

THE STATE OF SOUTH CAROLINA
IN SOUTH CAROLINA COURT OF APPEALS
APPEAL FROM LEE COUNTY

CASE NUMBER: 2019-000361

Laura Toney

Appellant,

Vs.

United States of America, acting
through the Farmers Home
Administration, United States
Department of Agriculture

Respondents.

RECORD ON APPEAL

USDA
1520 Market Street
St. Louis, Mo. 63103

RECEIVED
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SC Court of Appeals

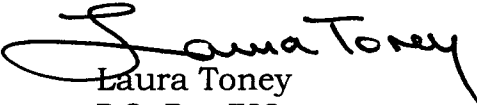

Laura Toney
P.O. Box 722
Bishopville, SC 29010
(803) 459-6006

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STATE OF SOUTH CAROLINA)

COUNTY OF Lee)

Laura Toney)

Plaintiff(s))

vs.)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

17 -CP-31-141

JURY TRIAL DEMANDED

COMPLAINT FOR FRAUD

UNITED STATES OF AMERICA, ACTING THROUGH THE FARMERS HOME ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE
UNITED STATES OF AMERICA, ACTING THROUGH THE FARMERS HOME ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE

USDA 1520 Market Street, St. Louis, MO 63103

Defendant(s))

(Please Print)

Submitted By: Laura Toney

P.O. Box 722

Bishopville, SC 29010

Address:

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:



NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint.

This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.

This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.

This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

Contracts
Constructions (100)
Debt Collection (110)
Employment (120)
General (130)
Breach of Contract (140)
Other (199)

Torts - Professional Malpractice
Dental Malpractice (200)
Legal Malpractice (210)
Medical Malpractice (220)
Previous Notice of Intent Case #
20 -CP- _____
Notice/ File Med Mal (230)
Other (299)

Torts - Personal Injury
Assault/Slander/Libel (300)
Conversion (310)
Motor Vehicle Accident (320)
Premises Liability (330)
Products Liability (340)
Personal Injury (350)
Wrongful Death (360)
Other (399)

Real Property
Claim & Delivery (400)
Condemnation (410)
Foreclosure (420)
Mechanic's Lien (430)
Partition (440)
Possession (450)
Building Code Violation (460)
Other (499)

Inmate Petitions
PCR (500)
Mandamus (520)
Habeas Corpus (530)
Other (599)

Judgments/Settlements
Death Settlement (700)
Foreign Judgment (710)
Magistrate's Judgment (720)
Minor Settlement (730)

Administrative Law/Relief
Reinstate Driver's License (800)
Judicial Review (810)
Relief (820)
Permanent Injunction (830)

Appeals
Arbitration (900)
Magistrate-Civil (910)
Magistrate-Criminal (920)
Municipal (930)

Transcript Judgment (740)
Lis Pendens (750)
Transfer of Structured
Settlement Payment Rights
Application (760)
Other (799)

Forfeiture-Petition (840)
Forfeiture—Consent Order (850)
Other (899)

Probate Court (940)
SCDOT (950)
Worker's Comp (960)
Zoning Board (970)
Public Service Commission (990)
Employment Security Comm (991)

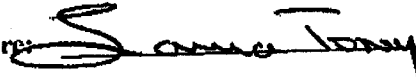
Special/Complex /Other

Environmental (600)
Automobile Arb. (610)
Medical (620)
Other (699)

Pharmaceuticals (630)
Unfair Trade Practices (640)
Out-of State Depositions (650)
Motion to Quash Subpoena in an
Out-of-County Action (660)
Sexual Predator (510)

Other (999)

Submitting Party Signature:



Date:

5-30-17

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY

Allendale, Anderson, Beaufort, Clarendon, Colleton, Florence, Greenville, Hampton, Horry, Jasper, Lee, Lexington, Pickens (Family Court Only), Richland, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.

Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)

Cases are exempt from ADR only upon the following grounds:

Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;

Requests for temporary relief;

Appeals

Post Conviction relief matters;

Contempt of Court proceedings;

Forfeiture proceedings brought by governmental entities;

Mortgage foreclosures; and

Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.

In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.

Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF LEE
LAURA TONEY,

PLAINTIFF

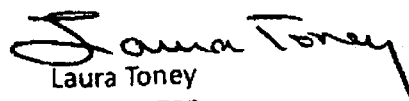
VS.

UNITED STATES OF AMERICA, ACTING
THROUGH THE FARMERS HOME
ADMINISTRATION, UNITED STATES
DEPARTMENT OF AGRICULTURE
UNITED STATES OF AMERICA, ACTING
THROUGH THE FARMERS HOME
ADMINISTRATION, UNITED STATES
DEPARTMENT OF AGRICULTURE

DEFENDANTS.

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the complaint in the
above-entitled action, a copy of which is hereby served upon you, USDA 1520
Market Street, St. Louis, MO 63103 and to serve a copy of your Answer upon the
Plaintiff, within (30) days after the date of service, exclusive within the time
aforesaid, judgment for the relief demanded in the Complaint shall be entered
against you.

May 30, 2017


Laura Toney
P.O. Box 722
Bishopville, SC 29010



SUMMONS

VERIFICATION

I, Laura Toney, am the Defendant in the above-entitled action. I have read the foregoing Complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Bishopville, South Carolina.



**THE STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS
COUNTY OF LEE**

Laura Toney

Plaintiffs,

v.

**MAXIE LEE THOMAS, JR. AKA
MAXIE LEE THOMAS, DECEASED, and all
Other heirs at law and/or distributes of Maxie
Lee Thomas, Jr., a/k/a Maxie Lee Thomas, deceased
His heirs, personal representatives, executors,
Administrators, successors and assigns, and
Any spouses if any he has, and all persons
Entitled to claim under or through him or any
Right, title, estate, interest in or lien upon the
Real estate described in the Complaint
Herein; also any persons who may be in the
Military service of the United States of
America, being a class designated as John
Doe; and any unknown minors or persons
Under a disability being a class designated as
Richard Roe, Laura Ann Toney, and
Brittany Nicole Thomas.**

Plaintiff,

vs.

**United States of America, acting
through the Farmers Home
Administration, United States
Department of Agriculture**

Defendants.

COMPLAINT FOR FRAUD

(JURY TRIAL DEMANDED)

Plaintiff complains and for causes of action alleges as follows:

FIRST CAUSE OF ACTION

(For Fraud Against Laura Toney and Fraud on the Court)

1. Defendant, USDA and at all times herein mentioned is a citizen of a State other than South Carolina.
2. Defendant, USDA is and at all times herein mentioned, was a Corporation organized and existing under the laws of the State of South Carolina with principle offices located at **USDA 1520 Market Street, St. Louis, MO 63103**
3. The Plaintiff, Laura Toney, is a citizen of Lee County. Plaintiff is informed and believes and thereon alleges that, at all times herein mentioned, each of the defendants sued herein was the agent and employee of each of the remaining defendants and was at all times acting within the purpose and scope of such agency and employment.
5. On or about August 2009, Defendant falsely and fraudulently represented to Plaintiff that they were the true Attorneys in this case. These representations made by defendants were in fact false.

SECOND CAUSE OF ACTION
(VIOLATION OF SOUTH CAROLINA SUPREME COURT ORDER FILED
SEPTEMBER 10, 2015)

All motions filed on or after September 10, 2015, be disposed of within 90 days of the date of filing, absent extraordinary circumstances. The Clerks of Court in the pilot counties shall submit reports to the Supreme Court every three months, beginning three months after the date of this Order. The report shall contain the status of all pending motions, including the number pending, the date filed, and if requested by the Chief Justice or Court Administration, the reason any motion pending over 90 days has not been decided. This Motion was filed October 17, 2016, which is pass the 90 day deadline. The Plaintiff feels that the Court of Common Pleas has no jurisdiction to hear this case and the judgment is null and void. ALSO,

An attorney "shall" file and serve an opposing memorandum within 30 days after service of the motion, including any supporting affidavits and exhibits. Based on the language of the Supreme Court's order, an attorney on the receiving end of a motion must file an opposing memorandum. The memorandum cannot exceed 35 double-spaced pages, unless the court grants an exception. The 30-day filing deadline does not affect the time period in Rule 59(c), SCRPC, which provides only 10 days to file opposing affidavits in response to a motion for a new trial based on affidavits. There was no answer filed by the opposing party in this case.

THIRD CAUSE OF ACTION
(UNAUTHORIZED PRACTICE OF LAW)

The Unauthorized Practice of Law is directed to S. Bryan Doby's office. The Plaintiff feels that it would be unethical for Mr. Doby to trial a case that is adverse to him and his office.

FOURTH CAUSE OF ACTION
(VIOLATION OF DUE PROCESS)

The Requirements of Due Process.—Although due process tolerates variances in procedure "appropriate to the nature of the case," it is nonetheless possible to identify its core goals and requirements. First, "[p]rocedural due process rules are meant to protect persons not from the deprivation, but from the mistaken or unjustified deprivation of life, liberty, or property." Thus, the required elements of due process are those that "minimize substantively unfair or mistaken deprivations" by enabling persons to contest the basis upon which a State proposes to deprive them of protected interests. The core of these requirements is notice and a hearing before an impartial tribunal. Due process may also require an opportunity for confrontation and cross-examination, and for discovery; that a decision be made based on the record, and that a party be allowed to be represented by counsel.

Ballard v. Hunter, (1907); Palmer v. McMahon, (1890).

For instance, proceedings to raise revenue by levying and collecting taxes are not necessarily judicial proceedings, yet their validity is not thereby impaired. Palmer v. McMahon, (1890) Railroad Comm'n v. Rowan & Nichols Oil Co., (1941) (oil field proration order). See also Railroad Comm'n v. Rowan & Nichols Oil Co., (1940) (courts should not second-guess regulatory commissions in evaluating expert testimony) See, e.g., Moore v. Johnson, 582 F.2d 1228, 1232 (9th Cir. 1978) (upholding the preclusion of judicial review of decisions of the

Veterans Administration regarding veteran's benefits). **Some form of hearing is required before an individual is finally deprived of a property**

Mullane v. Central Hanover Trust Co., (1950). Carey v. Phipus, (1978). "[P]rocedural due process rules are shaped by the risk of error inherent in the truth-finding process as applied to the generality of cases." Mathews v. Eldridge, (1976) Fuentes v. Shevin, 1972). At times, the Court has also stressed the dignitary importance of procedural rights, the worth of being able to defend one's interests even if one cannot change the result. Carey v. Phipus, (1978); Marshall v. Jerrico, Inc., (1980); Nelson v. Adams, S. Ct. 1579 (2000) (amendment of judgement to impose attorney fees and costs to sole shareholder of liable corporate structure invalid without notice or opportunity to dispute).

(1) **Notice.** "An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." This may include an obligation, upon learning that an attempt at notice has failed, to take "reasonable follow up measures" that may be available. The notice must be sufficient to enable the recipient to determine what is being proposed and what he must do to prevent the deprivation of his interest. Ordinarily, service of the notice must be reasonably structured to assure that the person to whom it is directed receives it. Such notice, however, need not describe the legal procedures necessary to protect one's interest if such procedures are otherwise set out in published, generally available public sources.

(2) **Hearing.** "[S]ome form of hearing is required before an individual is finally deprived of a property [or liberty] interest." This right is a "basic aspect of the duty of government to follow a fair process of decision making when it acts to deprive a person of his possessions. The purpose of this requirement is not only to ensure abstract fair play to the individual. Its purpose, more particularly, is to protect his use and possession of property from arbitrary

encroachment ..." Thus, the notice of hearing and the opportunity to be heard "must be granted at a meaningful time and in a meaningful manner." *Mullane v. Central Hanover Trust Co.*, (1950). See also *Richards v. Jefferson County*, (1996) (res judicata may not apply where taxpayer who challenged a county's occupation tax was not informed of prior case and where taxpayer interests were not adequately protected).

Jones v. Flowers, (2006) (state's certified letter, intended to notify a property owner that his property would be sold unless he satisfied a tax delinquency, was returned by the post office marked "unclaimed"; the state should have taken additional reasonable steps to notify the property owner, as it would have been practicable for it to have done so.) *Goldberg v. Kelly*, (1970). *Armstrong v. Manzo*, 1965); *Robinson v. Hanrahan*, 1974); *Greene v. Lindsey*, (1982). *City of West Covina v. Perkins*, (1999). *Mathews v. Eldridge*, 1976). "Parties whose rights are to be affected are entitled to be heard." *Baldwin v. Hale*, 1863). *Fuentes v. Shevin*, (1972). See *Joint Anti-Fascist Refugee Committee v. McGrath*, (1951) (Justice Frankfurter concurring). *Armstrong v. Manzo*, (1965)

(3) Impartial Tribunal. Just as in criminal and quasi-criminal cases, an impartial decision maker is an essential right in civil proceedings as well. "The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law... At the same time, it preserves both the appearance and reality of fairness . . . by ensuring that no person will be deprived of his interests in the absence of a proceeding in which he may present his case with assurance that the arbiter is not predisposed to find against him." Thus, a showing of bias or of strong implications of bias was deemed made where a state optometry board, made up of only private practitioners, was proceeding against other licensed optometrists for unprofessional conduct because they were employed by corporations. Since success in the board's effort would redound to the personal benefit of private practitioners, the Court thought the interest of

the board members to be sufficient to disqualify them. There is, however, a "presumption of honesty and integrity in those serving as adjudicators," so that the burden is on the objecting party to show a conflict of interest or some other specific reason for disqualification of a specific officer or for disapproval of the system. Thus, combining functions within an agency, such as by allowing members of a State Medical Examining Board to both investigate and adjudicate a physician's suspension, may raise substantial concerns, but does not by itself establish a violation of due process.⁷⁰⁹ The Court has also held that the official or personal stake that school board members had in a decision to fire teachers who had engaged in a strike against the school system in violation of state law was not such so as to disqualify them. Sometimes, to ensure an impartial tribunal, the Due Process Clause requires a judge to recuse himself from a case. In *Caperton v. A. T. Massey Coal Co., Inc.*, the Court noted that "most matters relating to judicial disqualification [do] not rise to a constitutional level," and that "matters of kinship, personal bias, state policy, [and] remoteness of interest, would seem generally to be matters merely of legislative discretion." The Court added, however, that "[t]he early and leading case on the subject" had "concluded that the Due Process Clause incorporated the common-law rule that a judge must recuse himself when he has 'a direct, personal, substantial, pecuniary interest' in a case." In addition, although "[p]ersonal bias or prejudice 'alone would not be sufficient basis for imposing a constitutional requirement under the Due Process Clause,'" there "are circumstances 'in which experience teaches that the probability of actual bias on the part of the judge or decision maker is too high to be constitutionally tolerable.'" These circumstances include "where a judge had a financial interest in the outcome of a case" or "a conflict arising from his participation in an earlier proceeding." In such cases, "[t]he inquiry is an objective one. The Court asks not whether the judge is actually, subjectively biased, but whether the average judge in his position is 'likely' to be neutral, or whether there is an unconstitutional 'potential for bias.'" In *Caperton*, a company

appealed a jury verdict of \$50 million, and its chairman spent \$3 million to elect a justice to the Supreme Court of Appeals of West Virginia at a time when "[i]t was reasonably foreseeable . . . that the pending case would be before the newly elected justice."³⁵ This \$3 million was more than the total amount spent by all other supporters of the justice and three times the amount spent by the justice's own committee. The justice was elected, declined to recuse himself, and joined a 3-to-2 decision overturning the jury verdict. The Supreme Court, in a 5-to-4 opinion written by Justice Kennedy, "conclude[d] that there is a serious risk of actual bias — based on objective and reasonable perceptions — when a person with a personal stake in a particular case had a significant and disproportionate influence in placing the judge on the case by raising funds or directing the judge's election campaign when the case was pending or imminent."³⁶ *Turney v. Ohio*, (1927)); *In re Murchison*, (1955). *Goldberg v. Kelly*, (1970). *Marshall v. Jerrico* (1980); *Schweiker v. McClure*, (1982). *Gibson v. Berryhill*, (1973). Or, the conduct of deportation hearings by a person who, while he had not investigated the case heard, was also an investigator who must judge the results of others' investigations just as one of them would someday judge his, raised a substantial problem which was resolved through statutory construction). *Wong Yang Sung v. McGrath*, (1950). *Schweiker v. McClure*, (1982); *Withrow v. Larkin*, (1975); *United States v. Morgan*, (1941). *Withrow v. Larkin*, (1975). Where an administrative officer is acting in a prosecutorial, rather than judicial or quasi-judicial role, an even lesser standard of impartiality applies. *Marshall v. Jerrico*, (1980) (regional administrator assessing fines for child labor violations, with penalties going into fund to reimburse cost of system of enforcing child labor laws). But "traditions of prosecutorial discretion do not immunize from judicial scrutiny cases in which enforcement decisions of an administrator were motivated by improper factors or were otherwise contrary to law." *Id.* at 249. *Hortonville Joint School Dist. v. Hortonville Educ. Ass'n*, (1976). Compare *Arnett v. Kennedy* n.5 (1974) (Justice Powell), *with id.* at 196-99

(Justice White), and 216 (Justice Marshall). S. Ct. 2252, 2259 (2009) (citations omitted). S. Ct. at 2259, quoting *Tumey v. Ohio*, (1927). S. Ct. at 2259 (citations omitted). 33129 S. Ct. at 2259-60, 2261. 34129 S. Ct. at 2262 (citations omitted). 35129 S. Ct. at 2264. 36129 S. Ct. at 2263-64. Chief Justice Roberts, joined by Justices Scalia, Thomas, and Alito, dissented, asserting that "a 'probability of bias' cannot be defined in any limited way," "provides no guidance to judges and litigants about when recusal will be constitutionally required," and "will inevitably lead to an increase in allegations that judges are biased, however groundless those charges may be." *Id.* at 2267. The majority countered that "[t]he facts now before us are extreme in any measure." *Id.* At 2265.

(4) Confrontation and Cross-Examination. "In almost every setting where important decisions turn on questions of fact, due process requires an opportunity to confront and cross-examine adverse witnesses." Where the "evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy," the individual's right to show that it is untrue depends on the rights of confrontation and cross-examination. "This Court has been zealous to protect these rights from erosion. It has spoken out not only in criminal cases, . . . but also in all types of cases where administrative . . . actions were under scrutiny."

(5) Discovery. The Court has never directly confronted this issue, but in one case it did observe in *dictum* that "where governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue." Some federal agencies have adopted discovery rules modeled on the Federal Rules of Civil Procedure, and the Administrative Conference has recommended that all do so. There appear to be no cases, however, holding they must, and there is some

authority that they cannot absent congressional authorization.

(6) Decision on the Record. While this issue arises principally in the administrative law area, it is applicable generally. "[T]he decision maker's conclusion . . . must rest solely on the legal rules and evidence adduced at the hearing. . . . To demonstrate compliance with this elementary requirement, the decision maker should state the reasons for his determination and indicate the evidence he relied on . . . though his statement need not amount to a full opinion or even formal findings of fact and conclusions of law."Goldberg v. Kelly, (1970). See also CC v. Louisville & Nashville R.R., (1913). Cf. § 7(c) of the Administrative Procedure Act, 5 U.S.C. § 556(d). Greene v. McElroy,(1959). The Plaintiff, who is the sister and Personal Representative of the estate of her deceased brother, Maxie Lee Thomas, Jr., was denied due process in defending this case during the foreclosure hearing dated April 13, 2016. The Appellant was having serious medical problems and notified the courts with a doctor's excuse from the hospital before the hearing. Judge Doby, Master In Equity, denied her request. The Exparte Hearing went forward without the Defendant present. The Appellant collapsed in court and the EMS was called at the beginning of the hearing on June 22, 2016, and the Appellant was unable to present her side. Judge Doby wrote in his Order that the Appellant collapsed at the conclusion of the hearing. The transcript will show that Judge Doby was not honest in his Order. The Appellant collapsed in the middle of the hearing. The EMS was called and the hearing was adjourned. The Appellant did not get an opportunity to present her case. **In his Order for Foreclosure and Sale he stated in his Order that the hearing held on June 22, 2016, was concluded. The transcript will prove that Judge Doby committed perjury in his order.**

interest. Armstrong v. Manzo, (1965); Robinson v. Hanrahan, (1974); Greene v. Lindsey, (1982) This right is a basic aspect of the duty of government to follow a fair process of decision making when it acts to deprive a person of his possessions.

The purpose of this requirement is not only to ensure abstract fair play to the individual. Its purpose, more particularly, is to protect his use and possession of property from arbitrary encroachment. *Fuentes v. Shevin*, (1972). Thus, the notice of hearing and the opportunity to be heard must be granted at a meaningful time and in a meaningful manner. *Armstrong v. Manzo* (1965).

Just as in criminal and quasi-criminal cases, and impartial decision maker is an essential right in civil proceedings as well. *Tumey v. Ohio*, (1927); *In re Murchison*, (1955). *Goldberg v. Kelly*, (1970). The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law. At the same time, it preserves both the appearance and reality of fairness by ensuring that no person will be deprived of his interests in the absence of a proceeding in which he may present his case with assurance that the arbiter is not predisposed to find against him. *Marshall v. Jerrico* (1980) *Schweiker v. McClure*, (1982). Thus a showing of bias or of strong implications of bias was deemed made where a state optometry board, made up of only private practitioners, was proceeding against other licensed optometrists for unprofessional conduct because they were employed by corporations. Since success in the board's effort would redound to the benefit of private practitioners, the Court thought the interest of the board members to be sufficient to disqualify them. *Gibson v. Berryhill*, (1973). Or, the conduct of deportation hearings by a person who while he had not investigated the case heard, was also an investigator who must judge the results of others' investigations just as one of them would some day judge his raised a substantial problem which was resolved through statutory construction. *Wong Yang Sung v. McGrath*, (1950). *Handi v. Rumsfeld* 03-6696, Supreme Court June 28, 2004; ("Procedural due process rules are meant to protect persons not from the deprivation but from the mistaken or unjustified deprivation of life, liberty, or property") see also *id* at (noting the importance to organized society that procedural due process be observed emphasizing that

the right to procedural due process is absolute in the sense that it does not depend upon the merits of a claimant's substantive assertions"). In *Boddie v. Connecticut* (1971) "These due process decisions, representing over a hundred years of effort by this court to give concrete embodiment to this concept, provide complete vindication for appellant's contentions. In particular, precedent has firmly embedded in our due process jurisprudence important principles upon whose application we rest our decisions in the case before us. Prior cases establish, first, that due process requires, at a minimum, that absent a countervailing state interest of overriding significance, persons forced to settle their claims on right and duty through the judicial process must be given a meaningful opportunity to be heard. Early in our jurisprudence, this Court voiced the doctrine that "Wherever one is assailed in his person or his property, there he may defend." *Winsor v. Mc Veigh* (1876); *Baldwin v. Hale* 1 Wall (1864); *Hover v. Elliott* (1897). "there can be no doubt that at a minimum they require that deprivation of life, liberty or property by adjudication be preceded by notice and opportunity for hearing appropriate to the nature of the case." *Id.*

Due process requires that the procedures by which laws are applied must be evenhanded, so that individuals are not subjected to the arbitrary exercise of government power. Exactly what procedures are needed to satisfy due process, however, will vary depending on the circumstances and subject matter involved. One of the basic criteria used to establish if due process is satisfied is whether such procedure was historically required in like circumstance.

Relevance of Historical Use.—The requirements of due process are determined in part by an examination of the settled usages and modes of proceedings of the common and statutory law of England during pre-colonial times and in the early years of this country. In other words, the antiquity of a legal procedure is a factor weighing in its favor. However, it does not follow that a procedure settled in English law and adopted in this country is, or remains, an essential element of due process of law. If that were so, the procedure of the first half of the

seventeenth century would be "fastened upon American jurisprudence like a strait jacket, only to be unloosed by constitutional amendment." Fortunately, the States are not tied down by any provision of the Constitution to the practice and procedure which existed at the common law, but may avail themselves of the wisdom gathered by the experience of the country to make changes deemed to be necessary.

A passing reference by Justice O'Connor in a concurring opinion in *Glucksberg* and its companion case *Vacco v. Quill* may, however, portend a liberty interest in seeking pain relief, or "palliative" care. *Glucksberg and Vacco*, (Justice O'Connor, concurring).

Thus, where a litigant had the benefit of a full and fair trial in the state courts, and his rights are measured, not by laws made to affect him individually, but by general provisions of law applicable to all those in like condition, he is not deprived of property without due process of law, even if he can be regarded as deprived of his property by an adverse result. *Marchant v. Pennsylvania R.R.*, (1894).

Hagar v. Reclamation Dist., (1884). "Due process of law is [process which], following the forms of law, is appropriate to the case and just to the parties affected. It must be pursued in the ordinary mode prescribed by law; it must be adapted to the end to be attained; and whenever necessary to the protection of the parties, it must give them an opportunity to be heard respecting the justice of the judgment sought. Any legal proceeding enforced by public authority, whether sanctioned by age or custom or newly devised in the discretion of the legislative power, which regards and preserves these principles of liberty and justice, must be held to be due process of law." *Id. At ; Accord, Hurtado v. California*, (1884).

Twining v. New Jersey, (1908); *Brown v. New Jersey*, (1899). "A process of law, which is not otherwise forbidden, must be taken to be due process of law, if it can show the sanction of settled usage both in England and this country." *Hurtado v. California*, 110 U.S.

Twining, 211 U.S. at 101.687 *Hurtado v. California*, (1884); *Brown v. New Jersey*, (1899);

Anderson Nat'l Bank v. Lockett, (1944).

FIFTH CAUSE OF ACTION

(FRAUD)

Extrinsic fraud is fraud that induces a person not to present a case or deprives a person of the opportunity to be heard. Relief is granted for extrinsic fraud on the theory that because the fraud prevented a party from fully exhibiting and trying his/her case. Rule 60(b)(3) of the South Carolina Rules of Civil Procedure allows a party to make a motion within one year (or as soon as reasonable) to set aside a judgment based on fraud. Whether a court will grant a new trial depends on whether the fraud is "intrinsic" or "extrinsic." South Carolina's courts may set aside a judgment if the fraud is considered extrinsic but will not void the judgment if the fraud is intrinsic. Intrinsic fraud is defined as "fraud which misleads a court in determining issues and induces the court to find for the party perpetrating the fraud. The classic case of intrinsic fraud is perjured testimony or presenting forged documents at trial. Allegations that a party failed to disclose documents also generally amount to intrinsic, rather than extrinsic, fraud." Stated another way, intrinsic fraud is fraud that was presented to the court and considered at trial. Unfortunately, as unfair as it may seem, there is little to be done under these circumstances. **Essentially, the court does not grant relief for intrinsic fraud based on a theory that this type of deception should be discovered during the lawsuit itself and that if the court allows relief for intrinsic fraud, then the stability of all judgments may be undermined.**

Fraud upon the court is "fraud which . . . subvert[s] the integrity of the Court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication." Evans v. Gunter, S.E.2d 44, 46 (Ct. App. 1988) (emphasis added) (quoting

Lightsey & Flanagan, supra,). It has also been defined as "fraud that does, or at least attempts to, defile the court itself" Moore's Federal Practice § 60.21[4][a] (3d. ed. 2000). Historically, after the period to claim relief under Rule 60(b)(1) through (3), SCRPC, has expired, courts have required a showing of extrinsic fraud to vacate a judgment. See Hagy v. Pruitt, 339 S.C. S.E.2d 714, 717 (2000); Evans, 294 S.C. at 529, 366 S.E.2d at 46.

South Carolina law maintains a distinction between intrinsic and extrinsic fraud. Mr. G v. Mrs. G, 320 S.C. S.E.2d (Ct. App. 1995) (Hearn, J. dissenting). "Intrinsic fraud refers to fraud presented and considered in the judgment assailed, including perjury and forged documents presented at trial." Evans, 294 S.C. at 529, 366 S.E.2d at 46. It is fraud which "goes to the merits of the prior proceeding which the moving party should have guarded against at the time." City of San Francisco v. Cartagena, 41 Cal. (Cal. Ct. App. 1995), quoted with approval in Mr. G, S.E.2d at 103. By contrast, extrinsic fraud "refers to frauds collateral or external to the matter tried such as bribery or other misleading acts which prevent the movant from presenting all of his case or deprives one of the opportunity to be heard." Lightsey & Flanagan supra, at 486; see also Hilton Head Ctr., Inc. v. Pub. Serv. Comm'n, S.E.2d 176, 177 (1987) ("Extrinsic fraud is fraud that induces a person not to present a case or deprives a person of the opportunity to be heard."). The South Carolina Supreme Court states: Our Court has not previously defined fraud upon the court in connection with setting aside a final judgment. In Evans v. Gunter, S.C. S.E.2d (Ct. App. 1988), the Court of Appeals noted one commentator described "fraud upon the court" as "that species of fraud which does, or attempts to, subvert the integrity of the Court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication." (citing H. Lightsey, J. Flanagan, South Carolina Civil Procedure, (2nd ed. 1985).

Other jurisdictions describe fraud upon the court as follows:

Generally speaking, only the most egregious misconduct, such as bribery of a judge or members of a jury, or the fabrication of evidence by a party in which an attorney is implicated will constitute fraud on the court. Less egregious misconduct, such as nondisclosure to the court of facts allegedly pertinent to the matter before it, will not ordinarily rise to the level of fraud on the court. Rozier v. Ford Motor Co., F.2d 1332, 1338 (5th Cir. 1978) citing United States v. Int'l Telephone & Telegraph Corp., F.Supp. 22, 29 (D. Conn. 1972) (internal citations omitted). Fraud upon the court is a "serious allegation . . . involving 'corruption of the judicial process itself.'" Cleveland Demolition Co., Inc. v. Azcon Scrap Corp., *supra* F.2d at quoting In re Whitney-Forbes, F.2d (7th Cir. 1985). . . . '[F]raud on the court,' whatever else it embodies, requires a showing that one has acted with an intent to deceive or defraud the court. A proper balance between the interests of finality on the one hand and allowing relief due to inequitable conduct on the other makes it essential that there be a showing of conscious wrongdoing - - what can properly be characterized as a deliberate scheme to defraud - - before relief from a final judgment is appropriate. . . . Thus, when there is no intent to deceive, the fact that misrepresentations were made to a court is not of itself sufficient basis for setting aside a judgment for 'fraud on the court.'United States v. Buck, 281 F.3d 1136, 1342 (10th Cir. 2002) quoting Robinson v. Audi Aktiengesellschaft, 56 F.3d 1259, 1267 (10th Cir. 1995).

FOR A SIXTH CAUSE OF ACTION

(FORGERY)

The Defendant discovered that the Order for Substitute of Counsel has evidence of being a forgery. The signature on the Order does not match other signatures of the Honorable George James, Jr. This constitutes fraud on the court. Forgery under South Carolina Code of Law

also states: **SECTION 16-13-10. Forgery.**

(A) It is unlawful for a person to:

(1) falsely make, forge, or counterfeit; cause or procure to be falsely made, forged, or counterfeited; or willfully act or assist in the false making, forging, or counterfeiting of any writing or instrument of writing;

(2) utter or publish as true any false, forged, or counterfeited writing or instrument of writing;

(3) falsely make, forge, counterfeit, alter, change, deface, or erase; or cause or procure to be falsely made, forged, counterfeited, altered, changed, defaced, or erased any record or plat of land; or

(4) willingly act or assist in any of the premises, with an intention to defraud any person.

(B) A person who violates the provisions of this section is guilty of a:

(1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the amount of the forgery is ten thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the amount of the forgery is less than ten thousand dollars.

Forgery also is a violation of the Professional Code of Conduct according to the South Carolina Supreme Court:

- (1) DR 1-102(A)(1) (prohibits a lawyer from violating a Disciplinary Rule); (2) DR 1-102(A)(3) (prohibits a lawyer from engaging in illegal conduct involving moral turpitude); (3) DR 1-102(A)(4) (prohibits a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); (4) DR 1-102(A)(5) (prohibits a lawyer from engaging in conduct that is prejudicial to the administration of justice); (5) DR 1-102(A)(6) (prohibits a lawyer from engaging in conduct that adversely reflects on his fitness to practice law); (6) DR 7-102(A)(5) (prohibits a lawyer, in the course of his representation of a client, from knowingly making a false statement of law or fact); and

(7) DR 7-102(A)(8) (prohibits a lawyer, in the course of his representation of a client, from knowingly engaging in other illegal conduct or conduct contrary to a Disciplinary Rule).

**FOR A SEVENTH CAUSE OF ACTION
(CONSTRUCTIVE FRAUD)**

The Plaintiff will prove that the Defendant committed fraud on the Court by admitting two (2) different Substitute of Counsel." The first was admitted to the Court of Common Pleas. The Defendant then filed a second Substitute of Counsel in the South Carolina Supreme Court.

Extrinsic fraud is fraud that induces a person not to present a case or deprives a person of the opportunity to be heard. Relief is granted for extrinsic fraud on the theory that because the fraud prevented a party from fully exhibiting and trying his/her case. Rule 60(b)(3) of the South Carolina Rules of Civil Procedure allows a party to make a motion within one year (or as soon as reasonable) to set aside a judgment based on fraud. Whether a court will grant a new trial depends on whether the fraud is "intrinsic" or "extrinsic." South Carolina's courts may set aside a judgment if the fraud is considered extrinsic but will not void the judgment if the fraud is intrinsic. **Intrinsic fraud** is defined as "fraud which misleads a court in determining issues and induces the court to find for the party perpetrating the fraud. The classic case of intrinsic fraud is perjured testimony or presenting forged documents at trial. Allegations that a party failed to disclose documents also generally amount to intrinsic, rather than extrinsic, fraud." Stated another way, intrinsic fraud is fraud that was presented to the court and considered at trial. Unfortunately, as unfair as it may seem, there is little to be done under these circumstances. **Essentially, the court does not grant relief for intrinsic fraud based**

on a theory that this type of deception should be discovered during the lawsuit itself and that if the court allows relief for intrinsic fraud, then the stability of all judgments may be undermined.

Fraud upon the court is "fraud which . . . subvert[s] the integrity of the Court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication." Evans v. Gunter, S.E.2d 44, 46 (Ct. App. 1988) (emphasis added) (quoting Lightsey & Flanagan, supra,). It has also been defined as "fraud that does, or at least attempts to, defile the court itself" Moore's Federal Practice § 60.21[4][a] (3d. ed. 2000). Historically, after the period to claim relief under Rule 60(b)(1) through (3), SCRPC, has expired, courts have required a showing of extrinsic fraud to vacate a judgment. See Hagy v. Pruitt, 339 S.C. S.E.2d 714, 717 (2000); Evans, 294 S.C. at 529, 366 S.E.2d at 46.

South Carolina law maintains a distinction between intrinsic and extrinsic fraud. Mr. G v. Mrs. G, 320 S.C. S.E.2d (Ct. App. 1995) (Hearn, J. dissenting). "Intrinsic fraud refers to fraud presented and considered in the judgment assailed, including perjury and forged documents presented at trial." Evans, 294 S.C. at 529, 366 S.E.2d at 46. It is fraud which "goes to the merits of the prior proceeding which the moving party should have guarded against at the time." City of San Francisco v. Cartagena, 41 Cal. (Cal. Ct. App. 1995), quoted with approval in Mr. G, S.E.2d at 103. By contrast, extrinsic fraud "refers to frauds collateral or external to the matter tried such as bribery or other misleading acts which prevent the movant from presenting all of his case or deprives one of the opportunity to be heard." Lightsey & Flanagan supra, at 486; see also Hilton Head Ctr., Inc. v. Pub. Serv. Comm'n, S.E.2d 176, 177 (1987) ("Extrinsic fraud is fraud that induces a person not to present a case or deprives a person of the opportunity to be heard."). The South Carolina Supreme Court states: Our Court has not previously

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Generally speaking, only the most egregious misconduct, such as bribery of a judge or members of a jury, or the fabrication of evidence by a party in which an attorney is implicated will constitute fraud on the court. Less egregious misconduct, such as nondisclosure to the court of facts allegedly pertinent to the matter before it, will not ordinarily rise to the level of fraud on the court. Rozier v. Ford Motor Co., F.2d 1332, 1338 (5th Cir. 1978) citing United States v. Int'l Telephone & Telegraph Corp., F.Supp. 22, 29 (D. Conn. 1972) (internal citations omitted). Fraud upon the court is a "serious allegation . . . involving 'corruption of the judicial process itself'." Cleveland Demolition Co., Inc. v. Azcon Scrap Corp., *supra* F.2d at quoting In re Whitney-Forbes, F.2d (7th Cir. 1985). . . . '[F]raud on the court,' whatever else it embodies, requires a showing that one has acted with an intent to deceive or defraud the court. A proper balance between the interests of finality on the one hand and allowing relief due to inequitable conduct on the other makes it essential that there be a showing of conscious wrongdoing - - what can properly be characterized as a deliberate scheme to defraud - - before relief from a final judgment is appropriate. . . . Thus, when there is no intent to deceive, the fact that misrepresentations were made to a court is not of itself sufficient basis for setting aside a judgment for 'fraud on the court.' United States v. Buck, 281 F.3d

1136, 1342 (10th Cir. 2002) quoting Robinson v. Audi Aktiengesellschaft, 56 F.3d 1259, 1267 (10th Cir. 1995).

South Carolina makes it clear the procedures for withdrawal of representation.

"Fraud upon the court" makes void the orders and judgments of court are void, of no legal force or effect.

UPON THE REQUEST OF A MEMBER OF THE SOUTH CAROLINA BAR, THE ETHICS ADVISORY COMMITTEE HAS RENDERED THIS OPINION ON THE ETHICAL PROPRIETY OF THE INQUIRER'S CONTEMPLATED CONDUCT. THIS COMMITTEE HAS NO DISCIPLINARY AUTHORITY. LAWYER DISCIPLINE IS ADMINISTERED SOLELY BY THE SOUTH CAROLINA SUPREME COURT THROUGH ITS COMMISSION ON LAWYER CONDUCT.

South Carolina Bar Ethics Advisory Opinion 08-01

SC Rules of Professional Conduct: 1.2; 1.16

Date: March 2008

Facts: Attorney undertakes a federal litigation case pursuant to fee agreement that requires the client to maintain a minimum retainer amount. Client's retainer amount falls below this minimum, and lawyer demands that client replenish retainer. However, client is unable to replenish retainer or pay outstanding bill. Attorney and client execute written agreement discharging attorney from representation of client. Attorney notifies all opposing counsel and circulates a consent order.

Attorney submits consent order to judge who advises that he will only relieve attorney upon motion and hearing. Client is served with discovery requests, and his deposition is noticed.

The motion to be relieved as counsel has been filed, and no hearing date has been set.

Question: What is attorney's obligation to represent client in responding to discovery requests and depositions and hearings?

Summary

Rule 1.16(c), South Carolina Rules of Professional Conduct (SCRPC), requires a lawyer to have permission of the appropriate tribunal before terminating representation. Until such relief is granted, the lawyer is obligated to provide competent representation.

Opinion

Rule 1.16(c), SCRPC, provides that a lawyer obtain permission of the appropriate tribunal before terminating representation:

A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.

In *Ex Parte Strom*, 343 S.C. 257, 539 S.E.2d 699 (2000), the South Carolina Supreme Court held that a court order is required to relieve a lawyer as counsel of record pursuant to Rule 11(b), South Carolina Rules of Civil Procedure (SCRCivP). See also *Culbertson v. Clemens*, 322 S.C. 20, 471 S.E.2d 163 (1996). Thus, the lawyer may not withdraw from representation until given permission by the court. While the Committee does not address questions of law, Federal Local Rule 83.1.07 is consistent with Rule 11(b), SCRCivP, and requires that an attorney obtain leave of the court before his or her name may be stricken from the record.

Notwithstanding the doctrines of federal pre-emption and abstention, the Committee advises that the dictates of *Ex Parte Strom* control the lawyer's obligation to the client.

Accordingly, the scope and allocation of authority contemplated by Rule 1.2, SCRPC,

are subject to Rule 1.16(c) that requires permission of the appropriate tribunal before terminating representation. It is the opinion of the Committee that the lawyer must continue to provide competent representation to the client until relief is given by the court. To the extent possible, the lawyer may request extensions of time for responses to discovery requests or postpone depositions. However, under these circumstances, the lawyer is not relieved of his or her obligation to the client until permission is granted by the court.

EIGHTH CAUSE OF ACTION
VIOLATION OF FORECLOSURE PROCEDURES
(NO LETTER OF ACCELERATION)

USDA did not provide a "Letter of Acceleration" before foreclosure. I feel that Judge Doby retaliated against me for filing a complaint on him for Conflict of Interest. As mentioned, the investigation is still ongoing. Judge Doby definitely should have recused himself to prevent any bias decisions. Mr. Robert Jennings, former Master In Equity, and former partner with the Jennings and Jennings Law Firm would always recuse himself.

deprived of property without due process of law, even if he can be deprived of his property by an adverse result. *Marchant v. Pennsylvania R.R.* (1894).

Procedural due process rules are meant to protect persons not from the deprivation, but from the mistaken or unjustified deprivation of life, liberty, or property. *Carey v. Phipus*, (1978).

"Procedural due process rules are shaped by the risk of error inherent in the truth-finding process as applied to the generality of cases. *Mathew v. Eldridge* (1976). Thus the required

elements of due process are those that minimize substantively unfair or mistaken deprivations by enabling persons to contest the basis upon which a State proposes to deprive them of protected interests *Fuentes v. Shevin*, (1972). At times, the Court has also stressed the dignitary importance of procedural rights, the worth of being able to defend one's interests even if one cannot change the result. *Carey v. Piphus*, (1978); *Marshall v. Jerrico, Inc.* (1980); *Nelson v. Adams*, 120 S. Ct. 1579 (2000)(amendment of judgment to impose attorney fees and costs to sole shareholder of liable corporate structure invalid without notice or opportunity of dispute).

When the defendant made these representations they knew them to be false, and these representations were made by defendant with the intent to defraud and deceive plaintiff and with the intent to induce plaintiff to act in the manner herein alleged. Plaintiff, at the time these representations were made by defendant and at the time plaintiff took the actions herein alleged, was ignorant of the falsity of defendant's representations and believed them to be true. Plaintiff, at the time this promise was made and at the time plaintiff took the actions herein alleged, was ignorant of defendant's secret intention not to perform and plaintiff could not, in the exercise of reasonable diligence, have discovered defendant's secret intention.) The Defendants action were wanton made with malice. As a proximate result of defendant's fraud and deceit and the facts herein alleged, plaintiff was by reason of which plaintiff has been damaged. In doing the acts herein alleged, defendant acted with oppression, fraud, and malice, and plaintiff is entitled to punitive damages.

WHEREFORE, plaintiff prays judgment against defendant and each of them, as follows:

1. For damages for the Defendant, Laura Toney in the sum of \$ 1,000.000.00;
2. For punitive damages in the sum of \$5,000.000.00;
3. For costs of suit incurred herein; and
4. For such other and further relief as the court may deem proper.

Laura Toney

2017 CP 3100141
~~3100143~~



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

NOTICE OF LIS PENDENS

NOTICE IS HEREBY GIVEN that an action has been commenced by the Plaintiff Laura Toney against the Defendants above for recovery of real property LOCATED AT 71 Broad Acres, Bishopville, SC 29010

The description of the premises as contained is as follows:

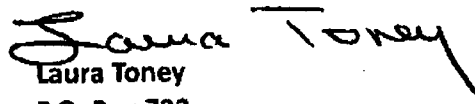
All that certain piece, parcel or lot of land situate, lying and being in Bishopville Township, Lee County, S.C., describing as Lot No. 20 on a plat of Broad Acres, Subdivision, prepared by J.P. Edwards, RLS dated November 4, 1971, and recorded in Plat Book M at page 104 in the Office of Clerk of Court for Lee County, S.C. and being bounded and described as follows, to wit: On the Southwest by lands now or formally of A.B. Baskin Estate and measuring thereon 120 feet, more or less; on the Southeast by Lot No. 21 according to said Plat and measuring thereon 251.32 feet, more or less; on the Northeast by Broad Acres Drive and fronting thereon 120 feet, more or less; and on the Northwest by Lot 19 according to said Plat and measuring thereon 251.32 feet, more or less. Said Lot No. 20 being a portion of a larger tract having been inherited by A.B. Baskin, Jr., Eldridge Baskin, Louise Baskin Stevenson and Virginia Baskin Fletcher, from the A. B. Baskin, Sr., Estate, according to records on file in Roll No. 73-2107, in the Office of Probate Court for Lee County, SC, subsequent Deeds D-2-72, X-1-473 and V-1-404, Lee County Registry and Power of Attorney N-2-94, N-2-95, U-2-199 and C-3-366, said Registry and thence being subsequently conveyed by A.B. Baskin, Jr., Eldridge Baskin, Louise Baskin Stevenson and Virginia Baskin Fletcher unto Maxie lee Thomas by Deed dated July 12, 1984, and recorded in Deed Book N-3 at page 21/24, said Registry. Thereafter on October 21, 2005, Maxie Lee Thomas died leaving Laura Ann Toney and Brittany Nicole Thomas as his sole heirs at law. See Estate #2005-ES31-139 filed in the Office of the Probate for Lee County.

TMS # 029-00-00-059-000

Subject to Restrictive Covenants N-2-11 and D-39, Lee County, S.C. Registry.

Said Lot No 20 being more recently described according to a Plat thereof made by Frank Hinson, Surveyor, dated January 28, 1984, and recorded in Plat Book V at Page 45, said Registry.

Property Address: 71 Broad Acres, Bishopville, SC 29010


Laura Toney
P.O. Box 722
Bishopville, SC 29010

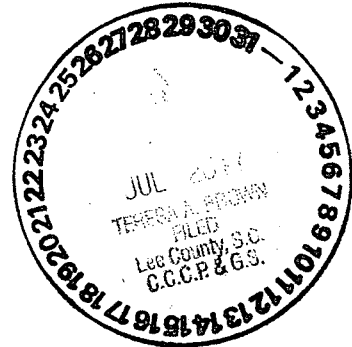
May 30, 2017

17-CP-31-141
CIVIL CASE NUMBER

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEE)
)
Laura Toney)

IN THE COURT OF
COMMON PLEAS

Maxie Lee Thomas, Jr. a/k/a Maxie Lee Thomas, deceased, and all other heirs at Law and/or distributees of Maxie Lee Thomas, deceased, his heirs, Personal Representatives, executors, Administrators, successors and assigns And spouses if any he has and all Person entitled to claim under or Through him or any of them; all persons Unknown claiming any right, title Estate, interest in or lien upon the real Estate described in the complaint Herein; also any persons who may be in The military service of the United States Of America, being a class designated as John Doe; and any unknown minors or Persons under a disability being a class Designated as Richard Doe, Brittany Thomas and Laura Ann Toney,



PLAINTIFF(S))

VS.)

AFFIDAVIT OF DEFAULT

United States of America, acting through the Farmers Home Administration, United States Department of Agriculture,)

DEFENDANT(S))

Plaintiff, Laura Toney, personally appearing before me, who being duly sworn, states that a summons and complaint in this action were served on the defendant, June 2, 2017, which required that defendant answer or appear within thirty (30) days from the date of service; that



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

17-CP-31-141
CIVIL CASE NUMBER

Laura Toney

Maxie Lee Thomas, Jr. a/k/a Maxie Lee Thomas, deceased, and all other heirs at Law and/or distributees of Maxie Lee Thomas, deceased, his heirs, Personal Representatives, executors, Administrators, successors and assigns And spouses if any he has and all Person entitled to claim under or Through him or any of them; all persons Unknown claiming any right, title Estate, interest in or lien upon the real Estate described in the complaint Herein; also any persons who may be in The military service of the United States Of America, being a class designated as John Doe; and any unknown minors or Persons under a disability being a class Designated as Richard Doe, Brittany Thomas and Laura Ann Toney,



PLAINTIFF(S)

VS.

United States of America, acting
through the Farmers Home
Administration, United States
Department of Agriculture,

DEFENDANTS.

NOTICE OF MEDIATION

NOTICE IS HEREBY GIVEN that mediation in the above matter will take place

**ON: December 11, 2018 at 10:00 a.m. at our office, Folkens Law
Firm, P.A.**

. LOCATION: 601 W. Evans Street, Florence, SC

CC:

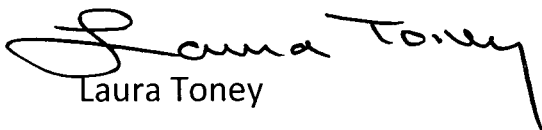
USDA

1520 Market Street

St. Louis, Mo

63103

September 24, 2018


Laura Toney

PO Box 722

Bishopville, SC 29010

(803) 459-6006

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

CIVIL CASE NUMBER 17-CP-31-141

COUNTY OF LEE

Laura Toney

Maxie Lee Thomas, Jr. a/k/a Maxie Lee Thomas, deceased, and all other heirs at Law and/or distributes of Maxie Lee Thomas, deceased, his heirs, Personal Representatives, executors, Administrators, successors and assigns And spouses if any he has and all Person entitled to claim under or Through him or any of them; all persons Unknown claiming any right, title Estate, interest in or lien upon the real Estate described in the complaint Herein; also any persons who may be in The military service of the United States Of America, being a class designated as John Doe; and any unknown minors or Persons under a disability being a class Designated as Richard Doe, Brittany Thomas and Laura Ann Toney,

PLAINTIFF(S)

VS.

United States of America, acting
through the Farmers Home
Administration, United States
Department of Agriculture,

DEFENDANTS.

PROOF OF SERVICE

The Plaintiff, Laura Toney, certifies that she served the Notice of Mediation to the Defendants on September 24, 2017, via United States Postal Service addressed as follows:

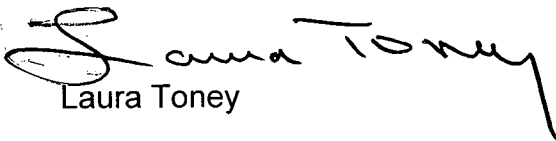
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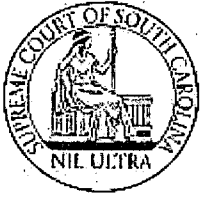
September 24, 2018


Laura Toney

PO Box 722

Bishopville, SC 29010

(803) 459-6006



Lee County Third Judicial Circuit Public Index



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| | | | | | |
|--|---------------|--------------------------|---|---------------------------|------------|
| Switch View | | | | | |
| Laura Toney VS United States Of America | | | | | |
| Case Number: | 2017CP3100141 | Court Agency: | Common Pleas | Filed Date: | 05/30/2017 |
| Case Type: | Common Pleas | Case Sub Type: | Possession 450 | File Type: | Jury |
| Status: | Pending/ADR | Assigned Judge: | Clerk Of Court C P, G S, And Family Court | | |
| Disposition: | | Disposition Date: | | Disposition Judge: | |
| Original Source Doc: | | Original Case #: | | | |
| Judgment Number: | | Court Roster: | | | |

| Case Parties Judgments Tax Map Information Associated Cases Actions Financials | | | | | | |
|--|---|--------|---------------|------------------|-----------------|-----------|
| Name | Description | Type | Motion Roster | Begin Date | Completion Date | Documents |
| Toney, Laura | ADR/Alternative Dispute Resolution (Workflow) | Action | | 12/26/2017-17:00 | | |
| Toney, Laura | Affidavit/Default | Filing | | 07/28/2017-16:17 | | |
| Toney, Laura | Summons & Complaint | Filing | | 05/30/2017-16:59 | | |
| Toney, Laura | Notice of Lis Pendens | Filing | | 05/30/2017-11:11 | | |

PO BOX 722
BISHOPVILLE, SC 29010

RECEIVED

AUG 19 2019

SC Court of Appeals

South Carolina Court Of Appeals
P.O. Box 11629
Columbia, SC
29211

F

Aug 16 2019
Mailed from ZIP 29501
4oz First-Class Pkg Svc Zone 1



CommercialBasePrice

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FIRST - CLASS PKG SVC

LAURA TONEY
PO BOX 722
Bishopville SC 29010

B012 0005

SHIP TO:
SOUTH CAROLINA COURT OF APPEALS
PO BOX 11629
COLUMBIA SC 29211 - 1611

USPS TRACKING #



9400 1102 0082 8109 3997 87



SEE NOTICE ON REVERSE regarding UPS Terms, and notice of Limitation of Liability. Where allowed by law, shipper authorizes UPS to act as forwarding agent for export control and customs purposes. If exported from the US, shipper certifies that the commodities, technology or software were exported from the US in accordance with the Export Administration Regulations. Deviation contrary to law is prohibited.

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44

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3.
 Print your name and address on the reverse so that we can return the card to you.
 Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 USDA
 1520 Market St
 St. Louis, MO
 63103

2. Article Number: (Transfer from service label)
 9590 9402 2404 6249 2053 09

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 [Signature] Agent Addressee

B. Received By: (Printed Name)
 06-02-17

C. Date of Delivery
 06-02-17

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service type
 Adult Signature Priority Mail Express®
 Adult Signature Restricted Delivery Registered Mail™
 Certified Mail® Registered Mail Restricted Delivery
 Certified Mail Restricted Delivery with P. & G.S. Return Receipt for Merchandise
 Collect on Delivery Signature Confirmation™
 Insured Mail Signature Confirmation Restricted Delivery
 Insured Mail Restricted Delivery (over \$500)

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$
 Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage \$
 Total Postage and Fees \$

Sent To
 USDA
 1520 Market St.
 St. Louis, MO 63103

Postmark Here
 5-30-17

7015 1520 0000 9327 3734

U.S. Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Laura Toney to pick up
 certified ticket after it's
 signed

06-02-17

JUL 2017
 TERESA A. BROWN
 FILED
 Lee County, S.C.
 C.C.P. & G.S.

SEE NOTICE ON REVERSE regarding USPS Terms and notice of the inclusion of liability. Where allowed by law, Ruppert authorizes UPS to act as forwarding agent for customs purposes. If exported from the U.S., shipper certifies that the contribution, technology or software were exported from the U.S. in accordance with the Export Administration, Direction, contrary to law is prohibited.



AS

STATE OF SOUTH CAROLINA
LEE COUNTY

IN THE GENERAL COURT OF JUSTICE
CIRCUIT COURT DIVISION
2017-CP-31-00141

-----X
LAURA A. TONEY, et al., . :
 :
 :
 Plaintiff, :
 :
 :
 vs. : TRANSCRIPT OF RECORD
 :
 :
 USA, ACTING THROUGH THE :
 FARMERS HOME ADMINISTRATION, :
 UNITED STATES DEPARTMENT :
 OF AGRICULTURE. :
 :
 :
 Defendant. :
-----X

January 28, 2019
Bishopville, South Carolina

B E F O R E

The Honorable GEORGE M. MCFADDIN, JR., Judge Presiding.

A P P E A R A N C E S

LAURA ANN TONEY
Appearing Pro Se
P.O. Box 722
Bishopville, SC 29010

Kymerlee M. Williams, CSR/RPR
Official Court Reporter
P.O. Box 283
Pineville, North Carolina 28134

I N D E X

PROCEEDINGS 3

CERTIFICATE OF DELIVERY 8

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E X H I B I T S

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(NONE OFFERED)

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P R O C E E D I N G S

* * *

MONDAY JANUARY 28, 2019

* * *

BISHOPVILLE SOUTH CAROLINA

* * *

THE COURT: This is the case of Laura Toney and various other parties v. United States of America, acting through the Farmers Home Administration, United States Department of Agriculture.

I have looked at all the cases that are filed before me today. I don't see where this Court has any jurisdiction to hear this case. This case was filed in Federal Court in May of 2017 in the Federal Court of Appeals. The USDA didn't file an answer or make an appearance at mediation.

When you filed it back then, who were the parties sued?

MS. TONEY: The law firm no longer exists.

THE COURT: What were the names of the parties who were sued back then? Was the USDA part of that action?

MS. TONEY: Yes, sir.

THE COURT: Do you have an order from the prior Court action for those things?

MS. TONEY: No, sir. This is an independent

1 action. The forgery took place after the fact.

2 THE COURT: And it went on to the Court of
3 Appeals?

4 MS. TONEY: Yes, sir. I appealed it to the Court
5 of Appeals. This document was admitted to the lower
6 court, the State Court. This document is totally
7 different. These signatures were forged.

8 THE COURT: Do you have anything with you or at
9 your house from the Court of Appeals?

10 MS. TONEY: No, sir, I don't.

11 THE COURT: Well, I still stand by my decision
12 that this Court has no jurisdiction here against The
13 United States. Do you have something from the Court of
14 Appeals in the past action where you say the USDA was
15 involved?

16 MS. TONEY: Yes, sir.

17 THE COURT: What decision was issued?

18 MS. TONEY: An order was issued before the Court
19 bringing it to the courthouse.

20 THE COURT: Give it to the clerk, and she will then
21 forward it to me.

22 MS. TONEY: Yes, sir.

23 THE COURT: This was never heard by the Court of
24 Appeals.

25 Ma'am, if nothing ever happen in the Court of

1 Appeals, then nothing ever happened.

2 MS. TONEY: Sir, the substitute of counsel, those
3 were forged.

4 THE COURT: Well, has the Court ever heard
5 anything in this case?

6 MS. TONEY: It was heard.

7 THE COURT: Wouldn't there be a court Order?

8 MS. TONEY: Yes, sir.

9 THE COURT: Do you have that Court order with you?

10 MS. TONEY: I don't have it with me.

11 THE COURT: You don't have it?

12 MS. TONEY: May I ask the Court, please, sir, to
13 integrate these forged documents?

14 THE COURT: No. I can't do anything on the case,
15 if I don't have some jurisdiction.

16 MS. TONEY: When I filed it in 2017, they didn't
17 answer, the USDA didn't answer. I submitted all the
18 documents where I mailed the complaint to the USDA
19 certified mail. They did not answer. I filed a motion
20 for default. I think Judge Cothran ordered this for
21 mediation.

22 THE COURT: Do you have his order?

23 MS. TONEY: Yes, sir.

24 THE COURT: This is not a court order.

25 MS. TONEY: Judge Cothran does refer this to

1 mediation.

2 THE COURT: I need a copy of the Court Order.

3 MS. TONEY: Judge Cothran kept it alive. He said
4 it will go to mediation. All I have is the notice of
5 mediation. That was filed on September 24.

6 THE COURT: So Judge Cothran ordered mediation?

7 MS. TONEY: This was the last thing that was
8 filed.

9 May I speak?

10 THE COURT: Yes, ma'am.

11 MS. TONEY: I received that from the Courts. I am
12 not an attorney.

13 THE COURT: You are representing yourself?

14 MS. TONEY: Yes, sir.

15 THE COURT: If you represent yourself in the Court,
16 you are held to the same standard of the law. I am not
17 a lawyer who can help you.

18 MS. TONEY: Judge Cothran deferred it. I think
19 it's planned for mediation. I retained Attorney Folsom
20 from Florence to go to mediation. He never showed up.

21 Your Honor, my main concern is that a Judge's
22 signature was forged on a court document. I have the
23 evidence right here, Your Honor.

24 THE COURT: That is well -- let me talk. All those
25 things you are talking about may very well be developed.

1 They are not before me today. I don't have any
2 jurisdiction over a case against the Government, the
3 United States of America that was sent to mediation.
4 All cases on the docket now are automatically referred
5 to mediation in South Carolina ten years ago.

6 This Court has no jurisdiction, ma'am. I am going
7 to dismiss the case. This Court has no jurisdiction
8 over there. You certainly may appeal. If I am wrong, I
9 stand corrected.

10 MS. TONEY: You don't have any jurisdiction over
11 the complaint that I filed?

12 THE COURT: No. I will give this back to the clerk
13 here. I am not able to hear this.

14 MS. TONEY: So you are saying this Court does not
15 have jurisdiction to hear a case from the USDA?

16 THE COURT: I will hand things over to the clerk
17 here regarding these questions, and I will give this
18 back to you.

19 - - -END OF TRANSCRIPT- - -

20

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CERTIFICATE OF REPORTER

I, Kymberlee M. Williams, Certified Shorthand Reporter/Registered Professional Reporter for the 3rd Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the CIRCUIT Court for Lee County, South Carolina, on the 28th day of January, 2019.

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

This, the 15th day of July, 2019.

Kymberlee Williams

KYMBERLEE M. WILLIAMS, CSR/RPR

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
 COUNTY OF LEE) 2009-CP-31-131

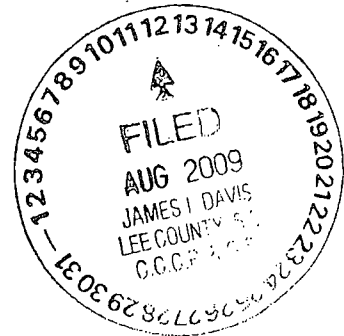
United States of America, acting)
 through the Farmers Home)
 Administration, United States)
 Department of Agriculture,)
)
 Plaintiff,)

vs.)

CONSENT ORDER
 SUBSTITUTING COUNSEL

Maxie Lee Thomas, Jr., aka Maxie)
 Lee Thomas, deceased and all other)
 heirs at law and/or distributees of)
 Maxie Lee Thomas, Jr., aka Maxie)
 Lee Thomas, deceased, his heirs,)
 personal representatives,)
 representatives, executors,)
 administrators, successors and)
 assigns, and any spouses if any he)
 has, and all persons entitled to)
 claim under or through him or any)
 of them; all persons unknown)
 claiming any right, title, estate,)
 interest in or lien upon the real)
 estate described in the Complaint)
 herein; also, any unknown adults)
 being as a class designated as)
 John Doe and any unknown infants or)
 persons being under disability)
 being as a class designated as)
 Richard Roe, Laura Ann Toney and)
 Brittany Nicole Thomas)

Defendants.)



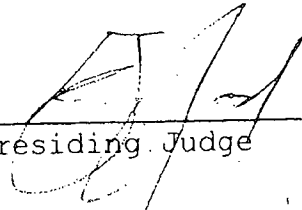
Pursuant to Rule 11(b), SCRCP, Donald W. Tyler, Jr., with the consent of Gary P. Rish, Esquire of the law firm of Gary P. Rish, PC, current counsel for Plaintiff, moves before this Court for an Order substituting Donald W. Tyler, Jr., for Gary P. Rish

[Handwritten signature]
 SA

and his firm as counsel for the Plaintiff in this matter.

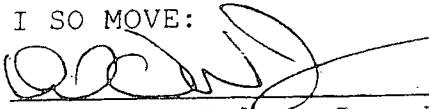
The Court hereby grants this Motion and hereby substitutes Donald W. Tyler, Jr., as counsel for Plaintiff.

IT IS SO ORDERED this 12 day of August, 2009 at Sumter, South Carolina.



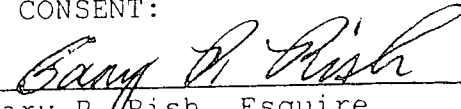
Presiding Judge

I SO MOVE:

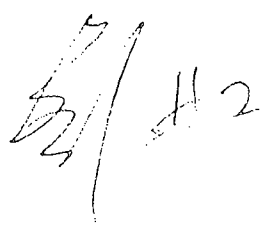


Donald W. Tyler, Jr., Esquire
P. O. Box 11656
Columbia, SC 29202-1656

I CONSENT:



Gary P. Rish, Esquire
P. O. Box 508
Irmo, SC 29063



STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
 COUNTY OF LEE) 2009-CP-31-131

United States of America, acting)
 through the Farmers Home)
 Administration, United States)
 Department of Agriculture,)

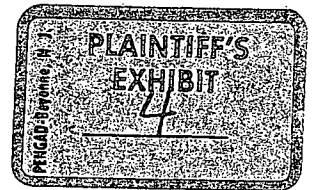
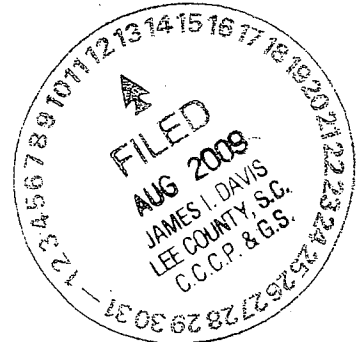
Plaintiff,)

vs.)

CONSENT ORDER
 SUBSTITUTING COUNSEL

Maxie Lee Thomas, Jr., aka Maxie)
 Lee Thomas, deceased and all other)
 heirs at law and/or distributees of)
 Maxie Lee Thomas, Jr., aka Maxie)
 Lee Thomas, deceased, his heirs,)
 personal representatives,)
 representatives, executors,)
 administrators, successors and)
 assigns, and any spouses if any he)
 has, and all persons entitled to)
 claim under or through him or any)
 of them; all persons unknown)
 claiming any right, title, estate,)
 interest in or lien upon the real)
 estate described in the Complaint)
 herein; also, any unknown adults)
 being as a class designated as)
 John Doe and any unknown infants or)
 persons being under disability)
 being as a class designated as)
 Richard Roe, Laura Ann Toney and)
 Brittany Nicole Thomas)

Defendants.)



Pursuant to Rule 11(b), SCRPC, Donald W. Tyler, Jr., with the consent of Gary P. Rish, Esquire of the law firm of Gary P. Rish, PC, current counsel for Plaintiff, moves before this Court for an Order substituting Donald W. Tyler, Jr., for Gary P. Rish

and his firm as counsel for the Plaintiff in this matter.

The Court hereby grants this Motion and hereby substitutes Donald W. Tyler, Jr., as counsel for Plaintiff.

IT IS SO ORDERED this 12 day of August, 2009 at Sumter, South Carolina.

St. George C. James, Jr.
Presiding Judge

I SO MOVE:

[Signature]
Donald W. Tyler, Jr., Esquire
P. O. Box 11656
Columbia, SC 29202-1656

I CONSENT:

[Signature]
Gary P. Rish, Esquire
P. O. Box 508
Irmo, SC 29063

THE STATE OF SOUTH CAROLINA
IN SOUTH CAROLINA COURT OF APPEALS
APPEAL FROM LEE COUNTY

CASE NUMBER: 2019-000361

Laura Toney-----
-----Appellant,

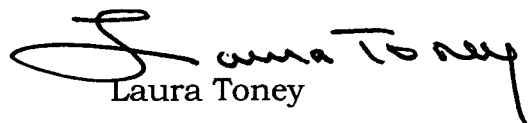
Vs.

United States of America, acting
through the Farmers Home
Administration, United States
Department of Agriculture -----
Respondents.

CERTIFICATE OF COUNSEL

Pursuant to Rule 210, Laura Toney, the undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

USDA
1520 Market Street
St. Louis, Mo. 63103


Laura Toney

P.O. Box 722

Bishopville, SC 29010

(803) 459-6006

THE STATE OF SOUTH CAROLINA
IN SOUTH CAROLINA COURT OF APPEALS
APPEAL FROM LEE COUNTY

CASE NUMBER: 2019-000361

Laura Toney-----
-----Appellant,

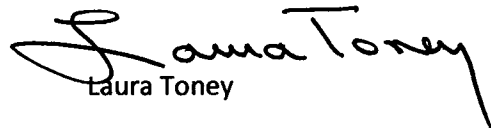
Vs.

United States of America, acting
through the Farmers Home
Administration, United States
Department of Agriculture -----
Respondents.

CERTIFICATE OF SERVICE

The Appellant certifies that she mailed a copy of the Record on Appeal to the Respondents via United States Postal Service on November 21, 2019, addressed as follows:

USDA
1520 Market Street
St. Louis, Mo. 63103


Laura Toney

P.O. Box 722

Bishopville, SC 29010

Subject: Fwd: Laura Toney Documents
From: "TONEY, LAURA" <ltoney@fsd1.org>
Date: 11/19/2019, 9:47 AM
To: orders@mmpg.us

Brian

----- Forwarded message -----

From: TONEY, LAURA <ltoney@fsd1.org>
Date: Tue, Nov 19, 2019 at 9:45 AM
Subject: Laura Toney Documents
To: <orders@mmpg.us>

Good Morning,

Please make the following changes to the documents submitted for printing and bounding.

1. Table of Contents in the **Record on Appeal**
2. Page 13 of the **Appellant's Final Brief**
3. Add the Order from the Judge in **The Record on Appeal**. Pages 58-64
4. Change the Certificate of Counsel to Page 65.

PLEASE SEE ATTACHMENTS. PLEASE CALL ME AT 803 459 6006 IF YOU HAVE ANY QUESTIONS.

Thank you,
Laura Toney

— Attachments: —

| | |
|-----------------------------|---------|
| USDA TABLE OF CONTENTS.docx | 12.9 KB |
| USDA Attachment 1.docx | 12.4 KB |
| Order.docx | 247 KB |

TABLE OF CONTENTS

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| 4. Certification of Respondent's Receipt of Complaint | |
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| 5. Transcript of Hearing----- | 46 |
| 6. Forged Documents admitted to the Court----- | 54 |
| 7. Certificate Of Counsel----- | 58 |

Laura Toney

United States of America

Oz

United States Department of Agriculture

Farmers Home Administration

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:
The Honorable George M. McFaddin, Jr.
215 N. Harvin St.
Sumter, SC 29150

Attorney for : Plaintiff Defendant or
CJ Self-Represented Litigant

ICALLY FILED - 2019-Feb 06 4:23 PM - LE

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. C] See Page 2 for additional information.

C] ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRCP; C] Rule 416),

SCRCP (Vol. Nonsuit); [2 Rule 43(k), SCRCP (Settled); Other

C] ACTION STRICKEN (CHECK REASON): C] Rule 400), SCRCP; C] Bankruptcy;

PLEAS - CASE#2017CP3100141 E

O
O
N

C] Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other STAYED DUE TO BANKRUPTCY

[2 DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):

[2 Affirmed; [2 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: C] See attached order (formal order to follow) Statement of Judgment by the Court: DENY the appellant's motion to modify terms of the bond and AFFIRM the ruling of the magistrate.

ORDER INFORMATION This order ends does not end the case.

Additional Information for the Clerk : Plaintiff came before the court on January 28, 2019. Action is hereby dismissed based on lack of jurisdiction.

| 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 |
| | | |
| | | |
| | | |

RECEIVED

MAR 04 2019

SC Court of Appeals

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.

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use only

ICALLY FILED - 2019 Feb C

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 _____ a) to parties (when appearing pro se) as

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

O

4:23 PM - L

follows:

CLERK OF COURT o z

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 sc. '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.

PLEAS - CASE#2017CP3100141

1 . Form 4C-Judgment in a Civil Case has been modified to add order information and enrollment instructions for the clerk of court. The purpose of Form 4 has not changed with the exception that judgment information is provided when applicable.

O

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2. Please note that the Form 4C must be attached to all orders that include information to enroll in the judgment index. The clerk will not be responsible for reading the order to determine enrollment information.

(O)

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The attorney or prevailing party will prepare and attach the Form 4C when submitting the proposed order that includes judgment enrollment information for the judgment index. The judge will review and sign Form 4C when he or she signs an order that includes judgment enrollment information for the judgment index.

m m

3. Form 4C is not required to be submitted to the Court with orders that do not include information to enroll in the judgment index. If the clerk receives such an order without Form 4C attached, the clerk should enter and process the order pursuant to Rule 58 and Rule 77(d), SC Rules of Civil Procedure (i.e., the clerk should serve notice of entry of the judgment by mail or provide the attorneys with copies of the signed order by other means).

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4. The "Information for the Judgment Index" section should be completed when the judgment affects title to real or personal property or if any amount should be enrolled. In the "Judgment in Favor of" column, enter the name of the party to whom the judgment is awarded. In the "Judgment Against" column, enter the name of the person to whom the judgment is against. The judgment amount to be enrolled should be noted in the "Judgment Amount" column. As necessary, describe any property referenced in the order if it is to be enrolled in the judgment index. If there is no judgment information to enroll, indicate "N/A" in one of the boxes in this section of the form.

5. To enter information to accommodate multiple parties, additional Form 4Cs may be used as necessary. Additional space may be inserted on the form as necessary.

6. The section "For the Clerk of Court Office Use Only" should be completed by the clerk as it has been with the previous version of Form 4.

- 7. If the matter is on appeal to the Circuit Court, then the parties on the form should be changed from Plaintiff and Defendant to Appellant and Respondent.
- 8. If an arbitrator prepares an order after arbitration, the arbitrator should strike through "Circuit Court Judge" and indicate "Arbitrator" in the signature block.

4

Court Judge" below the signature line and indicate the appropriate title.

- 10. When an Order of Foreclosure is filed, neither the parties or debt owed should be listed in the Information for the Judgment Index Section, unless the foreclosure order specifically requires entry of the full judgment amount before the foreclosure sale, pursuant to Section 29-3-650 of the SC Code.

I I. If the deficiency judgment is waived in a Foreclosure action, indicate N/A in the "Judgment Amount To Be Enrolled" box.

- 12. Foreclosure actions should be ended by the Clerk of Court upon receipt of the Order of Foreclosure. Subsequent information, including deficiency judgments, can be added to the action after the case is ended. The Master in Equity should end the action in the MIE system upon the receipt of the Order of Foreclosure.

- 13. When judgment enrollment information is included in the Information for the Judgment Index Section (for example, when there is a deficiency judgment), only the parties who the judgment is for and against should be included in the Section. Subordinate parties and lienholders should not be included in the box if there is not a judgment amount specifically for or against them.

- 14. Form 4C is not required to be attached to Transcripts of Judgment and Confession of Judgment.

ICALLY FILED - 2019 Feb 06 4:23 PM - LEE - O O O N E S - CASE#2017CP3100141



Lee Common Pleas

Case Caption: Laura Toney VS United States Of America

Case Number: 2017CP3100141

Type: Order/Form 4

So Ordered

S/George M. McFaddin, Jr., #2759

Electronically signed on 2019-02-06 16:05: 18 page 6 of 6

TRONICALLY FILED - 2019 Feb 06 4:23 PM - LEE - COMMON PLEAS - CASE#2017CP3100141