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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

SC Court of Appeals

APPEAL FROM DORCHESTER COUNTY
COURT OF COMMON PLEAS
Judge William Keesley

Case # 2009-CP-18-2200

Jody E. Charpia.....Appellant

vs.

Rene McMasters.....Respondent

INITIAL BRIEF

MOTION TO DISBURSE HOMESTEAD EXEMPTION

Jody E. Charpia
106 Axtell Drive
Summerville, SC 29485

cc: Attorney Frank Cisa

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TABLE OF AUTHORIES

Moore v. Rowe , opinion # 3352

SC Code of Laws 15-39-690 , et al

SC Code of Laws 15-39-10 , et al

SC Code of Laws 15-41-30 (1)(a) , et al

STATEMENT OF THE ISSUES

Jody E. Charpia owned one-half interest in said property and is entitled to a Homestead Exemption pursuant to SC Code of Laws 15-41-30 (1)(a) , et al. "multiple owner". (exhibits Record on Appeal)

The upset bid sale held on June 3, 2009 was not advertised correctly by the Sheriff's Dept , pursuant to SC Code 15-41-10, i.e. "in the advertisement of the sale , also shall state that the minimum bid for the property must be in the amount of the exemption".

The Sheriff's Dept. ordered Jody E. Charpia to have the "money in full" to the Sheriff's Dept. by 2:00 pm on this day , June 3, 2009 ; thus violating her due process pursuant to SC Code 15-39-690.

The Respondent's attorney , Frank Cisa cancelled the sale on August 4, 2009 without a Court order or the Court's intervention.

Jody E. Charpia was is entitled to a Homestead Exemption pursuant to SC Code 15-41-30 (1)(a) , i.e. being a "multiple owner".

STATEMENT OF THE CASE

Judgment was rendered against Charpia Residential LLC and Howard W. Charpia , case # 2002-CP-18-932 .

The Court and Attorney Cisa fabricated a non-statutory action , “foreclosure on a judgment lien” , case # 2009-CP-18-2200 ; against Howard W. Charpia and Jody E. Charpia .

Attorney Cisa's volition was is that after two (2) Sheriff's sales in 2009 , he cancelled the sale without a Court order or intervention as Howard W. Charpia conveyed ½ interest in said property to Jody E. Charpia. (letter dated August 4, 2009) ; thus Jody E. Charpia became a “multiple owner” pursuant to SC Code 15-41-30 (1)(a) , et al.

Attorney Cisa's volition before the Court and Judge Keelsey was is that case # 2002-CP-18-932 is done . (transcript page 21)

Judge Dickson's Form 4 dated 10-29-2012 clearly states that this case , 2009-CP-18-2200 has is ended. (Form 4)

FACTS

SC Code 15-41-30 (A)(1)(a) , If there are multiple owners of such a living unit exempt as a homestead , the value of the exemption of each individual owner may not exceed his fractional portion of one hundred thousand dollars.

Deed dated August 1 , 2017 ; sale of said property shows that Jody E. Charpia is the owner of the property.

The 2017 Real Estate Tax Notice shows that Jody E. Charpia is the owner of said property.

The Dorchester County Assessor Office's "NOTIFICATION" shows that they updated their records to the owners Howard W. Charpia and Jody E. Charpia , dated July 3 , 2017 . (notification)

Attorney Cisa cancelled the two sales of 2009 by the Sheriff's Dept. without a Court order or intervention "because" Howard W. Charpia conveyed ½ interest of said property to Jody E. Charpia . (letter)

Judge Keesley on April 27, 2018 dismissed Jody E. Charpia's "Motion to Disburse Exemption" with prejudice without any findings of fact or conclusions of law. Judge Keesley's volition " I'd have to know "exactly" what the issues are to give you any indication". (transcript)

Jody E. Charpia withdrew her "motion" at that time , date of hearing.

There is no law or statute that states Jody can not refile her motion and have her day in Court pursuant to her "due process" afforded.

CONCLUSION

The Sheriff's Dept. held a judicial sale in May 2009 and an "upset bid" sale in June 2009.

The respondent's attorney , Frank Cisa , cancelled these sales without a Court order or the Court's intervention. (letter of August 2009)

All Dorchester County records show that Jody E. Charpia has ownership interest in said property subject to this Appeal.

Pursuant to SC Code of Laws 15-41-30 (a)(1)(a), Jody E. Charpia is a "multiple owner" of said property and is entitled to her Homestead Exemption .

The Appellant , Jody E. Charpia , is entitled to an exemption of \$ 60,975.00 pursuant to the allowance as of 2019.

Jody E. Charpia had has a "due process" right to withdraw and refile any "motions" to the Court at any time.

No conclusions of law or findings of fact were sited in Judge Keesley's decision. No Order was filed , just a letter and a Form 4.

WHEREFORE, Jody E. Charpia prays that this Court look into these proceedings and decision; and grant the Appellant , Jody E. Charpia her Homestead Exemption as required by law and statute.

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PROOF OF SERVICE

I, Jody E. Charpia , hereby state that I mailed the Initial Brief to:

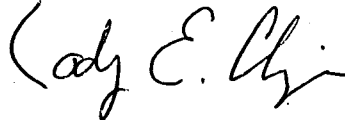
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South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

Date mailed 12-16, 2020

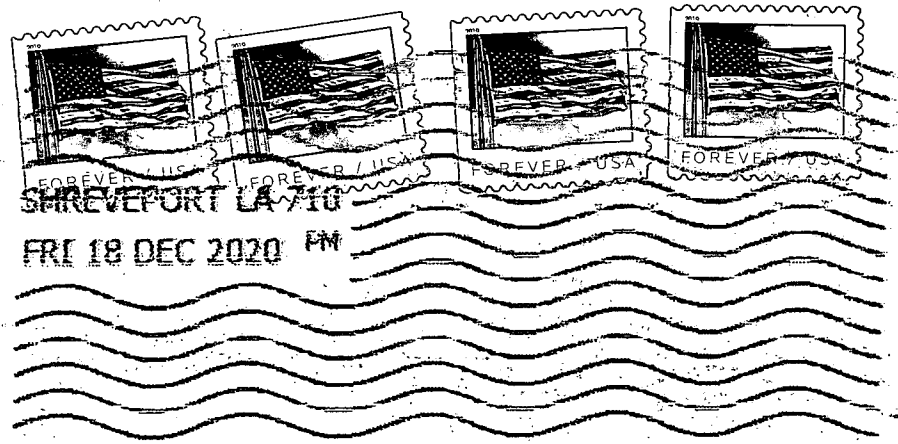
Date mailed 12-16, 2020

Jody E. Charpia



Appellant Case # 2019-001516

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