. The hearing is scheduled August 21, 2019 at 2:00 pm. I will be submitting written testimony on behalf of the Plaintiff hearing listed above, unless you notify me, in writing, ten (10) days prior to the hearing date you would like for my client to be present for cross-examination.

**IF YOU WISH TO RESOLVE THIS MATTER PRIOR TO THE SCHEDULED HEARING
YOU MUST CONTACT MY OFFICE TO OBTAIN A PAYOFF.**

Sincerely,


Elizabeth J. Saraniti

EJS/at
Enclosure: as stated

Attachment 27

EXHIBIT S

EXHIBIT S

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) FOR THE FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF HORRY) Civil Action Numbers: 2019-CP-26-03015

Ashford Subdivision Homeowners')
Association, Inc.;)
)
Plaintiff,)
)
vs.)
)
Larry W. Richardson; Gayle P. Richardson and)
Conway Hospital, Inc. d/b/a Conway Medical)
Center;)
)
Defendants.)

ORDER OF REFERENCE

C7492ES

IT APPEARING that the above-named Defendants, Gayle P. Richardson and Conway Hospital, Inc. d/b/a Conway Medical Center, are in default;

IT FURTHER APPEARING that this is an action for foreclosure of a lien for homeowners' assessments on real property lying and being in Horry County, South Carolina, and that this is a proper matter to refer to Douglas M. Zayicek, Special Referee, who shall exercise all power and authority which a Circuit Judge sitting without a jury would have, including but not limited to, making findings of fact and conclusions of law; directing entry of final judgment; hearing any issues, including motions, after sale of judgment; issuing any and all orders, supplemental orders, and writs of assistance, and hearing any issue involving possession and/or removal of property and appraisal proceedings under Section 29-3-360, *et seq.* of the South Carolina Code, with any appeal from the final judgment being to the Supreme Court or the Court of Appeals as provided by the South Carolina Appellate Court Rules. Any judicial sale of the property subject of this action may be held on a day other than the regular judicial sale day.

NOW THEREFORE, upon Motion of Elizabeth J. Saraniti, Attorney for the Plaintiff;

ELECTRONICALLY FILED - 2019 Jul 16 12:50 PM - HORRY - COMMON PLEAS - CASE#2019CP2603015

EXHIBIT S

IT IS HEREBY ORDERED, that the above-captioned case is referred to Douglas M. Zayicek, Special Referee, to take the testimony, and determine the issues herein with finality, with any appeal to be directly to the South Carolina Court of Appeals.

AND IT IS SO ORDERED.

I consent: Douglas M. Zayicek, Special Referee (*see attached exhibit*)

WE SO MOVE:

MOORE, JOHNSON & SARANITI LAW FIRM, P.A.

s/ Elizabeth J. Saraniti

Elizabeth J. Saraniti (SC Bar #: 16150)

Attorneys for the Plaintiff

P.O. Box 14737

Surfside Beach, SC 29587

(843) 650-9757 (843) 650-9747 fax

EXHIBIT S



Horry Common Pleas

Case Caption: Ashford Subdivision Homeowners Association Inc VS Larry W
Richardson , defendant, et al
Case Number: 2019CP2603015
Type: Order/Referred to Master or Special Referee

So Ordered

s/ Larry B. Hyman 2152

EXHIBIT T

EXHIBIT T

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) FOR THE FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF HORRY) Civil Action Numbers: 2019-CP-26-03015

Ashford Subdivision Homeowners')
Association, Inc.;)
))
Plaintiff,)
))
vs.)
))
Larry W. Richardson; Gayle P. Richardson and)
Conway Hospital, Inc. d/b/a Conway Medical)
Center;)
))
Defendants.)

NOTICE OF HEARING

YOU WILL PLEASE TAKE NOTICE that a final hearing has been scheduled before Douglas M. Zayicek, Special Referee, at the office of Bellamy, Rutenberg, Copeland, Epps, Gravely & Bowers, located at 1000 29th Avenue North, Myrtle Beach, South Carolina, for August 21, 2019 at 2:00 p.m. The Special Referee will hear the evidence and enter a final judgment in the case. You may attend said hearing and participate as allowed by law.

YOU WILL ALSO TAKE NOTICE that the Plaintiff's attorney will submit written testimony on behalf of the Plaintiff pursuant to South Carolina Code Ann. 14-11-110 (as amended). All issues raised in the pleadings will be decided at this hearing.

You are required to notify the undersigned at 843-650-9757 at least 48 hours prior to the scheduled hearing, if you intend to appear.

MOORE, JOHNSON & SARANITI LAW FIRM, P.A.
Attorneys for the Plaintiff

s/ Elizabeth J. Saraniti
Elizabeth J. Saraniti (SC Bar #16150)
P.O. Box 14737
Surfside Beach, SC 29587-4737
(843) 650-9757; (843) 650-9747 (fax)

July 22, 2019

EXHIBIT U

EXHIBIT V



EXHIBIT V
MOORE, JOHNSON & SARANITI
Law Firm, P.A.

Virginia Lee Moore
Certified Family Court Mediator
Sarah A. Johnson
Also member of North Carolina Bar
Elizabeth J. Saraniti
Also member of Ohio Bar
Angela D. Harrison
Nancy M. Zovnic

Physical Address:
(overnight deliveries only)
1271 Glens Bay Road
Surfside Beach, SC 29575
Mailing Address:
P.O. Box 14737
Surfside Beach, SC 29587-4737
Phone: 843-650-9757
Fax: 843-650-9747

August 29, 2019

Larry W. Richardson
303 Tapscott St.
Myrtle Beach, SC 29579

Gayle P. Richardson
303 Tapscott St.
Myrtle Beach, SC 29579

RE: Ashford Subdivision HOA v. Larry W. Richardson; et al.
Case No.: 2019-CP-26-03015
Our File No.: C7492ES

Dear Mr. and Mrs. Richardson:

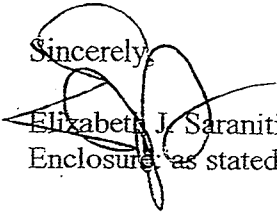
Please be advised that on August 21, 2019, a hearing was held before Special Referee Doug Zayicek and Judgment of Foreclosure and Sale was entered in the above referenced foreclosure action. Please note that the foreclosure sale has been scheduled for either October 7, 2019 or some subsequent sales day. If the currently scheduled foreclosure sale is postponed for any reason, please contact our office at 843-650-9757 to find out the status of the case and/or the next scheduled foreclosure sale date. I have enclosed a copy of the Notice of Sale along with a Certificate of Mailing for the same.

For further clarification, please check with the county Clerk of Court to view the original documents or to obtain any copies.

PLEASE BE ADVISED THAT YOUR PROPERTY IS SCHEDULED TO BE SOLD ON OCTOBER 7, 2019.

To obtain a current payoff amount you must contact my office. These fees must be **certified funds** or money order and **received** by my office as prior to the scheduled sale property.

Sincerely,


Elizabeth J. Saraniti
Enclosure as stated.

This is an attempt to collect a debt and
obtained will be used for that p

EXHIBIT W

EXHIBIT W

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF HORRY) FOR THE FIFTEENTH JUDICIAL CIRCUIT
) Civil Action Numbers: 2019-CP-26-03015

Ashford Subdivision Homeowners' Association, Inc.;

Plaintiff,

vs.

Larry W. Richardson; Gayle P. Richardson and Conway Hospital, Inc. d/b/a Conway Medical Center;

Defendants.

NOTICE OF SALE

C7492ES

UNDER AN ORDER OF SALE for foreclosure issued on a Complaint made May 16, 2019, by Ashford Subdivision Homeowners' Association, Inc., against the above-named Defendant, Court of Common Pleas for Horry County, South Carolina.

THE SPECIAL REFEREE will sell at public venue in the Horry County Courthouse, Conway, South Carolina at 11:00 a.m. on Sales Day, October 7, 2019, the lands hereinafter described on the following terms: TO THE HIGHEST BIDDER, but before the bid is accepted, bidder will deposit with the Special Referee in cash or certified check, the sum of Five (5%) Percent of bid, to be deposited with the Special Referee immediately, with the balance to be remitted within thirty (30) days after the sales day (but shall not apply to a bid placed by the Plaintiff). THE PROCEEDS OF SALE shall be applied to the costs allowed, and the debts found due; and to other payments found due in the Final Order. The Purchaser will pay for stamps and papers and any unpaid real or personal property taxes.

The sale will be made subject to all outstanding property taxes, if any.

THE PROPERTY is situate in Horry County, South Carolina, and is more particularly described as follows:

ALL AND SINGULAR, that certain piece, parcel, or lot of land, together with any and all improvements thereon, lying and being situate in Horry County, South Carolina, and being shown and designated as Lot 97 of Ashford on a plat prepared by James B. Godfrey, III, dated November 2, 1999, recorded November 12, 1999, in the Office of the Register of Deeds for Horry County in Plat Book 166, Page 91, reference to which is craved as forming a part and parcel hereof.

ELECTRONICALLY FILED - 2019 Aug 27 4:39 PM - HORRY - COMMON PLEAS - CASE#2019CP2603015

EXHIBIT W

ALSO, ALL AND SINGULAR, a 1999 Brigadier Mobile Home, Serial # B47244A/B, which has been detitled and is a part of the real estate.

This being the identical property conveyed unto Larry W. Richardson and Gayle P. Richardson from Real Estate 4 U, LLC, a North Carolina Limited Liability Company by deed dated September 16, 2009 and recorded September 16, 2009 in Deed Book 3420 at Page 2014, records for Horry County, South Carolina.

TMS #: 162-33-01-082

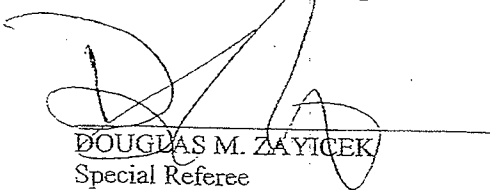
PIN#: 39915040004

PROPERTY ADDRESS: 303 Tapscott St., Myrtle Beach, SC 29579

This sale is subject to all reservations and restrictions of record, easements, zoning ordinances, and rights of way of record, including those as set out on the aforesaid map. Purchaser will pay for stamps and papers and any unpaid real or personal property taxes. Interest on the bid shall be paid to the day of compliance at the rate of Eight and ½ Percent (8.50%).

Note: As a personal or deficiency judgment is specifically waived, the bidding will be concluded on the date of the sale.

August 27, 2019


DOUGLAS M. ZAYICEK
Special Referee

Moore, Johnson & Saraniti Law Firm PA
Elizabeth J. Saraniti
PO Box 14737
Surfside Beach, SC 29587
(843) 650-9757

EXHIBIT X

EXHIBIT Y

EXHIBIT Y

RECEIPT		DATE <u>9/11/19</u>	No. <u>5593</u>
RECEIVED FROM <u>Larry Richardson</u>		<u>\$ 5593.00</u>	
Moore, Johnson & Saraniti Law Firm			
<input type="checkbox"/> FOR RENT	<u>FS Residential C7492ES</u>		
<input type="checkbox"/> FOR			
ACCOUNT #	<input type="checkbox"/> CASH	FROM _____ TO _____	
PAYMENT <u>5593.00</u>	<input checked="" type="checkbox"/> CHECK		
BAL. DUE	<input type="checkbox"/> MONEY ORDER		
	<input type="checkbox"/> CREDIT CARD	BY <u>RC</u>	

EXHIBIT Z

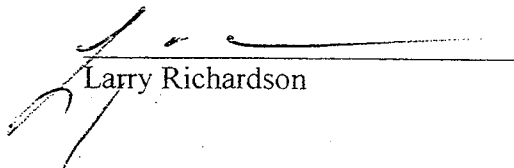
EXHIBIT Z

Wed 20

Notice of Appeal of Common Pleas Case # 2019CP2603019

I Larry W. Richardson, defendant, do hereby serve notice that I intend to appeal the ruling in the mentioned case. I contend that I was never able to present anything in my defense, in fact I contend that since my repeated request to be provided any documentation that indicated I had to be a member of the HOA be shown to me, I did not, nor do I now have any obligation to the HOA. I want a chance to have a FAIR hearing on the facts.

The 'Referee's' session was on the 21st of August, 2019 and I received notice of the ruling on the 31st of August, 2019. The four pages sent to me at that time are included with this notice of intent to appeal.


Larry Richardson

23 Sep. 2019
Date

EXHIBIT AA

EXHIBIT



original

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 27, 2019

Larry W. Richardson
303 Tapscott Street
Myrtle Beach SC 29579

Latoya

Re: Ashford Subdivision v. Larry Richardson
Appellate Case No. 2019-001630

Dear Mr. Richardson:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

EXHIBIT AA

This is to advise that the title in the above matter has been changed to read as follows:

Ashford Subdivision Homeowners' Association, Inc., Respondent,

v.

Larry W. Richardson; Gayle P. Richardson and Conway Hospital, Inc. d/b/a Conway Medical Center; Defendants,

Of whom Larry W. Richardson is the Appellant.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

V. Claire Allen, Deputy
CLERK

cc: Elizabeth J. Saraniti, Esquire

EXHIBIT AB



original

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 27, 2019

Larry W. Richardson
303 Tapscott Street
Myrtle Beach SC 29579

Re: Ashford Subdivision v. Larry Richardson
Appellate Case No. 2019-001630

Dear Mr. Richardson:

Upon reviewing your notice of appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and these deficiencies must be corrected within ten (10) days of the date of this letter or this appeal will be dismissed:

- The accompanying proof of service is not in compliance with the SCACR. Your proof of service should be substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.
- The caption/title does not comply with Rule 267(a), SCACR. Specifically, the lower court case number is incorrect and your caption and title should be substantially in the format shown in Rule 267, SCACR.
- The notice of appeal is not accompanied by the order(s) and/or judgment(s) challenged on appeal.
- The required filing fee has not been submitted. The correct filing fee is \$250.00. SC Court of Appeals.
- Pursuant to Rule 203(d)(1)(B), SCACR, a copy of the notice of appeal must be filed with the clerk of the trial court.

Appendix Notice of Appeal

EXHIBIT AB

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Elizabeth J. Saraniti, Esquire

EXHIBIT AC

EXHIBIT AC

copy

**AMENDED NOTICE OF APPEAL IN A CIVIL CASE
THE STATE OF SOUTH CAROLINA**

In The Court of Appeals

APPEAL FROM HORRY COUNTY

Court of Common Pleas
Douglas M. Zayicek, Special Referee

Case No. 2019-CP-26-0315

Larry W. Richardson, Appellant,

v.

Ashford Subdivision Homeowners'
Association, Inc., Respondent.

NOTICE OF APPEAL

Larry W. Richardson appeals the order for judgment and judgment of foreclosure and sale of Douglas M. Zayicek, dated August 27, , 2019. Appellant received written notice of entry of this order on August 31, 2019.

October 4, 2019

2019 OCT -11 A 10:24
Horry County
700-550

EXHIBIT AC

Larry W. Richardson
303 Tapscott St.
Myrtle Beach, SC 29579
(843) 957-8180
Appellant

Other Counsel of Record:
Elizabeth J. Saraniti
Post Office Box 14737
Surfside Beach, South Carolina 29587-4737
Attorney for Respondent
(843) 650-9757

Document submitted by Appellant Larry W. Richardson, 303 Tapscott St,
Myrtle Beach, SC, 29579 (843) 957-8180

EXHIBIT AD

EXHIBIT AD

PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

COPY

APPEAL FROM SPECIAL REFEREE'S REPORT ORDER FOR JUDGMENT
AND JUDGMENT OF FORECLOSURE AND SALE

Court of Common Pleas
Douglas M. Zayicek, Special Referee

Case No. 2019-CP-26-0315

Larry W. Richardson, Appellant,

v.

Ashford Subdivision Homeowners'
Association, Inc., Respondent.

2019 OCT -14 A 10:21
APPELLANT'S ATTORNEY

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Ashford Subdivision Homeowners' Association, Inc. by depositing a copy of it in the United States Mail, postage prepaid, on October 4, 2019 addressed to their attorney of record Elizabeth J. Saraniti, Post Office Box 14737, Surfside Beach, South Carolina 29587-4737.

EXHIBIT AD

September 15,

LW

Larry W. Richardson
303 Tapscott St.
Myrtle Beach, SC 29579
(843) 957-8180
Appellant

EXHIBIT AE

EXHIBIT AE

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM HORRY COUNTY

Court of Common Pleas
Douglas M. Zayicek, Special Referee

Case No. 2019-CP-26-03015

Larry W. Richardson, Appellant,

v.

Ashford Subdivision Homeowners'
Association, Inc., Respondent.

AMENDED NOTICE OF APPEAL

Larry W. Richardson appeals the order for judgment and judgment of foreclosure and sale of Douglas M. Zayicek, dated August 27, 2019. Appellant received written notice of entry of this order on August 31, 2019.

October 15, 2019

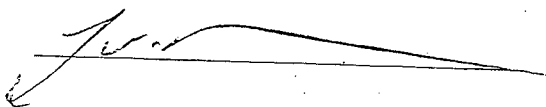
A handwritten signature in black ink, appearing to be "J. W. Richardson", written over a horizontal line.

EXHIBIT AE

Larry W. Richardson
303 Tapscott St.
Myrtle Beach, SC 29579
(843) 957-8180
Appellant

Other Counsel of Record:
Elizabeth J. Saraniti
Post Office Box 14737
Surfside Beach, South Carolina 29587-4737
Attorney for Respondent
(843) 650-9757

October 03, 2019

96612

OFFICIAL CHECK CUSTOMER COPY

TO THE SC COA
ORDER
OF

\$ 250.00

PAY **** *Two Hundred Fifty and 00/100*****

Remitter LARRY RICHARDSON
Memo APPELLATE CASE NO: 2019-001630

Document submitted by Appellant Larry W. Richardson, 303 Tapscott St,
Myrtle Beach, SC, 29579 (843) 957-8180

EXHIBIT AF

EXHIBIT AF

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM SPECIAL REFEREE'S REPORT ORDER FOR JUDGMENT
AND JUDGMENT OF FORECLOSURE AND SALE

Court of Common Pleas
Douglas M. Zayicek, Special Referee

Case No. 2019-CP-26-03015

Larry W. Richardson, Appellant,

v.

Ashford Subdivision Homeowners'
Association, Inc., Respondent.

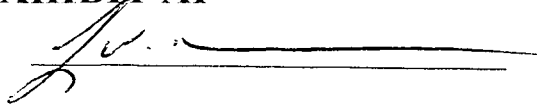
FILED
2019 OCT 15 AM 10:11
CLERK OF COURT
HARRIS COUNTY, SC

PROOF OF SERVICE

I certify that I have served the Amended Notice of Appeal on Ashford Subdivision Homeowners' Association, Inc. by depositing a copy of it in the United States Mail, postage prepaid, on October 15, 2019 addressed to their Attorney of record Elizabeth J. Saraniti, Post Office Box 14737, Surfside Beach, South Carolina 29587-4737.

EXHIBIT AF

October 15, 2019



Larry W. Richardson

303 Tapscott St.
Myrtle Beach, SC 29579
(843) 957-8180
Appellant

Other Counsel of Record:

Elizabeth J. Saraniti

Post Office Box 14737

Surfside Beach, South Carolina 29587-4737

Attorney for Respondent

(843) 650-9757

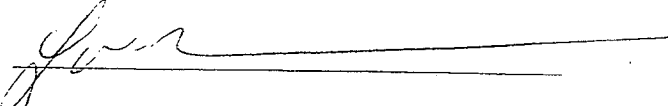
EXHIBIT AG

EXHIBIT AG

Affidavit

I, Larry W. Richardson, of Myrtle Beach, in Horry County, South Carolina, declare the following to be true:

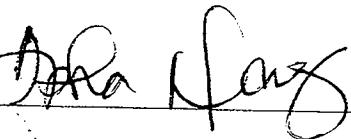
I went to the Clerk of Court in Horry County and ask for their assistance in getting a copy of the transcript of the 'Special Referees' meeting of the 21st of August, 2019 in the case of the Ashford Subdivision, Inc. case against me. There was no such transcript on record. I then went to the Masterinequity office and ask for the transcript. I was informed that since it was a 'Special Referee' cast the masterinequity office would not have anything on file. Therefore I cannot submit a copy of the requested official transcript. I can however submit a 'transcript' I prepared from an audio recording I had made of the meeting. I will do so in a separate document.


Larry W. Richardson

SUBSCRIBED AND SWORN BEFORE ME

On the 28th day of October, 2019

Signature



(Seal)

NOTARY PUBLIC

My commission expires

**My Commission Expires
December 11, 2027**

EXHIBIT AH

EXHIBIT AH

STATE OF SOUTH CAROLINA
COUNTY OF HORRY
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2019 CP-26-03015

Ashford Subdivision Homeowners'
Association, Inc.

Larry W. Richardson; Gayle P.
Richardson and Conway Hospital, Inc.
d/b/a Conway Medical Center;

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Elizabeth J. Saraniti (#16150)
PO Box 14737
Surfside Beach, SC 29587

Attorney for : Plaintiff Defendant
or
 Self-Represented Litigant

- DISPOSITION TYPE (CHECK ONE)**
- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
 - DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
 - ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
 - ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
 - STAYED DUE TO BANKRUPTCY**
 - DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:
 TMS #: 162-33-01-082
 PIN#: 39915040004
 PROPERTY ADDRESS: 303 Tapscott St., Myrtle Beach, SC 29579

ELECTRONIC
3 Aug 27 4:39 PM - HORRY - COMMON PLEAS - CASE#2019CP2603015

EXHIBIT AH

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**
E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.


Special Referee

Judge Code

Date

8/27/19

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

EXHIBIT AH

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) FOR THE FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF HORRY) Civil Action Numbers: 2019-CP-26-03015

Ashford Subdivision Homeowners' Association, Inc.;
)
)
) Plaintiff,
)
 vs.)
)
) Larry W. Richardson; Gayle P. Richardson and
) Conway Hospital, Inc. d/b/a Conway Medical
) Center;
)
)
) Defendants.

**SPECIAL REFEREES REPORT
ORDER FOR JUDGMENT
AND JUDGMENT OF
FORECLOSURE AND SALE**

C7492ES

Pursuant to Rule 53 SCRCP, the above-entitled matter was referred to the undersigned to make appropriate findings of fact and conclusions of law with authority to enter a final judgment in the case. Any appeal from this Order is to the South Carolina Court of Appeals.

Pursuant to the Order of Reference, a hearing was held, attended by Elizabeth J. Saraniti, Esquire, Attorney for the Plaintiff. The Defendants Larry W. Richardson and Gayle P. Richardson (Richardsons) were present at the Hearing.

At the call of the case Mr. Richardson stated that he does not recognize the Association nor the appointment of the Special Referee. Mr. Richardson called Ms. Saraniti a liar and stated that she had sent him documents that were incorrect stating that Mrs. Richardson was in default. However, only Mr. Richardson answered and in fact Mrs. Richardson is in default. Mr. Richardson attempted to intimidate this court with his actions and mannerisms including getting within inches of the Special Referee's face, necessitating a call to law enforcement. Mr. Richardson then accused the Special Referee and Plaintiff's counsel of collusion and stormed out of the hearing. Mr. Richardson was informed of the ruling of the court as he was leaving the premises.

ELECTRONICALLY FILED - 2019 Aug 27 4:39 PM - HORRY - COMMON PLEAS - CASE#2019CP2603015

EXHIBIT AH

Sworn testimony was offered to the Court, pursuant to S.C. Code Ann §14-11-110 (1976) and from the testimony and evidence, I find and conclude as follows:

FINDINGS OF FACT

1. The Summons, Complaint and Lis Pendens in this action were filed on May 16, 2019.
2. Larry W. Richardson was served with a Summons, Complaint and Lis Pendens via process server by substitute service on his wife Gayle P. Richardson on May 26, 2019 as shown on the Affidavit of Service filed with this Court on May 30, 2019. Larry W. Richardson filed an Answer dated June 17, 2019 and filed with this Court on June 19, 2019.
3. Gayle P. Richardson was personally served with a Summons, Complaint and Lis Pendens via process server on May 26, 2019 as shown on the Affidavit of Service filed with this Court on May 30, 2019.
4. The Defendant Conway Hospital, Inc. d/b/a Conway Medical Center (Conway Hospital) was served with a Summons, Complaint and Lis Pendens via certified mail on May 29, 2019 as shown by the Certificate of Certified Mailing filed with this Court on July 1, 2019. Conway Hospital filed an Answer dated July 8, 2019 and filed with this Court on July 11, 2019. Conway Hospital has a judgment against Priscilla Richardson in the original amount of \$1,410.00 which was filed in civil case number 2018-CP-26-02216 on April 5, 2018 the Office of the Clerk of Court in Horry County, South Carolina. Upon information this judgment was obtain against individuals who are not the named defendants and this judgment is listed for the sole purpose of clearing title to this property.
5. Ms. Richardson failed to answer the complaint in this matter and accordingly is in default.

EXHIBIT AH

6. This is an action for the foreclosure of a Lien for unpaid and past due Association Assessments. The obligation to pay Assessments is codified and established under the Governing Documents for Ashford Subdivision Homeowners' Association, Inc., which was recorded on September 25, 2000, in Deed Book 2302 at Page 127 in the office of the Register of Deeds for Horry County, South Carolina. The Richardsons being the Owners of 303 Tapscott St., Myrtle Beach, South Carolina, are subject to the Governing Documents and any amendments. Accordingly, the Richardsons are required to pay all assessments, attorney's fees and the costs of collection if they fail to pay.
7. This property is subject to the covenants, terms and conditions of The Governing Documents and has been subject to all special and regular assessments as prescribed by the Plaintiff. The Richardsons have breached their obligation to pay Assessments, and as of August 21, 2019, the past due assessments and related charges in the amount of One Thousand Nine Hundred Eighteen and 97/100 (\$1,918.97) Dollars together with reasonable attorney's fees and the costs of this action were due.
8. The sum of Three Thousand Two Hundred Thirty-Five and 11/100 (\$3,235.11) Dollars is a reasonable fee to allow as attorney's fees and costs for Plaintiff's attorney. This fee is based on the time and services necessarily devoted to Plaintiff's representation. These include the number and types of pleadings and documents prepared, the incumbent liabilities, and the difficulties involved in this particular case. The fee is also reasonable given the professional standing of Plaintiff's counsel and her experience in handling foreclosure matters. This fee is similar to ones customarily awarded for similar services in this locality.
9. The amount due and owing on this account, including reasonable attorney's fees, costs, and expenses of collection, is as follows:

EXHIBIT AH

A.	Total past due assessments and related charges through August 21, 2019	\$ 1,918.97
B.	Attorney's fees:	\$ 2,116.00
C.	Costs advanced	\$ 1,119.11

For a total due and owing of: \$ 5,154.08

10. The property should be sold by this Court, subject to taxes, existing easements, covenants, conditions and restrictions of record, and those found in The Governing Documents.

CONCLUSIONS OF LAW

I, therefore, conclude as follows:

1. The Plaintiff should have judgment of foreclosure of the lien, and the property should be sold at public auction after due advertisement.
2. The Richardsons owe the Plaintiff Five Thousand One Hundred Fifty-Four and 08/100 (\$5,154.08) Dollars, together with any and all future court awarded costs.

IT IS, ORDERED, ADJUDGED AND DECREED that

1. There is due to Plaintiff under the terms of The Governing Documents the sum of Five Thousand One Hundred Fifty-Four and 08/100 (\$5,154.08) Dollars, representing the total debt inclusive of assessments including attorney's fees, and costs through the date of today's judgment. Interest on any bid amount shall run at the rate of 8.50% per annum until paid in full.
2. The sum of Five Thousand One Hundred Fifty-Four and 08/100 (\$5,154.08) Dollars shall constitute the total debt due Plaintiff and shall bear interest at the rate of 8.50% per annum, and the Richardsons, shall pay the Plaintiff, or its attorney the amount of Plaintiff's debt on or before sales day.

EXHIBIT AH

3. If the Richardsons fail to pay the debt before the sales date, the lien premises described in the Complaint, as hereinafter set forth, shall be sold by the undersigned Special Referee or his designee at public auction at the Horry County Courthouse, Conway, South Carolina, on some convenient sales day on the following terms, that is to say:
 - a. FOR CASH: The undersigned Special Referee will require a 5% deposit in cash or certified funds on the amount of the bid to be applied on the purchase price only upon compliance with the bid, but in the case of non-compliance within thirty (30) days, the deposit shall be forfeited and applied to the costs and Plaintiff's debt.
 - b. Interest on the bid shall be paid to the day of compliance at the rate of Eight and ½ Percent (8.50%).
 - c. The sale shall be subject to taxes and assessments, existing easements and restrictions, easements and restrictions of record.
 - d. Purchaser shall pay for deed stamps and costs of recording the Special Referee's Deed.
4. If Plaintiff is the successful bidder at the foreclosure sale for a sum not exceeding the total current amount of costs, expenses, and the indebtedness of Plaintiff in full, Plaintiff may pay to the undersigned Special Referee only the amount of the costs and expenses, crediting the balance of the bid on Plaintiff's indebtedness.
5. As a personal or deficiency judgment is specifically waived, the bidding will conclude on the date of the sale.
6. The undersigned Special Referee will, by advertisement according to law, give notice of the time, place of sale, and its terms, and will execute to the Purchaser(s) a deed to the premises sold. The Plaintiff, or any other party to this action, may become a purchaser at the sale; upon the sale being made, if the Purchaser(s) should fail to comply with the bid within thirty (30) days after the date of sale, the Special Referee may advertise the said premises for sale on the next, or some other subsequent sales day, at the risk of the

EXHIBIT AH

highest bidder, and so from time to time thereafter until a full compliance shall be secured.

7. The Special Referee will apply the proceeds of sale as follows:

FIRST: to the payment of the amount of the costs and expenses of this action;

NEXT: to the payment to the Plaintiff or Plaintiff's attorney of the amount of Plaintiff's debt and interest or so much thereof as the purchase money will pay on the same;

NEXT: Any surplus will be held pending further Order of this Court.

8. **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that in the event the successful bidder is other than the Defendants, the Richardsons, in possession and a Writ of Assistance is presented, the Sheriff of Horry County is ordered and directed to eject and remove from the premises the occupants of the property sold, together with all personal property located on the property, and put the successful bidder or the bidder's assigns in peaceable possession. A valid tenant shall have his/her rights protected. (See, Protecting Tenants at Foreclosure Act of 2009, restored and revived June 23, 2018.) In the event the successful bidder is other than the Defendants, the Richardsons in possession, and the Occupants have voluntarily vacated the premises or have been ejected from the premises leaving personal property located thereon, the Plaintiff is authorized to remove from the property all abandoned personal property located there. Such personal property shall be removed by the Plaintiff or its agents from the foreclosed real estate by placing the abandoned personal property on the public street or highway so as not to cause a public nuisance.

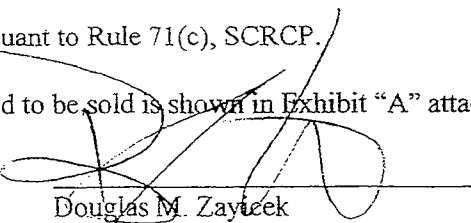
9. And it is further **ORDERED, ADJUDGED AND DECREED** that each of the Defendants named herein and all persons whosoever claiming under them or it be forever

EXHIBIT AH

barred and foreclosed of all right, title, interest, and equity of redemption in the said
liened premises sold, or any part thereof.

10. **IT IS FURTHER ORDERED** that the judgment entered against Priscilla Richardson on
behalf of Conway Hospital (CA #2018-CP-26-02216) is individually and collectively
barred and any cloud existing on this title is hereby removed.
11. **IT IS FURTHER ORDERED** that, pursuant to S.C. CODE Ann. Section 30-9-31
(Supp. 1987), the deed of conveyance made pursuant to this sale shall be indexed in the
grantor index by the Register of Deeds in the name of the owner of record of subject
property immediately prior to execution of the deed, as well as in the name of the
undersigned Special Referee, who executed the deed as grantor.
12. The undersigned Special Referee will retain jurisdiction to do all necessary acts incident
to this foreclosure including, but not limited to, the issuance of a Writ of Assistance and
the disposition of any surplus funds pursuant to Rule 71(c), SCRPC.
13. A full description of the premises ordered to be sold is shown in Exhibit "A" attached.

IT IS SO ORDERED.



Douglas M. Zayceek
Special Referee

Dated: August 27, 2019

EXHIBIT AH

EXHIBIT "A"

ALL AND SINGULAR, that certain piece, parcel, or lot of land, together with any and all improvements thereon, lying and being situate in Horry County, South Carolina, and being shown and designated as Lot 97 of Ashford on a plat prepared by James B. Godfrey, III, dated November 2, 1999, recorded November 12, 1999, in the Office of the Register of Deeds for Horry County in Plat Book 166, Page 91, reference to which is craved as forming a part and parcel hereof.

ALSO, ALL AND SINGULAR, a 1999 Brigadier Mobile Home, Serial # B47244A/B, which has been detitled and is a part of the real estate.

This being the identical property conveyed unto Larry W. Richardson and Gayle P. Richardson from Real Estate 4 U, LLC, a North Carolina Limited Liability Company by deed dated September 16, 2009 and recorded September 16, 2009 in Deed Book 3420 at Page 2014, records for Horry County, South Carolina.

TMS #: 162-33-01-082

PIN#: 39915040004

PROPERTY ADDRESS: 303 Tapscott St., Myrtle Beach, SC 29579

ELECTRONICALLY FILED - 2019 Aug 27 4:39 PM - HORRY - COMMON PLEAS - CASE#2019CP2603015

~~Incl. b~~

EXHIBIT AI

EXHIBIT A



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

November 13, 2019

Larry W. Richardson
303 Tapscott Street
Myrtle Beach SC 29579

Re: Ashford Subdivision v. Larry Richardson
Appellate Case No. 2019-001630

Dear Counsel:

The Court received your correspondence stating that there is no transcript to be ordered in this appeal. Thus, the next filing deadline is the appellant's initial brief and designation of matter to be included in the record on appeal within thirty (30) days of the date of this letter.

Very truly yours,


CLERK

cc: Elizabeth J. Saraniti, Esquire

EXHIBIT AJ

EXHIBIT AJ

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM HORRY COUNTY

Court of Common Pleas
Douglas M. Zayicek, Special Referee

Appellate Case No. 2019-001630

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DEC 10 2019
SC Court of Appeals

Larry W. Richardson, Appellant,

v.

Ashford Subdivision Homeowners'
Association, Inc., Respondent.

[INITIAL] BRIEF OF APPELLANT

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The SPECIAL REFEREES REPORT ORDER FOR JUDGMENT
AND JUDGMENT OF FORCLOSURE AND SALE dated Aug. 27,
2019 8,9,10&11

STATEMENT OF ISSUES ON APPEAL

- Issue # 1 What authority did the HOA have to make me a member?
- Issue # 2 I challenge the legality of the so called hearing conducted by the
“Special Referee” that was held on August 21, 2019.
- Issue # 3 I take issue with the accuracy of information presented in the
ruling made against me in the SPECIAL REFEREES REPORT
ORDER FOR JUDGMENT AND JUDGMENT OF
FORECLOSURE AND SALE issued by Mr. Doug Zayicek on
August 27, 2019 and filed with the Court of Common Pleas on
that date. There are 6 points of disagreement.

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- Issue # 4 I contend that it is impossible for the referee to issue any conclusion considering that no evidence was ever presented in the hearing.
- Issue # 5 I contend that the entire process as it unfolded denied my U.S. Constitutional right to a trial by jury granted in the Constitution of the United States.
- Issue # 6 I contend that the results of the ruling that my house could be sold is a violation of the Constitution of the State of South Carolina.

STATEMENT OF THE CASE

History of the proceedings

- September 16, 2009 I purchased my home for cash.
- May 2013 thru June 2017 I received numerous communications from two different real estate management companies. I replied to their initial requests.
- Mid June thru late August 2019 I received numerous communications from FirstService Residential. I replied to their original demand for back dues.
- On or about Nov. 6, 2019 I received notice of a 'lien' being filed against me.

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On or about May 27, 2019

I received a LIS PENDINS
(Foreclosure)(Non-Jury), a CERTIFICATE
OF EXEMPTION FROM ADR DOCKET
NO. 2019-CP-26, and a 7 page SUMMONS.

I responded and filed my reply with the Horry
County Clerk of Court's office on June 19,
2019.

On or about July 3, 2019

I received a letter from the plaintiff's lawyer
that mentioned a "proposed Order of
Reference" (which did not accompany the
letter). Other documents came with the letter,
a CERTIFICATE OF MAILING, an
AFFIDAVIT OF DEFAULT, and a
CERTIFICATE OF MAILING that concerned
documents mailed to Conway Hospital.

On or about July 19, 2019

I received a copy of a letter sent by Ms.
Saraniti (the plaintiff's lawyer) to a Mr. Doug
Zayicek (the referee).

On or about 24 July, 2019

I received a letter from Ms. Saraniti
transmitting a copy of an ORDER OF
REFERENCE, an EMAIL REPORT reference

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the participation of Mr. Doug Zayicek, an AFFIDAVIT OF DEFAULT, a CERTIFICATE OF MAILING, and a NOTICE OF HEARING. I responded by calling the number given within the time specified that I would be present at the hearing.

August 21, 2019

The 'hearing' was held.

On or about Aug. 31, 2019

I received a letter from Ms. Saraniti that included the NOTICE OF SALE and a CERTIFICATE OF MAILING.

September 11, 2019

I hand delivered a cashier's check for \$5,593.00 to Ms. Saraniti's office. I was given a receipt for the check.

September 23, 2019

I prepared and mailed a letter to the South Carolina Court of Appeals stating my intention to appeal the finding of the referee.

On or about Sep. 25, 2019

I received a letter from Ms. Saraniti containing a SATISFACTION OF JUDGMENT AND RELEASE OF LIS PENDENS, a SATISFACTION OF LIEN, and an HORRY

EXHIBIT AJ

COUNTY REGISTER OF DEEDS TRANSMITTAL SHEET.

October 4, 2019

I prepared a PROOF OF SERVICE document and submitted it to the SCCOA.

October 15, 2019

I prepared and submitted a corrected copy of the PROOF OF SERVICE. I also submitted an AMENDED NOTICE OF APPEAL.

On or about Nov. 15, 2019

I received a letter from the SCCOA informing me of the deadline for submitting this initial brief.

STANDARD OF REVIEW

This being a civil case I presume the standard for making decisions will be by a preponderance of the evidence on each element of the case.

ARGUMENT

Does an HOA or POA have the legal right to force a person to be a member?

The facts are that nowhere in any of the paperwork that was provided me at the time I purchased my home did the subject of an HOA or POA ever present

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itself. In fact, the real estate agent I used informed my wife and I that there was no HOA or POA. I had made sure he was aware that I was not interested in buying in any community that had one. Beyond the preceding information, I was aware, because of research I had done concerning SC laws on the subject of HOAs, that SC Title 33, Chapter 31, Article 6, Subarticle A (b), Section 3331601 clearly says, "No person may be admitted as a member without his consent.". This is further emphasized by Title 27, Chapter 30, Article 1, Section 2730170, known as the South Carolina Nonprofit Corporation Act. Which says, "No provision of this article may be construed to be in conflict with the provisions of the South Carolina Nonprofit Corporation Act.". The aforementioned Title 33, Chapter 31 referred to is known as the South Carolina Nonprofit Corporation Act. In addition to the above two facts, the current organizational papers on file in Horry County records shows that it was organized on October 8, 2012, and it was calling itself a POA at that time. How is it that an HOA?/POA? Can claim with it's organizational papers filed on October 8, 2012 have jurisdiction over someone who purchased their home 3 years earlier? Wouldn't the no ex post facto law provision of the Constitution of South Carolina, Article 1, Section 4, which says" No bill of attainder, ex post facto law, law impairing the obligation of contracts, nor law granting any title of nobility or hereditary emolument, shall be passed, and no conviction shall work corruption of blood or forfeiture of estate."

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The very existence of a hearing conducted by a 'Special Referee' in Horry County is not legal.

Title 15, Chapter 39, Article 5, Section 1530635 of the SC Code of Laws says, "In the counties which do not have a masterinequity, judicial sales of real property which a master has authority to perform may be performed by a referee in those matters referred to him by the presiding judge of the court of common pleas, or by a referee appointed by the presiding judge for this purpose." It seems clear to me that since Horry County does have a masterinequity the use of a referee is not provided for in SC Law.

Six inaccuracies or omissions of facts are found in the SPECIAL REFEREES REPORT ORDER FOR JUDGMENT AND JUDGMENT OF FORECLOSURE AND SALE.

(one) In the second paragraph of the judgment Mr. Zayicek states that I tried to intimidate him by "getting within inches of the Special Referee's face", in reality I did lean towards him and stared at him, AFTER he glared at me, scooted his chair closer to the corner of the table, and leaned noticeably closer to me. As to the matter of "inches", that is subjective, to the best of my recollection

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the closest distance between our eyes was probably around 36 inches.

(two) Under the FINDINGS OF FACT paragraph 4 of the judgment document, I have no idea what Patricia Richardson, who I do not know nor know of, and the Conway Hospital have to do with the case. I assumed it was something the HOA was throwing at me to enhance their scare tactics.

(three) Under the FINDINGS OF FACT paragraph 5 of the judgment document, when I stated that my answering the complain also amounted to my wife doing so, Mr. Zayicek that in South Carolina it did not. I told it did in my house, and I believe I have a higher authority than even the Constitution of the United States to back me up. In the KJV Bible Matthew 5:5-6 says, "And said, For this cause shall a man leave father and mother, and shall cleave to his wife: and they twain shall be one flesh? Wherefore they are no more twain, but one flesh. What therefore God hath joined together, let no man put asunder."

(four) The document mentioned in paragraph 6 of the FINDINGS OF FACT of the judgment document was never presented

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before the Special Referee during the hearing. In fact NO evidence at all was ever presented in the meeting. The only possible time it could have been shown to him would have been in the approximately 20 minutes that the HOA lawyer (Ms. Saraniti) and the Special Referee (Mr. Zayicek) were in the meeting room before my wife, my neighbor and I were asked to come in. (I believe this may just be a textbook example of an improper ex parte contact.) Since NO evidence at all was presented in the meeting, how can the referee make a ruling based on the preponderance of the evidence?

(five) The amount of payment due according to paragraph 9(c) of the FINDINGS OF FACT of the judgment document shows \$5,154.08 as the amount due, while the amount, relayed to a friend (lawyer) friend of mine from Ohio who I asked to help me by asking the lawyer for the HOA (Ms. Saraniti) what the amount needed to keep my house from going up for auction would be, was \$5,593.00. I know a few days passed between the ruling and my friend's inquiry, but the reason I ask him to make the inquiry for me was because I

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had not received the judgment document or any communication telling me the amount needed.

- (six) The fact that my neighbor accompanied me, and was present in the meeting, was totally ignored in the Special Referee's account. I had a specific reason to ask my neighbor to come with me, exactly because I wanted a witness to the proceedings because I thought it might not be totally proper. In my opinion I was correct in my suspicions.

No decisions could possibly been made in this case.

Since there was absolutely no evidence presented before the referee during the truncated hearing, it is impossible that he could rule against me based on a preponderance of the evidence.

My seventh amendment rights of the U. S, Constitution were violated.

At no point during all of the proceedings against me was I ever presented the opportunity to demand my trial by jury.

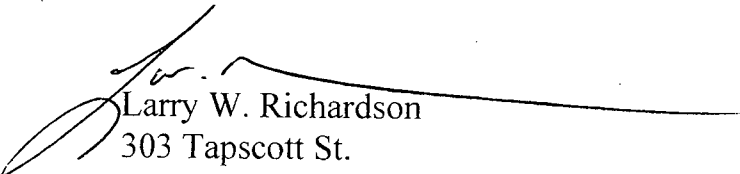
The Constitution of the State of South Carolina was not followed.

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Article 1, Section 4 of the Constitution of South Carolina clearly states that,
“and no conviction shall work corruption of blood or forfeiture of estate.”.

CONCLUSION

1. That the ruling of the Special Referee be reversed or thrown out entirely.
2. That my \$5,593.00 be returned as soon as possible, and that I be provided written documentation that I can not be forced to be a member of any HOA.
3. If it is thrown out instead of being reversed I want my opportunity to present my case before a jury.



Larry W. Richardson
303 Tapscott St.
Myrtle Beach, SC 29579
(843) 957-8180
Appellant

Other Counsel of Record:
Elizabeth J. Saraniti
Post Office Box 14737
Surfside Beach, SC 29587-4737
Attorney for Respondent
(843) 650-9757

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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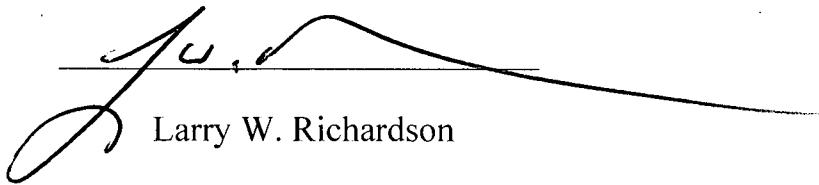
Ashford Subdivision Homeowners' Association, Inc.,Respondent.

Appellate Case No. 2019-01630

PROOF OF SERVICE

I certify that I have served the MEMORANDA CONTRA TO
MEMORANDUM OF LAW IN SUPPORT OF RESPONDENT'S MOTION
TO DISMISS to Respondent on January 17, 2019 by hand carrying the
document to attorney Elizabeth J. Saraniti's office.

January 17, 2019



Larry W. Richardson

303 Tapscott St.
Myrtle Beach, SC 29579
(843) 957-8180
Appellant

Other Counsel of Record:
Elizabeth J. Saraniti
Post Office Box 14737
Surfside Beach, South Carolina 29587-4737
Attorney for Respondent
(843) 650-9757

Document submitted by Appellant Larry W. Richardson, 303 Tapscott St,
Myrtle Beach, SC; 29579 (843) 957-8180