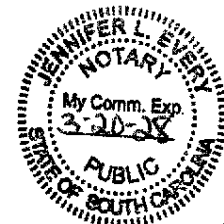


SOUTH CAROLINA COURT of APPEALS  
 Attn: Ms. JENNY ABBOTT KITCHINGS, CLERK  
 1220 Senate Street  
 Columbia, South Carolina 29201



*Jennifer L. Every*

Date: June 26, 2020

**Re: Appeal Order To Dismiss**  
**Appellate Case number 2020-000625**  
**Charleston County Court Case number: 2016CP1005559**

**RECEIVED**

**Jun 26 2020**

**SC Court of Appeals**

Diane LaPrade Appellant

v.

Sandra Freeman Respondent et al

I Diane LaPrade the appellant is responding to an order of dismissal made by the court dated June 17, 2020. The order stated it was due to lack of response from the appellant regarding information that was requested and not received by the date of the letter sent. The order stated that the proof of service and the notice of appeal were not received as of date of the order to dismiss the case. I would like the court to know I have never failed to timely respond to any request made by the court and that information was incorrect. I ask that the honorable judge and court to reconsider and grant the relief the plaintiff originally requested due to an error in communication and not dismiss this appeal.

As the appellant in this matter I would never be that negligent in a matter as great as this. I have fought relentlessly to keep my heirs property from being taken and exploited for over 10 years. I may not have met the same standards of an experienced lawyer or legal professional because I'm not one. I may have disappointed others expectation as relates to the paperwork customary order or rule of law but I have always responded and provided what my level of knowledge, understanding and ability was able to provide as an inexperienced Prose. I put my heart and money into this lawsuit and never gave up even when I felt defeated, I continued to press on.

Our country is in a crisis and we have gone from one crisis to the next and everyone is concerned about the outcome including me. I have given up almost everything to fight for this land and that includes my estranged family, finances, health you name it and I have sacrificed it for the betterment of this cause. This land was in my family since the 1800s and was passed down to the generations from those that were enslaved so we could have an identity and a place to call home. Almost all the land is gone because a group of people that had no reverence for the blood, sweat, and tears that those slaves shed for them but I do! And I am trying to

make a difference and leave a better example for the generations to come. I strongly believe that this land should stay in this family because it provides the roots that the enslaved left behind. It is not a lot of land but it is strongly tied to history of my people and it has extreme sentimental value to me. African Americans living in the South have always been left vulnerable relating to keeping their Heirs Property out of the hands of predators. The laws that were supposed to provide and protect the owners from predators have actually proven to be ineffective due to the abundance of loopholes, resulting in the cumulative loss of wealth for vulnerable families. I have had to protect for this land for over 10 years alone: paying high tax bills, redeeming the property from government seizure 3 times due to unpaid taxes, fighting off speculators and grifters, only to find myself in a lawsuit fighting against heirs who have no personal or spiritual connection to this land or the history of their people, especially those who were enslaved. They have no personal financial investment, neither have they made any type of valuable contribution to this land so they nothing to lose and they don't care who or what is destroyed in the process as long as they get a check. They have abandoned this property and their responsibility as heirs and co-tenants for over 23 years and they are predators working from the inside causing an open door to anyone who wants to come in and take this land if I am forced to sell it. They are exploiting this property for the love of money and this is one of the loopholes I was talking about, the legislators left to board of an interpretation to be defined.

This is not Justice? This is not equal protection? The judicial system is allowing these heirs to steal from me but wouldn't allow them to rob the county of due taxes, there is a bill out there right now for over \$10,000 and they will not put a penny towards it and yet, they want a check and free money off my labor and I am asking the courts to intervene. If it wasn't for me the land would have been gone because they did nothing to save it. I have over a hundred receipts of reaching out to them in some shape or form for help and they refused to help.

These heirs had no vision to develop their own land and make better lives for themselves and/or for their families. The same people that cry about reparations can't even correlate the importance this is land and why it exists. They are blinded by their greed and can't see benefits they are giving to the people who want to suppress them and gain access to the land. They choose to live off government supported programs instead of achieving financial wealth and independence. I devoted my life to saving this property and as a result they were able to live off me by default and then they united together to cause me to lose my property and all I have invested in the land so they can get free money by inheritance theft. The judicial system is allowing them to rob me but wouldn't allow them to get away with paying no taxes and they seized the property until it was paid by me. If I didn't pay those bills the property would have been gone and there would be no lawsuit today and this is the retribution I received from this angry mob for saving the land. My mother cried many of days because she couldn't pay her bills and feed her family, she worked two jobs as a single parent and she thought enough of us to

leave us an inheritance. She thought these people would honor her in her life and death but she was wrong! I lost more trying to save this land than I will ever get back and they don't possess the integrity, honesty, or the decency to care!

I have worked in my community for over 30 years doing outreach ministry, crossing all the racial border, encountered many prejudice people, serving people that had questionable background, people on different economical levels, I owned a private school that sponsored no child left behind, I was a part of the chaplain team for prison ministry for years, volunteered for senior citizens homes, volunteered at the VA hospital, providing food and shelter for homeless people, working with the court's juvenile incarceration, housing domestic violence victims, feeding the poor etc., I could go on and on. Almost everything I did was financed out of my own money and by private donations from friends and my children. I told you all that to say, with everything working on, I still protected that land. I have never taken anything from anyone that I didn't earn but these heirs have taken years of my life and my resources and I still paying. I can truly say, I have been around a lot of people but I have never seen people as evil and unapologetic as these heirs in this lawsuit and I have zero respect for them. I had no choice where I was born but I am making a conscious decision where I die and it won't be with these people who hate me.

I would bet my life that these are the same people that are sitting in front of their television watching the critical state of affairs that are taking place in this country screaming and shouting about what they see and hear, saying how black lives matter, it not fair how they are treating black people, look how they're killing the black people in plain view, look how they are attacking the protestors etc. I bet their calling out racism, and unfair legal practices that the black people face every day but have no realty of how they are a part of the black history problem because they don't respect those that died for them or the black woman that fought for them and the land they so desperately want to force the sale of so they can get a dollar. I DON'T WANT TO HERE IT, I MATTER!

I have given some of the best years of my life to this project, years I can never get back. My financial resources were taken from me by force because of these heirs blatant refusal to contribute anything toward the cause. I made sure the property was kept up until 5/2019 when they decided they would force the sale of this property. I have encountered astronomical legal issues and fees throughout the years, to make sure that property was protected from grifters, developers, and now dishonest heirs. I alone embraced the pain of paying high those taxes. I paid the price for redeeming this property from the government seizure three times. I sat in those auctions watching them call out this property and listening to the people bid on the property, like they bid on the slaves in the past. No one knows the hurt and shame I went through sitting there helpless and these things have shocked my conscious forever and opened

up the history of slavery to me in such a way that I will never forget. When we forget our history we are bound to repeat the past and I will never stop fighting this corrupt system. The same way my forefathers and mothers died in faith and strength, I will also!

And I am pleading with this court to block them from the injustices I am facing.

As an unexperienced Prose filer, I didn't always get everything right with your format but I tried. I have contacted several people for help to no avail: legal aid, paralegal services, family court, and I even got a referral from bar and paid an attorney for counsel to get through this paperwork.

If you are a criminal you at least have the constitutional right to an attorney if you can't afford one but it's not that way with civil cases. Yes, there are a few organizations that help those who cannot afford to pay a private attorney \$300.00 plus dollars per hour but getting one is like winning the lottery. In addition to that there are a lot of civil cases these organizations don't take and they don't have the manpower to help and you must meet certain income standards. They have a limited amount of attorneys to help thousands of people so your left to your own and lose you case by default.

The citizens who have a represent themselves, should be able to go to the courts website and have things written in plain English for people who are not law students, paralegals, or attorneys. The way the website have been written you know it was done by a law professional and it is written in language that everyday people don't understand and yet they are required to meet the same standards as a lawyer and that is not fair. We will never have a fair chance in court or receive equal rights protection under the law. The way this judicial system is set up it really need to be reformed; they need provide some type of assistance for the citizens of South Carolina to be able to ask questions. We need to have special case manager assigned because it appears a variety of people look at that paperwork and each one see something different or say something is missing when it's there and it causes a lot of confusion. The court needs to provide some type of guidance to help us better understand these court rules and the paperwork and help us navigate through these complicated proceedings. And I believe it starts with the communication to be in plain English that even a layperson can understand.

I never lacked response it just took me longer to perform the paperwork because I didn't always understand the request but I always tried. I always turned my paperwork in on time or got an extension as it should have been noted in my file. I would never knowingly risk my ancestry land after all I went through to save it. It was so important to me that I contacted this court for emergency help when I felt like I was not getting justice, due process and equal protection of the law. This case has cost me everything and though I'm exhausted physically, mentally and financially I continue to press on.

I have relentlessly worked on this paperwork from the first day I started this lawsuit to the close of this letter. I have been asking for help with this case in areas I found questionable and now the court dismissal. I don't have an expensive lawyer but the cost to bring this lawsuit was overwhelming but I endured. I responded to everything the appeals court requested to the best of my ability and never missed a deadline.

**I have enclosed a timeline of my correspondence with the court:**

I thought when the appeals court asked for proof of service they meant did I notify the respondent et al and the Charleston court that I was appealing my case and the Charleston court order, made by the Honorable Judge Mikell R. Scarborough. I said yes, and I sent in the proof by post office receipts and I had letters clocked in by the Charleston Court and sent those to the Appeals Court also and I did this three times and disclosed the dates and proof to the Appeals Court that I notified the Charleston Court of my intentions. I was getting frustrated because the Appeals Court kept saying they didn't get it the information but in essence they got it but it was in the wrong format, they wanted form 7 which is a proof of service.

The same thing happened with the notice of appeal, they wanted proof on form 1, showing that I had given Charleston Court a notice of appeal, to let them know I was appealing the judge's order. I said yes, and I sent the appeals court the stamped paperwork that I turned in to Charleston clerk office as proof that I notified the lower court. And I did this on more than one occasion and the appeals court kept saying they didn't get it. Because it was in the wrong format, the information was supposed to be put on a **form 1** which is notice of appeals form.

I had no clue. I was turning in the right information but in the wrong format and it wasn't until late in the appeal case that one of the staff asked did you send in form 7 and form 1 and I said I didn't know what that was and she explained it to me and that was the day the light came on and I learned the hard way. The error was made in miscommunication and not due to negligence, I have always responded and on time. I even paid a SC Bar referral attorney for counsel and not once did he tell me this is what their looking for, in fact I spoke with another attorney from legal aid and she sent me the link and it was the same link that court of appeals sent me so they were no help either. That's why I said earlier, if the information would've been on the appeals court website in plain English and in layman terms it would have made a huge difference sooner.

I was penalized for not having the notice of appeal and the proof and the service on the proper forms and was granted an extension to 5/27 and I sent it back on the 5/26, 5/27, and 5/28 to make sure they got it. When I put the information on the notice of appeal form they said I needed more information on the form on 6/3 and I fixed and sent it back 6/11. And 10 days later I get a letter saying that the case was dismissed June 17, 2020 because of a lack of

response from the appellant and that is incorrect. The order stated they had not received the notice of appeal form and the proof of service form at the time the dismissal order was stamped. I sent those notarized forms in three times: May 27<sup>th</sup>, and June 11<sup>th</sup> and I have verification that it was received by the appeals court, that paperwork was sitting at that court house all that time when they sent out that letter of dismissal As soon as I got that order on June 20<sup>th</sup> I called the manager of the clerk office 'Elizabeth' and explained to her what the situation was and she said I had ten days to appeal the order and that's what this letter is for. I am asking the court to reverse the order to dismiss this case due to miscommunication and I have enclosed the timeline of activity!

### **This process started March 19, 2020**

I filed notice with the Charleston county court that I was appealing the judge court order to purchase or sell the property because:

1) I believe that I was treated unfairly in the court proceeding and that the decision of the court was biased 2) The property was abandoned for almost 23 years and I wanted consideration relating the matter 3) I was being financially exploited and did not receive equal protection 4) I didn't get due process 5) I wasn't equally protected by the law and it's intent as it relates to heirs property 6) The origination of the lawsuit was misrepresented by my legal counsel 7) I m a victim of inheritance theft 8) I was forced to bid, purchase or sell sentimental and historical property within 60 days and I needed more time respond because there were other considerations not addressed 9) I sought reimbursement for all my financial investment for years of negligence inflicted upon me intentionally by these heirs etc.

**March 19, 2020** I filed an emergency stay with the court of appeals, to hold off a court order given to me by the Charleston Court on January 29<sup>th</sup> and the upcoming court hearing to buy or sell my property was scheduled in Charleston Court for march 31<sup>st</sup>. And that's why I requested an emergency stay because the court hearing date was approaching and I was challenging the laws and the intent of the laws being defined. I serve the judge in the Charleston Court what I thought was the notice to appeal to his decision and I served the respondent et al. as well that same day and had it stamped.

**March 19, 2020** I drove to Columbia to drop off the appeals paperwork and what I thought was the information for the stay because there is no special form for that. They ask me upon my arrival if I served the notice of appeal and the proof of service to court in Charleston and my answer was yes I did, that answer was given before I knew the format was wrong. I gave the paperwork I thought was right to Charleston court and the Appeals Court in layman's terms. I truly had no idea it needed to be on a special form and in a special format so I thought I answered correctly.

**March 20, 2020** I went back to the court in Charleston to let them know that I went to Columbia to file the appeal and I left proof of service showing I mailed everything I was doing to the respondent et al, by way of certified postal receipts.

As I was driving home I got an email from the Charleston Court saying due to Covid-19 they was cancelling my court hearing scheduled for March 31, 2020 and may reopen May 1,2020 but they would let me know. I was relieved because that gave me more time to hear from the Appeals Court which was the reason I put in for the stay because my hearing in Charleston court was 3/31.

**March 20' 2020** I received an email from the Charleston Court also asking me to help them get the word out to the other heirs that the court case scheduled for 3/31 was cancelled due to Covid-19. I agreed to do that as well even though it was costing me a lot of money, I did what they asked and sent out certified letters again. I contacted the Charleston Court to let them know that the mission was completed 3/21. I also included the receipts from the post office as proof of service to the heirs was done.

**March 23, 2020** A letter was sent from the court of appeals saying that I do not have an appeal pending in that court and information I turned in does not constitute a notice of appeal, therefore no further action will be taken etc. and they cited Rule 203. I was blown away after all the work I had done. They ask for judge's name, lower court docket number, the date of the order and other information that I had already sent up but it was apparently in the wrong format and I didn't catch it. They told me I had to send the money for the court filing fee and the stay, which I had already done with my original paperwork, in the form of a money order for \$300.00: \$250.00 for the filing fees and \$50.00 for the stay.

1) I gave them my court paperwork explaining the reason for my appeal and it had my name, address and phone, email addressed included in the paperwork. 2) I gave them the court docket number on the front page of my paperwork. 3) They asked me for the order that was being appealed and I had included a copy of the order with the paperwork as well. 4) They asked for the names of the other parties and I had all of that listed on the certified mail I sent out. 5) They asked me for the money for filing and I had already turned that in with the paperwork also.

I said all that to say, I did those things on my own before I received the rules from the court. I did the best that I could even with no instructions so my intent was not to negligent in anyway. I mailed the court just about the same information they requested, I thought my paperwork got lost due to the present chaos of covid-19 not knowing my format was wrong so I sent it in again. I didn't have it in the right format and didn't know enough to be successful but I tried!

## **March Pandemic**

I knew I had more time to get that paper work right and all eyes to covid-19 and its deadly effects. The disease ran rampant, people was falling sick all around us, they were encouraging seniors and others not to go out if you didn't have to, the people was scared to death, our children was out of school, people were losing their jobs, people was preparing for a mass shut down, the grocery stores were being cleaned out of food and water, people didn't know how they were going to pay their bills and now our court house was closed to the public, along with other state buildings. The banks only proving limited services and they weren't even considering loans at the time because the people had no guaranteed income coming in. I didn't have any ideas on what to do but I kept studying the laws and trying to work through everything I just named in the mist of the mayhem that surrounded me.

Anything that needed to go to the Charleston clerk office couldn't be stamped immediately it had to be thrown in a bin and they would clock it in later and send you a receipt by mail. This was a very hard time for everyone and extremely frustrating because I didn't know how to fix the problem.

**April 22, 2020** I was sent two separate letters saying and requesting different things. 1) The first letter said upon review of my documents filed March 19, 2020 they were basically accepting my case and gave me a case number, and they sent me rules and regulations. 2) The second letter point out deficiencies and said I had 10 days to fix them and send in the court fees and the court order being challenged, and proof of service. I never got those letters until 4/24 or so and I called in, someone returned my call around 4/26 and I explained to them the situation of when I received the paperwork and she said no worries due to the pandemic I am able to give you an extension until 5/27. I was relieved and thankful because my March 23, 2020 letter said they weren't even taking any further actions.

**April 23, 2020** I was sent another letter saying as the notice of appeal, you must order the transcript within 10 days according to Rule 207 and failure to comply will result in dismissal of this appeal. I thought to myself this never ends, almost every day I get a request and a rule about something. I really was feeling defeated but I knew there had to be multiple people handling this paperwork because letters requested had no out of order to them and were sent at different times instead of in one letter and they were really confusing me. The letter said to get the transcript and I could only think they meant from Charleston Court and I had already purchase that transcript since January and paid 250.00. I didn't know who I was supposed to send the transcript to but I had it whenever they called for it.

No matter what the situation is they always threaten to cancel your case, it's like the law is heavy handed and the desire is to put people in panic to comply, I think this wrong and needs

to be reformed. There was no consideration for what people was going through and I also had two Covid-19 scares and had to be tested, the test alone will leave an imprint on your brain you will never forget. And the second time I was at a particular office and they had to notify us that someone within the office had tested positive for Covid-19 and I had to quarantine and live in that nightmare.

**May 29, 2020** I another letter was sent to me requesting the correct filing fee for the stay, which have been sitting at the appellate court for months and the staff promised to note my case and I believed she did and it was overlooked again. In addition to that the letter said I still had not sent the proof of service which is form 7. This time they didn't ask for the notice of appeal form 1 but sent both and had them both notarized and I have the email confirmation that they were received.

- 1) I sent the money months ago for the stay it was included in the \$300.00: the court fee was \$250.00 and the fee for the stay was \$50.00. 2) The form 7 and the form 1 was notarized and sent 5/26, 5/27, 5/28 and 6/11 and sent to the Appeal Court.

I called the Appeals Court for almost a week and left several messages to make sure the court got the paperwork and that it was correct, I left my name, case number and phone number and no one ever returned my call if they will check there answering service they will find it. I even had Verizon send me a call log just in case something like this happened.

I thought since they weren't calling me back that no news was good news and they would tell me what my next positive steps were but I was wrong.

**June 17, 2020** The Appeals Court sent me two separate letters one stating that they was returning the \$300.00 I recently sent because they already had \$300.00 for me on file at the court.

And the second letter stated that my case was being dismissed because I didn't send in the proof of service for the motion and I didn't send in the notice of appeal in a timely manner.

I was so distraught by this information and all the work that was put in to have this type of error made was crushing. I got the letters on the 6/20 which was the weekend so there was no one I could talk to until 6/22.

**June 22, 2020** I contacted the clerk manager office and asked to speak to Ms. Jenny Kitchen but instead I got Elizabeth and told her what happened and she said I had 10 days to ask for a reconsideration. I have work on this response since 6/22, along with the timeline, pulling phone records, emails from Charleston Court, email confirmations for the Appeals court, receipts from

the print shops, post office receipts. I can't believe this happened to me and am so disappointed and exhausted.

I personally dropped off paperwork to Charleston court on more than one occasion, I drove to Columbia to the appeals court two times, I have emailed countless information requested, I have spent large amounts of money on UPS and FedEx: it cost \$41.00 each time, I have spent a substantial amount of money on printing, a tremendous amount of money on certified mail, I got my extensions, had my file at the court noted and I have receipts for all the information enclosed. I don't know what else could I have done?

I am pleading with the court to reverse the order to dismiss and reconsider the my case to go forward because I believe I have proven not to be negligent in this matter and I have proven to be responsible and I would like to say enclosing that this case is extremely important and I would like to receive due process, justice, and equal protection under the laws!

Diane Laprade - Filing Prose  
P.O. Box 1511  
Goose Creek, South Carolina 29445  
Phone: 843-568-9640  
Email: dianepyatt@yahoo.com



Date June 26, 2020

Sworn and subscribed before me  
On this 26 day of June, 2020

Jennifer L. Every  
Notary Public for SC  
Commission Expires: 3-20-28

