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May 27 2020

SC Court of Appeals

STATE OF SC COURT OF APPEALS
In The Court of Appeals

Motion to Request STAY
Appellate Case No. 2020-000625

P.O. Box 11629
Columbia, SC 29211

APPEAL FROM THE CHARLESTON COUNTY
Court of Common Pleas

Case Number No. 2016CP1005559
May 27, 2020

Plaintiff Diane LaPrade,

Vs.

Sandra Freemsn et al.

The Plaintiff Requesting Stay and Supersedeas Rule 241 Civil Action

The Plaintiff is requesting relief from the lower court order/judgment in an effort to protect her land and preserve her ancestry heritage which will be sold if I can't purchase it before the next court hearing. The way the heirs' property laws are written it lacks protection from inheritance theft from insiders and outsiders.

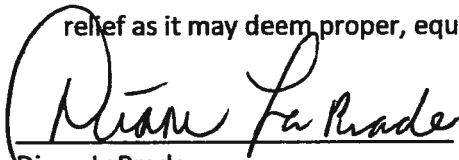
The laws are written so vague that the integrity of the laws is lost. However one thing is clear and that was the intent of the Uniform Partition of Heirs Property Act (HB3325). The intent of the laws was written with the heart for the property to be able to stay within the heirs' family and that outsiders would not gain access in the property. The founders of the laws were also concerned that one heir would open the door for strangers to come in through their sole interest in the property. (HB3325) However, through the greed of heirs many have caused massive destruction to the other owners and cotenants.

This property has significant sentimental and historical value to me, as I am an heir of the past slaves that owned this property and I have fought for over ten years to protect and preserve this property alone. This property has been in my family since the 1800s and was passed down to the generations that followed so that we would always have our own land, gain economic empowerment, and a place to call home. As slaves they owned nothing, not even their own lives and they were considered chattel of others. They never conceived that one day they would be free or own their own land but they kept plowing in hope knowing there were generations to come. They knew they weren't going to make it to the promise land or enjoy the full benefits of the American dream but they had their family in their hearts and on their minds! Who would have thought they would be the topic of all the generations to come, they were just trying to survive a horrific situation and now they have become forever a rich part of history. We will never fully understand the impact of how slavery affected our lives because the generations are getting weaker and weaker and they have no sense of legacy in their hearts. But while I am alive, I am trying to prepare for the generations to come who will remember the history of our people, honor them, and willing to carry the mantle for their generation. I can't help the next generation if I'm forced to let go the property.

By forcing the sale of all of this property you're allowing the oppression of my people to take place again and it will have a negative effect on future generations. Heirs property is very vulnerable in the state of South Carolina and our inheritance have been seized and almost all of Johns Island, SC has overtaken by outsiders and developers and all the familiar places are gone. We use to own a 14 acre tract and we only have 6 acres left because the heirs allowed grifters to come in and manipulate them and they sold their share for little of nothing, others allowed negligence, and greed to cause them to have nothing, and high taxation has wiped out the rest. History will repeat itself if I am not allowed time to save my property. We will be forced off our land, lose a place we call home, lose our identity, and lose future economic wealth. I am asking for justice in preserving my land. And I am pleading to those with the judicial power that can make a difference not to let those slaves oppression and death be in vain!

Cause Of Action To Request The Stay

- 1) The Plaintiff would like for the court to recognize the fact that the properties have been abandoned by all the heirs for 22 plus years and should be held liable for the financial damages done to the plaintiff. They have not fulfilled their obligations as tenants in common toward the cost related to the properties. So Plaintiff ask that she be granted adequate time to purchase the said property as they have had time to abandon their responsibilities and financial obligations.
- 2) The Plaintiff would like the court to take notice that the plaintiff have bought the property back from tax sale 3 times as the heirs refused to put any money toward the property to redeem it and was contacted on various occasions and the plaintiff should truly be the sole heir of the said property and they should not be awarded for the negative impact that they had on the property and the plaintiff she would like a judgment on the matter.
- 3) The Plaintiff would like to court to consider that she needs more time to purchase the property if the opinion in number (2) is not granted. It is hard to get a loan due to the instability market at the time and lenders are concerned about the high risk factors due to the pandemic.
- 4) The Plaintiff would like the court to consider allowing her to purchase the property through alternative methods like owner financing if outside banking fails 15-61-400 (a) number 4.
- 5) The Plaintiff would like the court to recognized that the plaintiff have tens of thousands of dollars in the said property and would like the court to recognized that her ability to purchase the said property and/or make a down payment is tied to this property and would like a judgment to gain access in order to purchase the property.
- 6) The Plaintiff would like the court to know she is filing Prose and is not educated in all the laws or the correct way to format this petition and would like to have consideration in this matter and would like to have the honorable Judge and court grant such other and further relief as it may deem proper, equitable, and just.



Diane LaPrade

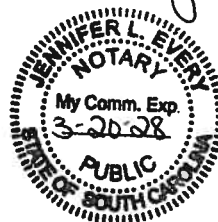
P.O. Box 1511

Goose Creek, SC 29445

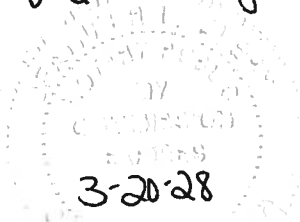
Phone: 843-568-9640

Email: dianepyatt@yahoo.com

Date: May 27, 2020



 Today's date
5-27-2020



JURAT STATEMENT

Sworn and Subscribed before me

On this 27 day of May, 2020

Jennifer L. Every
Notary Public for South Carolina

Commission Expires: 3-20-28



NOTICE OF APPEAL IN A CIVIL CASE

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Appellate Case No. 2020-000625

**APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas**

Honorable Mikell R. Scarborough, Circuit Court Judge

Charleston Case No. 2016CP1005559

Sandra Freeman, et al.
Representative of the Estate

Respondent,

v.

Diane LaPrade

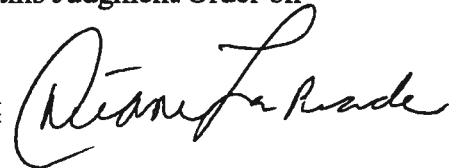
Appellant.

NOTICE OF APPEAL

Diane LaPrade appeals the Judgment/Order of the Honorable Mikell R. Scarborough dated January 28, 2020. Appellant received written notice of entry of this Judgment/Order on January 28, 2020.

May 26, 2020

Diane LaPrade-Appellant
Post Office Box 1511
Goose Creek, South Carolina 29445
(843) 568-9640
Filing Prose/Appellant



RECEIVED
May 27 2020
SC Court of Appeals

3-20-28

Laws concerning co-tenants

I hope this email finds you well. Per our phone conversation, please see the following excerpt from the South Carolina Supreme Court case regarding cotenant responsibility for property taxes.

"The burden of defraying necessary expenses of the common estate, such as mortgage payments, insurance, taxes, and necessary repairs, is the responsibility of all of the co-owners in proportion to their respective interests." 20 Am Jur 2d Cotenancy and Joint Ownership § 62 (emphasis added).

It is the duty of all cotenants who have an interest in the property to pay the entire tax due, subject to a right of reimbursement from the other cotenants. Absent an agreement to the contrary, a cotenant who has paid the entire amount of, or discharged an entire lien for, taxes or special assessments levied against the common estate generally has a right to contribution from his or her cotenants proportionate to the extent of their interests in the property and, in some jurisdictions, he or she may be accorded a lien to secure payment.

20 Am Jur 2d Cotenancy and Joint Ownership § 66 (emphasis added). See e.g. *Few v. Few*, 239 S.C. 321, 122 S.E.2d 829 (1961). Specifically, the South Carolina Supreme Court held, "Each cotenant is responsible for payment of taxes on the property, with the right of contribution from the other or others." *Watson v. Little*, 224 S.C. 359, 361, 79 S.E.2d 384, 385 (1953).

Laws for Number 61

Section 15-61-410. (A) Unless required otherwise to do so within a shorter time, a broker appointed under Section 15-61-400 to offer heirs property for open-market sale shall file a report with the court not later than ten days after receiving an offer to purchase the property for at least the value determined under Section 15-61-360 or 15-61-400.

(B) The report required by subsection (A) must contain the following information:

- (1) a description of the property to be sold to each buyer;
- (2) the name of each buyer;
- (3) the proposed purchase price;
- (4) the terms and conditions of the proposed sale, including the terms of any owner financing;
- (5) the amounts to be paid to lienholders;
- (6) a statement of contractual or other arrangements or conditions of the broker's commission; and
- (7) other material facts relevant to the sale.

JURAT STATEMENT

Sworn and Subscribed before me

On this 27 day of May, 2020

Jennifer L. Every
Notary Public for South Carolina

Commission Expires: 3-20-28



3-20-28

PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
Post Office Box 11629
COLUMBIA SOUTH CAROLINA 29211

Appellate Case No. 2020-000625

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Charleston, SC Case No. 2016CP1005559

Sandra Freeman, et al.
Representative for the estate

Respondent,

v.

Diane LaPrade

Appellant.

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May 27 2020

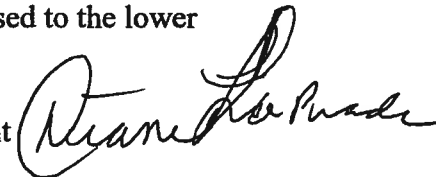
SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Sandra Freeman by depositing a copy of it in the United States Mail, certified postage on March 19, 21, 2020, and March 23, 2020 addressed to Sandra Freeman et al. 5432 Crown Ave, North Charleston, South Carolina 29406. Each one of the parties received their own individual mail outs in the manner disclosed above at the time Sandra Freeman mail was sent and the receipts for proof was disclosed to the lower court and the appellate court prior to this proof of notice.

May 26, 2020

Diane Laprade-Appellant
Post Office Box 1511
Goose Creek, South Carolina 29445
(843) 568-9640
Filing Prose/Appellant



3-20-28

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	
Total Postage and Fees	\$4.10	

Postmark Here
03/19/2020

Sent To
Annett Freeman
9594 Black Wolf Run
Douglasville, GA 30135

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Postage	\$0.55	
Total Postage and Fees	\$4.10	

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Sent To
Christine Bradley
916 Marietta Ave
Norfolk, VA 23513

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Copy

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	
Total Postage and Fees	\$4.10	

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Sent To
Isaac Bradley
210-E Edgefield Drive
Summerville SC 29483

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Postage	\$0.55	
Total Postage and Fees	\$4.10	

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Sent To
Williamse Freeman
3672 Maybank Hwy # 304
Johns Island, SC 29455

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CHARLESTON, SC 29406

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Postage	\$0.55	
Total Postage and Fees	\$4.10	

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03/19/2020

Sent To
Sandra Freeman
5432 Crown Ave
North Charleston, SC 29406

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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CHARLESTON, SC 29412

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Postage	\$0.55	
Total Postage and Fees	\$4.10	

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03/19/2020

Sent To
Ross + Leonard Freeman
284-D Fleming Rd.
James Island, SC 29412

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

No receipt from Charleston county clerk of office because they were not checking anyone in the morning 9:00 A.M. we had to leave it in the...

copy

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JOHNS ISLAND, SC 29455

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Postage	\$0.55	
Total Postage and Fees	\$4.10	03/19/2020

Sent To: Joseph Simmons
 Street and Apt. No., or PO Box No.: 3567 Old Pond Rd
 City, State, ZIP+4®: Johns Island, SC 29455

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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NORTH CHARLESTON, SC 29420

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Postage	\$0.55	
Total Postage and Fees	\$4.10	03/19/2020

Sent To: Simone Freeman
 Street and Apt. No., or PO Box No.: 8465 Patriot Blvd, #816
 City, State, ZIP+4®: North Charleston, SC 29420

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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LADSON, SC 29456

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Postage	\$0.55	
Total Postage and Fees	\$4.10	03/19/2020

Sent To: Brenda Bradley
 Street and Apt. No., or PO Box No.: 9765 Redwood Drive
 City, State, ZIP+4®: Ladson, SC 29456

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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NORTH CHARLESTON, SC 29418

OFFICIAL USE

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	\$0.00	22
Extra Services & Fees (check box, add fee as appropriate)		
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Postage	\$0.55	
Total Postage and Fees	\$4.10	03/19/2020

Sent To: Terrance B. Freeman
 Street and Apt. No., or PO Box No.: 7754 High Maple Circle
 City, State, ZIP+4®: North Charleston, SC 29418

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

To: Charleston Common Pleas

Case Caption: Diane LaPrade aka: Diane Pyatt VS Sandra Freeman , defendant, et al

Case Number: 2016CP1005559

Date: March 20, 2020

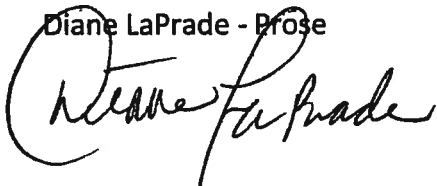
Type: To update a cause of action dropped at the court March 19, 2020. The plaintiff was unable to get the paperwork stamped by the court because of the health concerns and was told to put it in a bin and they would clock it in later. The plaintiff is adding additional information to help clarify the matter brought before the court.

The parties to this lawsuit have been served by certified mail on March 19, 2020 and a copy of that letter has been enclosed and they have been notified of the appeal being available at the court for viewing.

To appeal an order made by the Charleston County Court dated January 28, 2020 to the South Carolina Court of Appeals on March 19, 2020. The plaintiff is requesting that the case be given further considerations and be amended in order for the plaintiff to receive further relief as it may deem proper, equitable and just concerning the Plaintiff.

The plaintiff is also seeking and an automatic stay of the hearing to be held March 31, 2020 while considerations are being made.

Diane LaPrade - Prose

A handwritten signature in black ink, appearing to read "Diane LaPrade", written in a cursive style.

2020 MAR 20 PM 5:22
CLERK OF COURT

Diane LaPrade
P.O. Box 1511
Goose Creek, SC 29445
(843) 568-9640

2020 MAR 20 PM 5:22
JULIA S. LAFFIN
CLERK OF COURT

March 19, 2020

Re: Diane LaPrade vs. Sandra Freeman, et al.
Case No: 2016-CP-10-5559

Dear Ms. Freeman and Heirs:

Please be advised that the lawsuit on file is being appealed in the South Carolina Court of Appeals and full disclosure regarding the lawsuit appeal can be viewed at the Charleston County Clerk of Court online or in person at 100 Broad Street, Charleston, SC 29401

The purpose of this appeal is as follows:

To address the conditions of order regarding sale and/or purchase of the said properties on file Tax Nos: 203-00-00-079, 203-00-00-097, 203-00-00-098.

To obtain an order to allot reimbursements owed to the Plaintiff known as Diane LaPrade by the heirs and cotenants of this estate such as but not limit to, taxes, for discharging liens placed on the properties; and

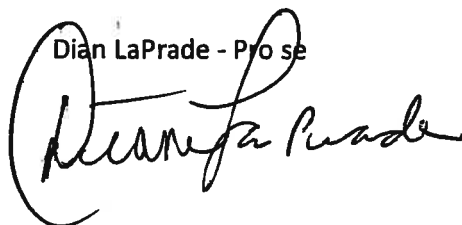
To obtain an order from the court for compensatory damages the plaintiff suffered due to financial and emotional abuse, willful negligence, and the unlawful conduct of the heirs; and

To obtain an order from the court to award Plaintiff's legal fees and cost incurred as a result of the heirs and cotenants dereliction of duty; and

To obtain an order from the court for the Plaintiff to be compensated for: the negative actions and abuse of power from the prior executor handling the rental property of the estate; and

To obtain and order from the court for the present taxes to be paid immediately by the heirs and cotenants before the property is seized by the county for unpaid taxes which could result in total loss of the estate.

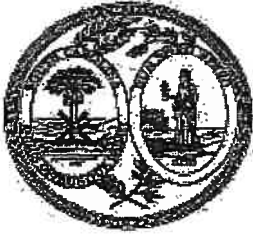
This is not an exhaustive list but rather too disclosed what has been filed in the appeal!

Dian LaPrade - Pro se


NOTICE OF MOTION SCHEDULING

January 15, 2020

file
date



Motion "MIECON - Master/Partition Hearing 1/28 at 10:00" for Case:
2016CP1005559 - Diane Pyatt VS Sandra Freeman , defendant, et al
has been added to the following Motions Roster:

1558 - Master's Docket for January 28, 2020

This hearing of this motion has been scheduled for 1/28/2020 at 10:00
AM.

surprise Bid Hearing, discovered on the day of court

A HEARING in the above referenced matter has been scheduled in front of Judge Scarborough on January 28, 2020 in courtroom 2A. Please refer to the published roster on the Charleston County or SC Judicial websites for more information. Proper notice is your responsibility. If your case is settled or is no longer going forward, please notify Marti at MDennis@charlestoncounty.org and the roster will be marked accordingly. Thank you.

Mail Notice To:

Diane LaPrade
Post Office Box 1511
Goose Creek, SC 29445

Court Info:

Master In Equity
Charleston County Judicial Center
100 Broad Street, Suite 266
Charleston, SC 29401-9401

If you have any questions regarding the scheduling of this motion, please contact the courts at:

(843)958-5070

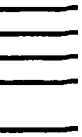
Respectfully,

Clerk of Court

JULIE J. ARMSTRONG
CLERK OF COURT, C.P. & G.S.
100 BROAD STREET, SUITE 106
CHARLESTON, SC 29401-2258
RETURN SERVICE REQUESTED



Property
clerkofcourt.charlestoncounty.org



94



DIANE PYATT
PO BOX 1511
GOOSE CREEK SC 29445-1511

NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRPC

Order on Purchase of Property

CASE NO: 2016CP1005559

Diane Pyatt VS Sandra Freeman , defendant, et al

This judgment was entered on the 29th day of January, 2020, and notice mailed first class on Wednesday, January 29, 2020, to all counsel of record and/or all parties entitled to receive notice.

You may view and download this document at <http://clerkofcourt.charlestoncounty.org> or obtain a copy in person at the Clerk of Court's Office during regular Charleston County business hours.