

RECORD ON APPEAL  
THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
Appellate Case No. 2019-001838  
APPEAL FROM CHARLESTON COUNTY  
Mikell R. Scarborough, Master-In-Equity Court Judge

RECEIVED  
MAR 08 2021  
SC Court of Appeals

Allutte Jones, Appellant,

v.

Mikell R. Scarborough, NBSC/SYNOVOUS BANK,  
Judge DANIEL MARTIN JR, CASDELL SINGELTON,  
Representative Andrew Sullivan  
SRP 2011-6 LLC and others. Respondent

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RECORD ON APPEAL

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Authorized Representative  
Allutte K Jones, Appellant  
142 Coming Street  
Charleston SC, 29403  
(843) 813-1910

Andrew Sullivan Attorney for Respondent  
1612 Marion Street, Suite 200  
Columbia, SC 29201  
U.S.A.

INDEX

Caption

Index.....1

Question of issues on Appeal.....2

Statement of Facts Necessary to Understanding the Issues Presented.....3-5

Concise Arguments in Support of Appeal.....5

Rule 60 (b) (4) of October 11, 2019 .....10

Order of October 15<sup>th</sup>, 2019 .....11

Notice of appeal .....12

Amended Initial Brief .....13

Designation of Matter.....14

Proof of Service .....15

Transcript .....16 pg. 4, 8,9, 11 12

Motions .....17

Appellant Exhibits

Exhibit 1.....18

Exhibit 2.....19

Exhibit 3.....20

Certificate of Service .....21

QUESTIONS OF ISSUES ON APPEAL

1. DID THE TRIAL COURT ERR IN GRANTING SUMMARY JUDGEMENT OF FORCLOSURE WITHOUT SUFFICIENT VALIDATING EVIDENCE?
  
2. DID THE TRIAL COURT VIOLATE MY CONSTITUTIONAL RIGHTS TO DUE PROCESS AND EQUAL PROTECTION OF THE LAW?
  
3. BY DENYING EVIDENCE DID THE TRIAL COURT VIOLATE MY CIVIL LIBERTIES BY ACTING UNDER AN ABUSE OF DISCRETION UPON AN ERROR OF LAW?
  
4. DID THE TRIAL COURT HAVE JURISDICTION?
  
5. DID THE MASTER IN EQUITY HAVE DISCRETION UNDER RULE 60 (B) (4) TO DENY APPEALNT RELIEF?

Statement of Facts

Necessary to Understanding the Issues Presented

On May 10th 2018 I was allegedly personally served with Summons and Complaint Stated in Affidavit Filed May 11th 2018; The following Affidavit is false for the following reasons On May 10th a Fire Was Started in My home on 142 comings Street in which the Police and the Fire Department responded Due to a phone call around 5pm we left because the Smoke and My daughters Mental Health. I Left my Residents for that entire day as you will see in Attachments, I Checked my Daughter into MUSC around 6pm where I remained with my Daughter until I left around 6:05 pm.

On May 10th after leaving the Hospital I headed for West Cott Plantation where I remained until the following day. Note the Affidavit States I was served personally at 7:12 pm but video of the incident and other documents will show that no one was in my home at 7:12pm this raises issues at law Pursuant to Rule 4(d), the summons and complaint must be served together. Otherwise, the civil action is not commenced. See Rule 3, SCRPC.

On July 17th 2018 an Affidavit of Default, Affidavit of Nonmilitary Service, Filing Fees and Certificate of exemption from Administrative Order 2011-05-02-01 was Filed in the Court of common Pleas Under Case Number 2018-CP-10-02344.

On July 24th A Default Order was not filed at this time I was not served with Summons and Complaint nor had any Knowledge as to my rights to prevention of foreclosure.

On July 30th 2018 Order/Referred to Master or Special Referee was filed in which I had not been Noticed nor Consented to its stipulation due to the lack of Service; this caused irregularities and errors in law because the Plaintiff(s) had not met their Burden of personal Jurisdiction over me.

On January 10th 2019 Notice/Notice of Foreclosure Hearing & CRT/Mailing was filed I Alluette Karen Jones Never received the Notices.

On February 12th Foreclosure Hearing was Held, February 26th 2019, Wavier/Wavier of Deficiency Judgment and Masters Order & Judgment of Foreclosure & Sale I had no knowledge of these actions until after they had commenced.

On March 21st 2019 Certificate of mailing was filed

On March 28 2019 Masters Order to Correct TMS Number Nunc Pro Tunc, srv

On July 31, 2019 Certificate of Mailing was filed

On August 6th 2019 Filed Chapter 13 Bankruptcy on October 11th 2019 filed Defendant Motion/Request for Emergency Hearing on rule 60 (b) (4); This filing came about when due to the plaintiff(s) Lack of proper Service according to Rule 4 SCRPC No Jurisdiction

The only reason I had entered the court at this time is to show proof that the Affidavit was not true due to the fire I was not in my home at the time the servicer stated 7:12pm. Mikell R. Scarborough refused to look at the evidence that I had provided on video Showing my Friend Fred Whaley was the only one at my home around 6:30 in which he left before 7:12 Pm leaving no one at 142 coming street he further went on to deny my rights saying I had waved them Under Rule 60(b)(4), relief where a judgment is void is non-discretionary and a matter of right. Richardson Construction Co. v. Meck Engineering & Construction Co., 274 S.C. 307, 262 S.E.2d 913 (1980). Citing Coleman v. Dunlap, 306 S.C. 491, 494-95, 413 S.E.2d 15, 17 (1992). "An abuse of discretion arises where the trial judge was controlled by an error of law or where his order is based on factual conclusions that are without evidentiary support.

On October 15th 2019 I filed Notice of Appealing Order from Judge Scarbourough I resubmitted The Rule 60 (b) (4) hearing to Circuit Court Demanding a Jury Trial in which I showed up to the hearing date Under Judge Buckner but he did no hear it only telling us to Refile it with the clerk to correct the docketing error which was ignored then allegedly denied by Mikell R. Scarborough On October 25th 2019 without Good cause. Note the date set for the resubmission of Rule 60 (b) (4) was on

My Appeal raises substantial issues,

**LACK OF SUFFICIENT EVIDENCE:**

1. Contesting the affidavit for lack of service Supporting or opposing affidavits “must be made on personal knowledge, set out facts that would be admissible in evidence, and show that the affiant is competent to testify to the matters stated.” Fed. R. Civ. P. 56(e)(1). A party who submits evidence in the form of affidavits must do so in the proper, authenticated form. Even at a preliminary stage of trial, courts should not permit admission of documents that do not strictly comply with procedural rules. It is imperative that a party’s sworn submission be sufficient in execution and substance, as well as consistent with prior assertions, to ensure the integrity of the process. Accordingly, practitioners should reexamine their affidavit forms and consider whether they are in compliance with the applicable rules and case law as to form. Practitioners also should examine opposing counsel’s submissions and move to strike any that do not meet the clear standards set forth for admissible affidavits and sworn statements.

2. Plaintiffs have filed a number of witness statements that Plaintiffs’ counsel characterizes as “affidavits,” but they are not sworn to nor are their statements made under penalty of perjury.

3. The plaintiffs’ failure to present proper statements, made under penalty of perjury, warrant the court’s disregard of the proposed “affidavits” and its granting of summary judgment in favor of the defendant/Appellant(s). Rule 60 (B) (4) is a matter of right and Black Letter Law when Jurisdiction is not gained over the person no judgment should be entered against me.

4. Personal Jurisdiction cannot be had without first being served the Summons and complaint; no notice of consent for Master IN Equity to hear Case from order of reference USC 28 636.

**EQUAL PROTECTION & DUE PROCESS:**

1. Notice is an essential part of Due process without it the courts are a place of ambush.

SC Con Article 1 § 3. Privileges and immunities; due process; equal protection of laws. The privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws. (1970 (56) 2684; 1971 (57) 315.)

State of South Carolina Senate Bill 702 specifically states The Servicer, SRP 2011-6 LLC, MBS/SYNOVOUS BANK and its representatives owes the homeowner a duty of utmost care, honesty, loyalty and full disclosure of all material facts: also see Rule 26 of the Federal Civil Procedure. A form of practice may not defeat a federal right. *Brown v. Western Ry. of Ala.*, 338 U.S. 294, 70 S. Ct. 105, 94 L. Ed. 100 (1949). I have been denied my right to available remedies in state court because they refuse to review relevant evidence FRCP 401.

2. The Master IN Equity should have observed the "settled doctrine" that a party may obtain relief from a judgment where fraud prevents a fact from being a part of the original litigation when the fact "clearly proves it to be against conscience to execute a judgment.
3. "Where enforcement of the judgment is 'manifestly unconscionable,'" a court has the equitable power to grant relief-even after the term has expired.
4. Using false or fraudulent evidence involves a corruption *United States v. Agurs* , see also *Miller v. Pate*, *Darden v. Wainwright* Improper Argument and Manipulation or misstatement of evidence violates due process). Cf. *Mesarosh v. United States*.
5. I was not personally served or afforded proper notice and service which deprived me substantive and Procedural Due process protection it is clear that plaintiffs had a Ethical and legal obligation to properly notify me in which they clearly failed to do.

#### **DENYING EVIDENCE IS AN ABUSE OF DISCRETION:**

I Alluette K. Jones Appellant made clear to Master IN Equity proof that I was not home at the time of the alleged Service Notice I was owner of Alluette Café for 20 years no well in the public eyes I say this because Master IN equity relied on Affidavit of servicer and denied the evidence I brought to court and had filed with the clerk. I never received any notice of the Order of Reference or seen evidence of it Filed in this Case with my consent. There is no proof of me consenting to the Master IN Equity nor waving my rights to a Jury trial further because I was not served, I was not properly Noticed which is in fact what caused multiple irregularities in this case one being lack of personal Jurisdiction. Further I did not see the order of reference so I did not know the Master IN Equity would make the final Judgment.

#### **JURISDICTION:**

1. Master IN Equity abused his discretion upon errors of law; The Master in Equity did error in enforcing an order without determining if Jurisdiction was established and lawful consideration of the alleged contract. The Jurisdiction of the Court was not evoked because there was no Notice to Appellant or service of Process under Rule 4 SCRPC.

UNITED STATES COURT OF APPEALS – FOURTH CIRCUIT Personal jurisdiction can be contested facially (on the basis of allegations alone) or ultimately (on conclusions drawn from evidence). The former, a preliminary contest, is assessed under a prima facie standard; the latter, a final contest, is governed by the preponderance of the evidence standard. A defendant who contests the evidentiary support of jurisdictional facts is entitled to an “evidentiary hearing.” But the Court in Grayson confirmed that the required “evidentiary hearing” need not always involve the taking of live evidence orally in open court. Instead, the Court ruled that the hearing may receive evidence by affidavits, documents, answers to written discovery, and depositions; I have a right to my property and relief protected by our constitution, SC Con Article 1 Section 3 and the United States Constitution 5th amendment due process of law, The CARES ACT, The State of South Carolina Judicial Foreclosure procedures, See; IN RE Mortgage Foreclosure Administrative Order (Order No. 2009-05-22-01); Executive orders 138192, Contracts, Trenchancy in Regulations and Guidance Documents

The courts lack of jurisdiction because of issues of Notice and Service The master has no power or authority except that which is given to him by the order of reference. See Rule 53(c), SCRPC (“[T]he order of reference to the master may specify or limit his powers and may direct him ... to do or perform a particular act...”); Bonney v. Granger, 292 S.C. 308, 356 S.E.2d 138 (Ct.App.1987) (a master has the same powers as a circuit judge unless the order of reference specifies or limits his powers); 76 C.J.S. References § 76 (1952) (a referee has no powers except those conferred by the order of reference).

Take Notice Citing: TRYON FED. SAVINGS LOAN VS. PHLEPS “A master may enter a final judgment without further order of the court if either the parties consent in writing, or the order of reference so provides. Rule 53(e)(1), S.C.R. Civ. P. Although the order may be appropriate, it is fundamental that no judgment or order affecting the rights of a party to the cause shall be made or rendered without notice to the party whose rights are affected. Insurance Co. of North America v. Hyatt, 290 S.C. 159, 348 S.E.2d 532 (1986). If the judgment or order is taken without notice, the absent party may rightly ignore it and assume that no court will enforce it against his person. Insurance Co. of North America v. Hyatt, supra [citing Koester v. Citizens' Publishing Co., 154 S.C. 154, 151 S.E. 452 (1930)].

#### **Discretion Under RULE 60 (B) (4)**

Notice There was no true diligent search or investigation by Master IN Equity or Plaintiffs in regards to Service(s) Proving I Alluette Karen Jones was home when on that day there was a fire, we had to evacuate our home due to fire and smoke. the court is in error by using Affidavit as proof of diligent service without considering the evidence I submitted. Since the service of a summons, which gives a

court the power to render a judgment over a party within its jurisdiction, must be accomplished with service of the complaint, there is no personal jurisdiction over a party without the service of both summons and complaint together. Without personal jurisdiction, any judgment rendered by a court is void. *Universal Benefits, Inc. v. McKinney*, 349 S.C. 179, 561 S.E.2d 659 (Ct. App. 2002) (A judgment is void when a court lacks personal jurisdiction over a party).

Because a void judgment is a nullity, it may be attacked at any time within "reason" without a showing of excusable neglect or meritorious defense. See *Flanagan, James F.*, *South Carolina Civil Procedure* (2d Ed.). Under Rule 60(b) (4), relief where a judgment is void is non-discretionary and a matter of right. *Richardson Construction Co. v. Meck Engineering & Construction Co.*, 274 S.C. 307, 262 S.E.2d 913 (1980). As a result, if the above analysis proves true, any service by publication upon a defendant which is undertaken in conformance with section 15-9-740 may have been improper and cause the judgment rendered upon a default to be void and subject to relief pursuant to Rule 60(b)(4) of the South Carolina Rules of Civil Procedure

Page 12 of the Transcript shows Master IN Equity using deceptive practices to deny my evidence based of his discretion in relation to a February hearing in which I was not Noticed of I did not find out about the Foreclosure issues until much later and upon advocates consultation did, I realize the legal errors of service note being I am not a trained Attorney. The law is clear on the rules of service in Rule 4 D my video that was denied which was evidence that I was not at home at the time a friend of mine filmed the damages and left before the time of alleged Service if the servicer saw anyone it would have been him but in the video evidence it shows him leaving around 6:30 42 minutes are so before alleged service and he his male.

Note I have multiple records of that day showing the fire and the hospital visit order made the day of October was checked does not end case.

Allutte K Jones, Appellant

142 Coming Street

Charleston SC, 29403

(843) 813-1910

STATE OF SOUTH CAROLINA )  
 COUNTY OF Charleston )  
Mitchell R Scarborough )  
ATTY Andrew M. Sullivan )  
SRP 2011-6 LLC )  
 Plaintiff, )  
 vs. )  
Alluette Karen Jones )  
 Defendant. )

IN THE COURT OF COMMON PLEAS  
 JUDICIAL CIRCUIT  
 C/A 2018  
 CASE NO.: CP-10-02344

MOTION AND ORDER INFORMATION  
 FORM AND COVERSHEET

Plaintiff's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: <u>Alluette Karen Jones</u> _____, Bar No. _____ Address: <u>142 Coming ST</u> <u>Charleston, SC 29403</u> Phone: _____ Fax _____ E-mail: _____ Other: <u>843-813-1910</u>
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information	
Nature of Motion: <u>Void order</u> Estimated Time Needed: <u>30 min</u> Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	
SECTION II: Motion/Order Type	
<input type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
<u>Alluette Jones</u> Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant	
<u>October 11, 2019</u> Date submitted	
SECTION III: Motion Fee	
<input checked="" type="checkbox"/> PAID - AMOUNT: \$ <u>25.00</u> <input type="checkbox"/> EXEMPT: (check reason)	
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input type="checkbox"/> Other: _____	
JUDGE'S SECTION	
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____
CLERK'S VERIFICATION	
Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

STATE OF SOUTH CAROLINA

IN CHARLSTON COUNTY

Mikell R. Scarborough, ,

MASTER IN EQUITY COURT

Repersentive Andrew Sullivan

*EMERGENCY HEARING*

SRP 2011-6 LLC )  
Plaintiff )

C/A# 2018-CP-10-02344

) ~~Exhibit~~ 1: Motion and demand Rule 60 (b) (4) Void

Vs

) Order/Judgment Emergency Hearing

Alluette Karen Jones )

Defendant(s)

2019 OCT 11 PM 4:11  
JULIE J. ARMS  
CLERK OF COURT  
BY *[Signature]*

FILED

SUBJECT: Void Order/Judgment

Notice I Alluette\_Karen Jones is the real party in Interest Status inpropria persona in with Fact Evidenced by I having a Soul and I do not consent to the use of a non-judicial foreclosure of my estate or these proceedings. I Alluette\_Karen Jones Demand my right to Due process to be heard in a meaningful way by a judicial foreclosure and a fair and impartial Trial I will be making a special appearance on the court on dates set.

Notice to the Principles is Notice to the Agent and Notice to the Agent is Notice to the principles! Exhibit A: notice is an essential element of due process. I am not Sovereign Citizens, or any other misnomers. Any Libel or Slander will not be tolerated we will sue all offenders for personal Injury!

1. Notice: I Alluette\_Karen Jones Understand the Common Law and Constitution are the Supreme Law of the land and any Statue, code ordnance or rule that's repugnant to the constitution is void of Law!! And I am invoking the Common Law Venue: Citing Chief Justice John Marshall Marbury v. Madison: 5 US 137 (1803): "No provision of the Constitution is designed to be without effect," "Anything that is in conflict is null and void of law", "Clearly, for a secondary law to come in conflict with the supreme Law was illogical, for certainly, the supreme Law would prevail over all other laws and certainly our forefathers had intended that the supreme Law would be the bases of all law and for any law to come in conflict would be null and void of law, it would bare no power to enforce, in would bare no obligation to obey, it would purport to settle as if it had never existed, for unconstitutionality would date from the enactment of such a law, not from the date so branded in an open court of law, no courts are bound to uphold it, and no Citizens are bound to obey it. It operates as a near nullity or a fiction of law."

If any statement, within any law, which is passed, is unconstitutional, the whole law is unconstitutional.

2. **Notice South Carolina A void judgment** is one that, from its inception, is a complete nullity and is without legal effect." *Thomas & Howard Co. v. T.W. Graham and Co.*, 318 S.C. 286, 291, 457 S.E.2d 340, 343 (1995). The definition of void under the rule only encompasses judgments from courts which failed to provide proper due process, or judgments from courts which lacked subject matter jurisdiction or personal jurisdiction." *McDaniel v. U.S. Fid. & Guar. Co.*, 324 S.C. 639, 644, 478 S.E.2d 868, 871 (Ct. App. 1996). It is fundamental that no judgment or order affecting the rights of a party to the cause shall be made or rendered without notice to the party whose rights are to be affected." *Tyron Fed. Sav. & Loan Ass'n v. Phelps*, 307 S.C. 361, 362, 415 S.E.2d 397, 398 (1992). Generally, a person against whom a judgment or order is taken without notice may rightly ignore it and may assume that no court will enforce it against his person or property. The requirements of due process not only include notice, but also include an opportunity to be heard in a meaningful way, and judicial review. *Grannis v. Ordean*, 234 U.S. 385, 394 (1914) ("The fundamental requisite of due process of law is the opportunity to be heard."); *S.C. Dep't of Soc. Servs. v. Holden*, 319 S.C. 72, 78, 459 S.E.2d 846, 849 (1995).

Notice: I Alluette\_Karen Jones the real party in Interest gives Notice to STATE OF SOUTH CAROLINA, CHARLESTON, County, Clerk of Court, The Trier of Fact, And the Trier of the Case. That no valid Order was made on 3-20-19 the actions are Void. I Alluette\_Karen Jones the real party in Interest makes this Motion and demand of Rule 60 (B) (4) Void order to Notify the Supreme Court, Charleston County Court 100 BROAD ST, CHARLESTON, SC 29461 and their Agents and Authorized Designee or Officers That I Alluette\_Karen Jones the real party in Interest have a right to make an Special Appearance/Restricted Appearance and Challenges the Original jurisdictions of the Court at CHARLESTON COUNTY Master-IN-Equity Division also I Demand the Real party in interest who brought the claims and object to any Third party representatives therefore I demand the real party in interest be present to testify under penalty of perjury. I was not Properly given full due process of law the Mikell R. Scarborough Master-IN-Equity, Court Officers, and plaintiff caused me multiple injuries engaging in a fraudulent acts to violate my Personal Liberty to property protected and secured Under Article 1 sections 3 and 13 to SC constitution, Article 4 the 5th and 14th amendment of the federal constitution Prove by what constitutional authority did the plaintiffs, Officers and this court acted upon to force upon I

1. Master IN Equity abused his discretion upon errors of law; The Master in Equity did error in enforcing an order without determining if Jurisdiction was established and lawful consideration of the alleged contract. The Jurisdiction of the Court was not evoked because there was no Notice to Appellant or service of Process under Rule 4 SCRPC.

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The courts lack of jurisdiction because of issues of Notice and Service The master has no power or authority except that which is given to him by the order of reference. See Rule 53(c), SCRPC (“[T]he order of reference to the master may specify or limit his powers and may direct him ... to do or perform a particular act....”); Bonney v. Granger, 292 S.C. 308, 356 S.E.2d 138 (Ct.App.1987) (a master has the same powers as a circuit judge unless the order of reference specifies or limits his powers); 76 C.J.S. References § 76 (1952) (a referee has no powers except those conferred by the order of reference).

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Allutte K Jones, Appellant

142 Coming Street

Charleston SC, 29403

(843) 813-1910

STATE OF SOUTH CAROLINA )  
 COUNTY OF Charleston )  
Mitchell B Scarborough )  
ATTY Andrew M. Sullivan )  
SRP 2011-6 LLC )  
 Plaintiff, )

IN THE COURT OF COMMON PLEAS )  
 JUDICIAL CIRCUIT )  
 C/A 2018 )  
 CASE NO.: CP-10-02344 )

MOTION AND ORDER INFORMATION  
 FORM AND COVERSHEET

vs. )

Alluette Karen Jones )  
 Defendant. )

Plaintiff's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: <u>Alluette Karen Jones</u> _____, Bar No. _____ Address: <u>142 Coming ST</u> <u>Charleston, SC 29403</u> Phone: _____ Fax _____ E-mail: _____ Other: <u>843-813-1910</u>																
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)																	
<b>SECTION I: Hearing Information</b> Nature of Motion: <u>Void order</u> Estimated Time Needed: <u>30 min</u> Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO																	
<b>SECTION II: Motion/Order Type</b> <input type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 60%;"> <u>Alluette Karen Jones</u>            Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant         </div> <div style="width: 35%;"> <u>October 11, 2019</u>            Date submitted         </div> </div>																	
<b>SECTION III: Motion Fee</b> <input checked="" type="checkbox"/> PAID - AMOUNT: \$ <u>25.00</u> <input type="checkbox"/> EXEMPT: (check reason) <table style="width:100%; margin-left: 20px;"> <tr> <td><input type="checkbox"/> Rule to Show Cause in Child or Spousal Support</td> <td><input type="checkbox"/> Domestic Abuse or Abuse and Neglect</td> </tr> <tr> <td><input type="checkbox"/> Indigent Status</td> <td><input type="checkbox"/> State Agency v. Indigent Party</td> </tr> <tr> <td><input type="checkbox"/> Sexually Violent Predator Act</td> <td><input type="checkbox"/> Post-Conviction Relief</td> </tr> <tr> <td><input type="checkbox"/> Motion for Stay in Bankruptcy</td> <td><input type="checkbox"/> Motion for Publication</td> </tr> <tr> <td><input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)</td> <td><input type="checkbox"/> Proposed order submitted at request of the court; or,</td> </tr> <tr> <td colspan="2">reduced to writing from motion made in open court per judge's instructions</td> </tr> <tr> <td colspan="2">Name of Court Reporter: _____</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Other: _____</td> </tr> </table>		<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support	<input type="checkbox"/> Domestic Abuse or Abuse and Neglect	<input type="checkbox"/> Indigent Status	<input type="checkbox"/> State Agency v. Indigent Party	<input type="checkbox"/> Sexually Violent Predator Act	<input type="checkbox"/> Post-Conviction Relief	<input type="checkbox"/> Motion for Stay in Bankruptcy	<input type="checkbox"/> Motion for Publication	<input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)	<input type="checkbox"/> Proposed order submitted at request of the court; or,	reduced to writing from motion made in open court per judge's instructions		Name of Court Reporter: _____		<input type="checkbox"/> Other: _____	
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Name of Court Reporter: _____																	
<input type="checkbox"/> Other: _____																	
<b>JUDGE'S SECTION</b> <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____																
<b>CLERK'S VERIFICATION</b> Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____																	

STATE OF SOUTH CAROLINA

IN CHARLSTON COUNTY

Mikell R. Scarborough, ,

MASTER IN EQUITY COURT

Repersentive Andrew Sullivan

**EMERGENCY HEARING**

SRP 2011-6 LLC )  
Plaintiff )

C/A# 2018-CP-10-02344

) ~~Exhibit~~ 1: Motion and demand Rule 60 (b) (4) Void

Vs

) Order/Judgment Emergency Hearing

Alluette Karen Jones )

Defendant(s)

2019 OCT 11 PM 4:11  
JULIE J. ARMS  
CLERK OF COURT  
BY [Signature]

**FILED**

**SUBJECT: Void Order/Judgment**

**Notice I Alluette\_Karen Jones is the real party in Interest Status in propria persona in the with Fact Evidenced by I having a Soul and I do not consent to the use of a non-judicial foreclosure of my estate or these proceedings. I Alluette\_Karen Jones Demand my right to Due process to be heard in a meaningful way by a judicial foreclosure and a fair and impartial Trial I will be making a special appearance on the court on dates set.**

**Notice to the Principles is Notice to the Agent and Notice to the Agent is Notice to the principles! Exhibit A: notice is an essential element of due process. I am not Sovereign Citizens, or any other misnomers. Any Libel or Slander will not be tolerated we will sue all offenders for personal Injury!**

1. Notice: I Alluette\_Karen Jones Understand the Common Law and Constitution are the Supreme Law of the land and any Statue, code ordnance or rule that's repugnant to the constitution is void of Law!! And I am invoking the Common Law Venue: Citing Chief Justice John Marshall Marbury v. Madison: 5 US 137 (1803): "No provision of the Constitution is designed to be without effect," "Anything that is in conflict is null and void of law", "Clearly, for a secondary law to come in conflict with the supreme Law was illogical, for certainly, the supreme Law would prevail over all other laws and certainly our forefathers had intended that the supreme Law would be the bases of all law and for any law to come in conflict would be null and void of law, it would bare no power to enforce, in would bare no obligation to obey, it would purport to settle as if it had never existed, for unconstitutionality would date from the enactment of such a law, not from the date so branded in an open court of law, no courts are bound to uphold it, and no Citizens are bound to obey it. It operates as a near nullity or a fiction of law."

If any statement, within any law, which is passed, is unconstitutional, the whole law is unconstitutional.

2. **Notice South Carolina A void judgment** is one that, from its inception, is a complete nullity and is without legal effect." *Thomas & Howard Co. v. T.W. Graham and Co.*, 318 S.C. 286, 291, 457 S.E.2d 340, 343 (1995). The definition of void under the rule only encompasses judgments from courts which failed to provide proper due process, or judgments from courts which lacked subject matter jurisdiction or personal jurisdiction." *McDaniel v. U.S. Fid. & Guar. Co.*, 324 S.C. 639, 644, 478 S.E.2d 868, 871 (Ct. App. 1996). It is fundamental that no judgment or order affecting the rights of a party to the cause shall be made or rendered without notice to the party whose rights are to be affected." *Tyron Fed. Sav. & Loan Ass'n v. Phelps*, 307 S.C. 361, 362, 415 S.E.2d 397, 398 (1992). Generally, a person against whom a judgment or order is taken without notice may rightly ignore it and may assume that no court will enforce it against his person or property. The requirements of due process not only include notice, but also include an opportunity to be heard in a meaningful way, and judicial review. *Grannis v. Ordean*, 234 U.S. 385, 394 (1914) ("The fundamental requisite of due process of law is the opportunity to be heard."); *S.C. Dep't of Soc. Servs. v. Holden*, 319 S.C. 72, 78, 459 S.E.2d 846, 849 (1995).

Notice: I Alluette\_Karen Jones the real party in Interest gives Notice to STATE OF SOUTH CAROLINA, CHARLESTON, County, Clerk of Court, The Trier of Fact, And the Trier of the Case. That no valid Order was made on 3-20-19 the actions are Void. I Alluette\_Karen Jones the real party in Interest makes this Motion and demand of Rule 60 (B) (4) Void order to Notify the Supreme Court, Charleston County Court 100 BROAD ST, CHARLESTON, SC 29461 and their Agents and Authorized Designee or Officers That I Alluette\_Karen Jones the real party in Interest have a right to make an Special Appearance/Restricted Appearance and Challenges the Original jurisdictions of the Court at CHARLESTON COUNTY Master-IN-Equity Division also I Demand the Real party in interest who brought the claims and object to any Third party representatives therefore I demand the real party in interest be present to testify under penalty of perjury. I was not Properly given full due process of law the Mikell R. Scarborough Master-IN-Equity, Court Officers, and plaintiff caused me multiple injuries engaging in a fraudulent acts to violate my Personal Liberty to property protected and secured Under Article 1 sections 3 and 13 to SC constitution, Article 4 the 5th and 14th amendment of the federal constitution Prove by what constitutional authority did the plaintiffs, Officers and this court acted upon to force upon I

Alluette\_Karen Jones a wrongful non-judicial foreclosure and to deprive me of my home, possessions and civil liberty on 5-10-18 as well a right to be heard in full. I Alluette\_Karen Jones do not wave any of my rights secured by the state and federal constitutions inclusive of Due Process of Law and a proper and competent Judicial Court hearing protecting my Primary rights and personal Liberties.

According to the rule of law A defect in service of process by publication is jurisdictional, rendering any judgment or order obtained thereby void. Jones v. Wallis, 211 NC App. 353, 712 S.E.2d 180 (2011).

Rule 55 (4) Judgments after Service by Publication; Affidavit; Undertaking. In actions for the recovery of money only, when the summons has been served by publication and the defendant is a non-resident of the State, no default judgment shall be rendered unless the plaintiff or his agent at or before the time of making the application for judgment shall have been examined on oath respecting any payments that have been made to the plaintiff or any one for his use on account of the demand mentioned in the complaint, and shall show by affidavit that an attachment has been issued in the action and levied upon property belonging to the defendant, which affidavit shall contain a specific description of such property, and a statement of its value and shall be filed with proof of publication. Before judgment is rendered the plaintiff shall, unless the court in its discretion dispenses with the same, cause to be filed an undertaking in such amount as shall be ordered by the court with security to be approved by the court or the clerk thereof, that the plaintiff will abide the order of the court touching the restitution of any estate or effects which may be directed by such judgment to be transferred or delivered, or the restitution of any money that may be collected under, or by virtue of, such judgment, in event the defendant or his representative shall apply and be admitted to defend the action and shall succeed in such defense.

Article 1 SECTION 23. Provisions of Constitution mandatory. The provisions of the Constitution shall be taken, deemed, and construed to be mandatory and prohibitory, and not merely directory, except where expressly made directory or permissive by its own terms. (1970 (56) 2684; 1971 (57) 315.),

“The court is to protect against any encroachment of constitutionally secured liberties.” Due Process must be invoked before removing rights secured under the constitutions, further citing Trinsey Vs Parailgro “Statements of counsel in brief or in argument are not facts before the court and are therefore insufficient for a motion to dismiss or for summary judgment, Title 22 USC (Foreign relations and Intercourse) Chapter 11 identifies all public officials as foreign agents. And Title 28 USC 3002 Section 15A states United States is a Federal Corporation and not a government, including the Judicial Procedural Section. In fact, the Court of Appeals in Caldwell v. Wiquist, 402 S.C. 565, 741 S.E.2d 583 (Ct. App. 2013), has implied as much (affidavit which

only indicated an inability to serve with a County was insufficient. since there was no factual basis to determine if the defendant could not, after due diligence, be found in the State).

The Law was made to protect and not to compel. Allegations have been made without a proper investigation that are fraudulent in nature and has caused me and my family great injury. I Alluette\_Karen Jones was never served with a valid Summons and Complaint. Rule 4 (d) of the South Carolina Rules of Civil Procedure to be the equivalent of a statute, strict compliance with both that rule and section 15-9-740 would be required since service by publication is in derogation of the common law, therefore requiring strict compliance with the authorizing statute or rule. See, Wayne County, ex rel. Williams v. Whitley, 72 NC App. 155, 323 S.E.2d 458 (1984); see also, Caldwell v. Wiquist, 402 SC 565, 741 S.E.2d 583 (Ct. App. 2013) (to avoid resolving litigation by default, strict compliance with publication statutes is required).

Further When the Rules of Civil Procedure were promulgated by the Supreme Court and not rejected by the General Assembly, the latter also passed a bill which attempted to repeal those statutes previously enacted which were in conflict with the Rules of Civil Procedure. See 1985 Act 100 (effective 7/1/85). The legislature further provided that in the event of conflict between any provision of the South Carolina Rules of Civil Procedure and any other statutory provisions as to practice and procedure not otherwise repealed by the Act, the provisions of the rule would prevail. Since procedure concerns the machinery for carrying on a legal action, including pleadings, process, evidence and practice, it appears clear that service by publication concerns a matter of procedure. Based upon this Act, the dictates of Rule 4 would prevail over section 15-9-740. Accordingly, the commencement of any action requires service of both a summons and complaint. The Defendant, Mikell R. Scarborough, and several other Officers of the Charleston acting criminally produced an Irregular Complaint by Publication which it cannot prove any set of Facts Rule 602 That they ever gave me due notice or a valid contract or that they had personal jurisdiction. State Vs Adams it is a well-established principle, often advanced by the State in criminal prosecutions, "that ignorance of the law is no excuse." State v. Binnarr, 400 S.C. 156, 160 n.7, 733 S.E.2d 890, 892 n.7 (2012). There would be a "fundamental unfairness [in] holding citizens to 'the traditional rule that ignorance of the law is no excuse,' while allowing those 'entrusted to enforce' the law to be ignorant of it." United States v. Chanthasouvat, 342 F.3d 1271, 1280 (11th Cir. 2003) (internal citation omitted) (quoting Bryan v. United States, 524 U.S.

The phrase "real party In Interest," as used in Code, § 29, Emphasis added SC Rule 17 providing that an action must be prosecuted In the name of the real party in interest, means the person entitled to the avails of the suit; and a mere assignee, having no interest In the result of the suit, and who obtains an assignment on a promise to pay the assignor the amount he may derive from the action, is not the real party in interest, and cannot maintain the action. Hoagland v. Van Etten, 35 N. W.III, 870, 22 Neb. 681. A Corporation is an artificial person without natural rights or Human Rights. For Charleston County Clerk of Court, The Trier of Fact, And the Trier of the Case to file an alleged Criminal action with a "Corporation" as "Plaintiff" is clear "Fraud on the Court". A "Corporation" cannot meet the requirements to establish Standing and cannot take an oath Rule 603.

In order to establish standing, three elements must be established. First, the party must have suffered an injury in fact--an invasion of a legally protected interest which is (a) concrete and particularized and (b) actual or imminent, not conjectural or hypothetical. Second, there must be a causal connection between the injury and the conduct complained of---the injury has to be fairly traceable to the challenged action of the adverse party and not the result of independent action of some third party not before the court. Third, it must be likely as opposed to merely speculative, that the injury will be redressed by a favorable decision. See *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 112 S.Ct. 2130, 2136, 119 L.Ed.2d 351 (1992); *Chambers Medical Technologies of S.C. v. Bryant*, 52 F.3d 1252 (4th Cir. 1995). The plaintiff or the master in Equity Court does not satisfy any of the requirements required to establish standing.

I Alluette\_Karen Jones am the Victim of Malicious prosecution and Void Order evidenced by the attachments proof that there was no true diligent search by Services stating the Alluette\_Karen Jones was home when that was never the case the court is in error by using that as proof of diligent service to service by publication. Since the service of a summons, which gives a court the power to render a judgment over a party within its jurisdiction, must be accomplished with service of the complaint, there is no personal jurisdiction over a party without the service of both summons and complaint together. Without personal jurisdiction, any judgment rendered by a court is void. *Universal Benefits, Inc. v. McKinney*, 349 S.C. 179, 561 S.E.2d 659 (Ct. App. 2002) (A judgment is void when a court lacks personal jurisdiction over a party). Because a void judgment is a nullity, it may be attacked at any time within "reason" without a showing of excusable neglect or meritorious defense. See *Flanagan, James F., South Carolina Civil Procedure* (2d Ed.). Under Rule 60(b) (4), relief where a judgment is void is non-discretionary and a matter of right. *Richardson Construction Co. v. Meck Engineering & Construction Co.*, 274 S.C. 307, 262 S.E.2d 913 (1980). As a result, if the above analysis proves true, any service by publication upon a defendant which is undertaken in conformance with section 15-9-740 may have been improper and cause the judgment rendered upon a default to be void and subject to relief pursuant to Rule 60(b)(4) of the South Carolina Rules of Civil Procedure.

In conclusion I Alluette\_Karen Jones the real party in Interest demand the court Grant my Relief because the void order is made by an abuse of discretion by an error of law being without constitutional Authority and the State Court acted without Jurisdiction failing to serve I Alluette\_Karen Jones the real party in interest and not giving me my day in court South Carolina is a Judicial Foreclosure State. Without Standing, an Oder agreement/contract or, Relevant Evidence rule 401 are void there is no duty to comply with sham legal proceedings and Fraudulent Claims not based in Facts from a constitutional court judge competent in the nature of Law. I Alluette\_Karen Jones the real party in Interest is immensely injured by Void Order and the Unlawful Practices Of Mikell R. Scarborough C/A# 2018-CP-10-02344 and Demand the court Grant me my right to relief for the violation of my constitutional secured rights to return my home promptly, cost for Stress of me and my Family due to abuse of Process the courts, false Claims, No Due Process, and wrongful Foreclosure. I also demand court Cost. The alleged

Claims of Service and Debt Must be proven by Fact that I Alluette\_Karen Jones am tremendously injured by the plaintiff and the Officers of the court they have a duty under the rules of professional Conduct to report fraud and abuse of process upon the court by any of its officers.

WHEREFORE, I Alluette\_Karen Jones the real party in Interest would like to resolve this Matter Peacefully if Possible. And request, Demand and pray that the representation or plaintiff fulfill the Law and Rules associated and Nol Process/dismiss their claim Civil Rule 12 (b) 6 and this court void all Claims so that my primary rights will not continue to be infringed and grant me damages that will be attached to this Motion for relief based on the multiple injuries caused by the plaintiff employee's officers in their official capacity and in color enforcing a void Order state codes that deprived me and my Family of our home and Constitutional right to a fair and impartial Trial.

Injury: Due to the above mentioned facts the failure of the court to recognize that they must apply the rules and laws that apply resulted not only in the wrongful foreclosure of my property, but the foreclosure of my ability to negotiate a settlement with an undisclosed equitable creditor, or with the alleged legal owner of the loan in the property records. We have suffered extreme mental anguish by calling and emailing the representation James but no response further including but not limited to doctor visits and extreme migraines caused by a stroke do to the stress, I have also suffered from Slander Mikell R. Scarborough has caused my home to be listed for sale, by color of law. And my family and I have undergone tremendous stress and tension By Virtute Officii of Mikell R. Scarborough fraudulent actions and wanton and negligent practices.

Relief

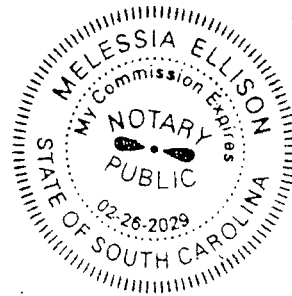
WHEREFORE, I the plaintiff (s) would like the court to grant a new fair and impartial trial to cause the plaintiff to prove their burden, also void and vacate the court order(s) based on the established precedents of the stare decisis voiding the sale of my home and resolve this Matter Peacefully if Possible if. SRP 2011-6 LLC cannot produce evidence that support they have personally lost anything pertaining to the loan and have a valid claim. And request/Pray judgment against defendant(s) SRP 2011-6 LLC, Mikell R. Scarborough, for economic Civil Tort, 270.000.00 and psychological damages 2500.00 as well as compensatory damages 150.000.00 plus costs and fees in the Amount of 5000.00 and respectfully ask this Court for leave to move for punitive damages. I was violated by fraud, negligence unprofessional Conduct, lack of proper service and never properly noticed through contacted about any mediation process or given the proper notices that would have allowed me the ability to properly negotiate. Which caused a deprivation of my civil liberties; and constitutional secured rights. To Due process and a fair and impartial trial.

The use of notary below is for identification only, and such use does NOT grant any jurisdiction to anyone.

Subscribed and sworn, without prejudice, and with all rights reserved.

Principal, by Special Appearance, in Propria Persona, proceeding Sui Juris.

Alluette Karen Jones  
Signature of Affiant



ACKNOWLEDGMENT

state of SOUTH CAROLINA

county of Charleston

On this 11<sup>th</sup> day of October, 2019, before me

personally appeared \_\_\_\_\_, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed, for the purposes therein set forth.

[Signature]  
(Notary Public)

My Commission Expires 02-26, 2029

ucc 1-207 1-308 1-103, 3-306 3-306  
I Alluette\_Karen Jones the real party in Interest  
C/o 1875 Richmond St,  
Charleston South Carolina  
Via United States Republic, North America  
Non-Domestic, Non-Resident  
Zip Exempt [29407]  
843 925-2073

SRP 2011-6, LLC

Alluette K. Jones

RECEIVED

MAR 09 2020

PLAINTIFF(S)

DEFENDANT(S)

SC Court of Appeals

Submitted by: Master in Equity

Attorney for :  Plaintiff  Defendant  
or  
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

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

2019 OCT 15 11:25 AM FILED  
COURT OF COMMON PLEAS  
CHARLESTON COUNTY

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

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court: Defendant filed her Emergency Motion and Demand for Relief from Final Judgment per Rule 60(b)(4), SCRPC, on the basis that she was never served with the pleadings. The Motion was filed on October 11, 2019 at 4:18 pm, brought to this Court's attention after 4:00 pm on Monday, October 14, 2019 and this Court held a hearing on the Motion at 10:00 am October 15, 2019 prior to the scheduled sale of the property at 11:00 am that day. The Court finds that the affidavit of service clearly describes Ms. Jones and that she identified herself and accepted service of the pleadings in this case. The Court finds that Defendant's Motion is filed in an attempt to delay the foreclosure process and that Defendant continues to act in bad faith. See Bankruptcy Court Order granting Plaintiff relief from the automatic stay entered September 18, 2019. The Motion is therefore DENIED.

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX


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

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

If applicable, describe the property, including tax map information and address, referenced in the order:

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.

	3062	10/15/19
Master In Equity	Judge Code	Date

**For Clerk of Court Office Use Only**

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

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

**Court Reporter:**

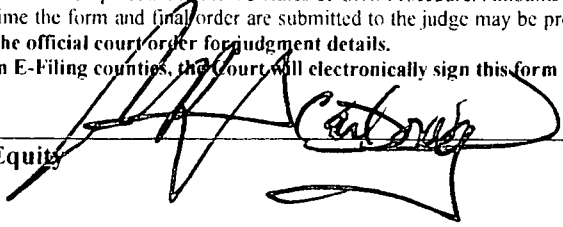
E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are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

If applicable, describe the property, including tax map information and address, referenced in the order:

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Master In Equity



3062

Judge Code

10/15/19

Date

**For Clerk of Court Office Use Only**

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\_\_\_\_\_  
\_\_\_\_\_

ATTORNEY(S) FOR THE PLAINTIFF(S)

\_\_\_\_\_  
\_\_\_\_\_

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

**Court Reporter:**

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court the power to render a judgment over a party within its jurisdiction, must be accomplished with service of the complaint, there is no personal jurisdiction over a party without the service of both summons and complaint together. Without personal jurisdiction, any judgment rendered by a court is void. *Universal Benefits, Inc. v. McKinney*, 349 S.C. 179, 561 S.E.2d 659 (Ct. App. 2002) (A judgment is void when a court lacks personal jurisdiction over a party).

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Page 12 of the Transcript shows Master IN Equity using deceptive practices to deny my evidence based of his discretion in relation to a February hearing in which I was not Noticed of I did not find out about the Foreclosure issues until much later and upon advocates consultation did, I realize the legal errors of service note being I am not a trained Attorney. The law is clear on the rules of service in Rule 4 D my video that was denied which was evidence that I was not at home at the time a friend of mine filmed the damages and left before the time of alleged Service if the servicer saw anyone it would have been him but in the video evidence it shows him leaving around 6:30 42 minutes are so before alleged service and he his male.

Note I have multiple records of that day showing the fire and the hospital visit order made the day of October was checked does not end case.

Allutte K Jones, Appellant

142 Coming Street

Charleston SC, 29403

(843) 813-1910



STATE OF SOUTH CAROLINA

IN CHARLSTON COUNTY

Mikell R. Scarborough, ,

MASTER IN EQUITY COURT

Repersentive Andrew Sullivan

**EMERGENCY HEARING**

SRP 2011-6 LLC )  
Plaintiff )

C/A# 2018-CP-10-02344


) ~~Exhibit~~ 1: Motion and demand Rule 60 (b) (4) Void

Vs

) Order/Judgment Emergency Hearing

Alluette Karen Jones )

Defendant(s)

2019 OCT 11 PM 4:11  
JULIE J. ARMSBROS  
CLERK OF COURT  
BY 

**FILED**

SUBJECT: Void Order/Judgment

Notice I Alluette\_Karen Jones is the real party in Interest Status inpropra persona in with Fact Evidenced by I having a Soul and I do not consent to the use of a non-judicial foreclosure of my estate or these proceedings. I Alluette\_Karen Jones Demand my right to Due process to be heard in a meaningful way by a judicial foreclosure and a fair and impartial Trial I will be making a special appearance on the court on dates set.

Notice to the Principles is Notice to the Agent and Notice to the Agent is Notice to the principles! Exhibit A: notice is an essential element of due process. I am not Sovereign Citizens, or any other misnomers. Any Libel or Slander will not be tolerated we will sue all offenders for personal Injury!

1. Notice: I Alluette\_Karen Jones Understand the Common Law and Constitution are the Supreme Law of the land and any Statue, code ordnance or rule that's repugnant to the constitution is void of Law!! And I am invoking the Common Law Venue: Citing Chief Justice John Marshall Marbury v. Madison: 5 US 137 (1803): "No provision of the Constitution is designed to be without effect," "Anything that is in conflict is null and void of law", "Clearly, for a secondary law to come in conflict with the supreme Law was illogical, for certainly, the supreme Law would prevail over all other laws and certainly our forefathers had intended that the supreme Law would be the bases of all law and for any law to come in conflict would be null and void of law, it would bare no power to enforce, in would bare no obligation to obey, it would purport to settle as if it had never existed, for unconstitutionality would date from the enactment of such a law, not from the date so branded in an open court of law, no courts are bound to uphold it, and no Citizens are bound to obey it. It operates as a near nullity or a fiction of law."

If any statement, within any law, which is passed, is unconstitutional, the whole law is unconstitutional.

2. **Notice South Carolina A void judgment** is one that, from its inception, is a complete nullity and is without legal effect." *Thomas & Howard Co. v. T.W. Graham and Co.*, 318 S.C. 286, 291, 457 S.E.2d 340, 343 (1995). The definition of void under the rule only encompasses judgments from courts which failed to provide proper due process, or judgments from courts which lacked subject matter jurisdiction or personal jurisdiction." *McDaniel v. U.S. Fid. & Guar. Co.*, 324 S.C. 639, 644, 478 S.E.2d 868, 871 (Ct. App. 1996). It is fundamental that no judgment or order affecting the rights of a party to the cause shall be made or rendered without notice to the party whose rights are to be affected." *Tyron Fed. Sav. & Loan Ass'n v. Phelps*, 307 S.C. 361, 362, 415 S.E.2d 397, 398 (1992). Generally, a person against whom a judgment or order is taken without notice may rightly ignore it and may assume that no court will enforce it against his person or property. The requirements of due process not only include notice, but also include an opportunity to be heard in a meaningful way, and judicial review. *Grannis v. Ordean*, 234 U.S. 385, 394 (1914) ("The fundamental requisite of due process of law is the opportunity to be heard."); *S.C. Dep't of Soc. Servs. v. Holden*, 319 S.C. 72, 78, 459 S.E.2d 846, 849 (1995).

Notice: I Alluette\_Karen Jones the real party in Interest gives Notice to STATE OF SOUTH CAROLINA, CHARLESTON, County, Clerk of Court, The Trier of Fact, And the Trier of the Case. That no valid Order was made on 3-20-19 the actions are Void. I Alluette\_Karen Jones the real party in Interest makes this Motion and demand of Rule 60 (B) (4) Void order to Notify the Supreme Court, Charleston County Court 100 BROAD ST, CHARLESTON, SC 29461 and their Agents and Authorized Designee or Officers That I Alluette\_Karen Jones the real party in Interest have a right to make an Special Appearance/Restricted Appearance and Challenges the Original jurisdictions of the Court at CHARLESTON COUNTY Master-IN-Equity Division also I Demand the Real party in interest who brought the claims and object to any Third party representatives therefore I demand the real party in interest be present to testify under penalty of perjury. I was not Properly given full due process of law the Mikell R. Scarborough Master-IN-Equity, Court Officers, and plaintiff caused me multiple injuries engaging in a fraudulent acts to violate my Personal Liberty to property protected and secured Under Article 1 sections 3 and 13 to SC constitution, Article 4 the 5th and 14th amendment of the federal constitution Prove by what constitutional authority did the plaintiffs, Officers and this court acted upon to force upon I

Alluette\_Karen Jones a wrongful non-judicial foreclosure and to deprive me of my home, possessions and civil liberty on 5-10-18 as well a right to be heard in full. I Alluette\_Karen Jones do not wave any of my rights secured by the state and federal constitutions inclusive of Due Process of Law and a proper and competent Judicial Court hearing protecting my Primary rights and personal Liberties.

According to the rule of law A defect in service of process by publication is jurisdictional, rendering any judgment or order obtained thereby void. Jones v. Wallis, 211 NC App. 353, 712 S.E.2d 180 (2011).

Rule 55 (4) Judgments after Service by Publication; Affidavit; Undertaking. In actions for the recovery of money only, when the summons has been served by publication and the defendant is a non-resident of the State, no default judgment shall be rendered unless the plaintiff or his agent at or before the time of making the application for judgment shall have been examined on oath respecting any payments that have been made to the plaintiff or any one for his use on account of the demand mentioned in the complaint, and shall show by affidavit that an attachment has been issued in the action and levied upon property belonging to the defendant, which affidavit shall contain a specific description of such property, and a statement of its value and shall be filed with proof of publication. Before judgment is rendered the plaintiff shall, unless the court in its discretion dispenses with the same, cause to be filed an undertaking in such amount as shall be ordered by the court with security to be approved by the court or the clerk thereof, that the plaintiff will abide the order of the court touching the restitution of any estate or effects which may be directed by such judgment to be transferred or delivered, or the restitution of any money that may be collected under, or by virtue of, such judgment, in event the defendant or his representative shall apply and be admitted to defend the action and shall succeed in such defense.

Article 1 SECTION 23. Provisions of Constitution mandatory. The provisions of the Constitution shall be taken, deemed, and construed to be mandatory and prohibitory, and not merely directory, except where expressly made directory or permissive by its own terms. (1970 (56) 2684; 1971 (57) 315.),

“The court is to protect against any encroachment of constitutionally secured liberties.” Due Process must be invoked before removing rights secured under the constitutions, further citing Trinsey Vs Parailgro “Statements of counsel in brief or in argument are not facts before the court and are therefore insufficient for a motion to dismiss or for summary judgment, Title 22 USC (Foreign relations and Intercourse) Chapter 11 identifies all public officials as foreign agents. And Title 28 USC 3002 Section 15A states United States is a Federal Corporation and not a government, including the Judicial Procedural Section. In fact, the Court of Appeals in Caldwell v. Wiquist, 402 S.C. 565, 741 S.E.2d 583 (Ct. App. 2013), has implied as much (affidavit which

only indicated an inability to serve with a County was insufficient, since there was no factual basis to determine if the defendant could not, after due diligence, be found in the State).

The Law was made to protect and not to compel. Allegations have been made without a proper investigation that are fraudulent in nature and has caused me and my family great injury. I Alluette\_Karen Jones was never served with a valid Summons and Complaint. Rule 4 (d) of the South Carolina Rules of Civil Procedure to be the equivalent of a statute, strict compliance with both that rule and section 15-9-740 would be required since service by publication is in derogation of the common law, therefore requiring strict compliance with the authorizing statute or rule. See, Wayne County, ex rel. Williams v. Whitley, 72 NC App. 155, 323 S.E.2d 458 (1984); see also, Caldwell v. Wiquist, 402 SC 565, 741 S.E.2d 583 (Ct. App. 2013) (to avoid resolving litigation by default, strict compliance with publication statutes is required).

Further When the Rules of Civil Procedure were promulgated by the Supreme Court and not rejected by the General Assembly, the latter also passed a bill which attempted to repeal those statutes previously enacted which were in conflict with the Rules of Civil Procedure. See 1985 Act 100 (effective 7/1/85). The legislature further provided that in the event of conflict between any provision of the South Carolina Rules of Civil Procedure and any other statutory provisions as to practice and procedure not otherwise repealed by the Act, the provisions of the rule would prevail. Since procedure concerns the machinery for carrying on a legal action, including pleadings, process, evidence and practice, it appears clear that service by publication concerns a matter of procedure. Based upon this Act, the dictates of Rule 4 would prevail over section 15-9-740. Accordingly, the commencement of any action requires service of both a summons and complaint. The Defendant, Mikell R. Scarborough, and several other Officers of the Charleston acting criminally produced an Irregular Complaint by Publication which it cannot prove any set of Facts Rule 602 That they ever gave me due notice or a valid contract or that they had personal jurisdiction. State Vs Adams it is a well-established principle, often advanced by the State in criminal prosecutions, "that ignorance of the law is no excuse." State v. Binnart, 400 S.C. 156, 160 n.7, 733 S.E.2d 890, 892 n.7 (2012). There would be a "fundamental unfairness [in] holding citizens to 'the traditional rule that ignorance of the law is no excuse,' while allowing those 'entrusted to enforce' the law to be ignorant of it." United States v. Chanthasouvat, 342 F.3d 1271, 1280 (11th Cir. 2003) (internal citation omitted) (quoting Bryan v. United States, 524 U.S.

The phrase "real party In Interest," as used in Code, § 29, Emphasis added SC Rule 17 providing that an action must be prosecuted In the name of the real party in interest, means the person entitled to the avails of the suit; and a mere assignee, having no interest In the result of the suit, and who obtains an assignment on a promise to pay the assignor the amount he may derive from the action, is not the real party in interest, and cannot maintain the action. Hoagland v. Van Etten, 35 N. W.III, 870, 22 Neb. 681. A Corporation is an artificial person without natural rights or Human Rights. For Charleston County Clerk of Court, The Trier of Fact, And the Trier of the Case to file an alleged Criminal action with a "Corporation" as "Plaintiff" is clear "Fraud on the Court". A "Corporation" cannot meet the requirements to establish Standing and cannot take an oath Rule 603.

In order to establish standing, three elements must be established. First, the party must have suffered an injury in fact--an invasion of a legally protected interest which is (a) concrete and particularized and (b) actual or imminent, not conjectural or hypothetical. Second, there must be a causal connection between the injury and the conduct complained of--the injury has to be fairly traceable to the challenged action of the adverse party and not the result of independent action of some third party not before the court. Third, it must be likely as opposed to merely speculative, that the injury will be redressed by a favorable decision. See *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 112 S.Ct. 2130, 2136, 119 L.Ed.2d 351 (1992); *Chambers Medical Technologies of S.C. v. Bryant*, 52 F.3d 1252 (4th Cir. 1995). The plaintiff or the master in Equity Court does not satisfy any of the requirements required to establish standing.

I Alluette\_Karen Jones am the Victim of Malicious prosecution and Void Order evidenced by the attachments proof that there was no true diligent search by Services stating the Alluette\_Karen Jones was home when that was never the case the court is in error by using that as proof of diligent service to service by publication. Since the service of a summons, which gives a court the power to render a judgment over a party within its jurisdiction, must be accomplished with service of the complaint, there is no personal jurisdiction over a party without the service of both summons and complaint together. Without personal jurisdiction, any judgment rendered by a court is void. *Universal Benefits, Inc. v. McKinney*, 349 S.C. 179, 561 S.E.2d 659 (Ct. App. 2002) (A judgment is void when a court lacks personal jurisdiction over a party). Because a void judgment is a nullity, it may be attacked at any time within "reason" without a showing of excusable neglect or meritorious defense. See *Flanagan, James F.*, South Carolina Civil Procedure (2d Ed.). Under Rule 60(b) (4), relief where a judgment is void is non-discretionary and a matter of right. *Richardson Construction Co. v. Meck Engineering & Construction Co.*, 274 S.C. 307, 262 S.E.2d 913 (1980). As a result, if the above analysis proves true, any service by publication upon a defendant which is undertaken in conformance with section 15-9-740 may have been improper and cause the judgment rendered upon a default to be void and subject to relief pursuant to Rule 60(b)(4) of the South Carolina Rules of Civil Procedure.

In conclusion I Alluette\_Karen Jones the real party in Interest demand the court Grant my Relief because the void order is made by an abuse of discretion by an error of law being without constitutional Authority and the State Court acted without Jurisdiction failing to serve I Alluette\_Karen Jones the real party in interest and not giving me my day in court South Carolina is a Judicial Foreclosure State. Without Standing, an Oder agreement/contract or, Relevant Evidence rule 401 are void there is no duty to comply with sham legal proceedings and Fraudulent Claims not based in Facts from a constitutional court judge competent in the nature of Law. I Alluette\_Karen Jones the real party in Interest is immensely injured by Void Order and the Unlawful Practices Of Mikell R. Scarborough C/A# 2018-CP-10-02344 and Demand the court Grant me my right to relief for the violation of my constitutional secured rights to return my home promptly, cost for Stress of me and my Family due to abuse of Process the courts, false Claims, No Due Process, and wrongful Foreclosure. I also demand court Cost. The alleged

Claims of Service and Debt Must be proven by Fact that I Alluette\_Karen Jones am tremendously injured by the plaintiff and the Officers of the court they have a duty under the rules of professional Conduct to report fraud and abuse of process upon the court by any of its officers.

WHEREFORE, I Alluette\_Karen Jones the real party in Interest would like to resolve this Matter Peacefully if Possible. And request, Demand and pray that the representation or plaintiff fulfill the Law and Rules associated and Nol Process/dismiss their claim Civil Rule 12 (b) 6 and this court void all Claims so that my primary rights will not continue to be infringed and grant me damages that will be attached to this Motion for relief based on the multiple injuries caused by the plaintiff employee's officers in their official capacity and in color enforcing a void Order state codes that deprived me and my Family of our home and Constitutional right to a fair and impartial Trial.

Injury: Due to the above mentioned facts the failure of the court to recognize that they must apply the rules and laws that apply resulted not only in the wrongful foreclosure of my property, but the foreclosure of my ability to negotiate a settlement with an undisclosed equitable creditor, or with the alleged legal owner of the loan in the property records. We have suffered extreme mental anguish by calling and emailing the representation James but no response further including but not limited to doctor visits and extreme migraines caused by a stroke do to the stress, I have also suffered from Slander Mikell R. Scarborough has caused my home to be listed for sale, by color of law. And my family and I have undergone tremendous stress and tension By Virtute Officii of Mikell R. Scarborough fraudulent actions and wanton and negligent practices.

Relief

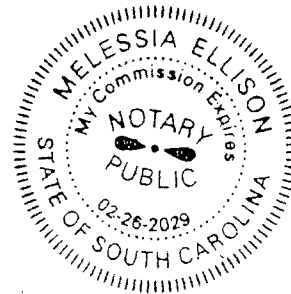
WHEREFORE, I the plaintiff (s) would like the court to grant a new fair and impartial trial to cause the plaintiff to prove their burden, also void and vacate the court order(s) based on the established precedents of the stare decisis voiding the sale of my home and resolve this Matter Peacefully if Possible if. SRP 2011-6 LLC cannot produce evidence that support they have personally lost anything pertaining to the loan and have a valid claim. And request/Pray judgment against defendant(s) SRP 2011-6 LLC, Mikell R. Scarborough, for economic Civil Tort, 270.000.00 and psychological damages 2500.00 as well as compensatory damages 150.000.00 plus costs and fees in the Amount of 5000.00 and respectfully ask this Court for leave to move for punitive damages. I was violated by fraud, negligence unprofessional Conduct, lack of proper service and never properly noticed through contacted about any mediation process or given the proper notices that would have allowed me the ability to properly negotiate. Which caused a deprivation of my civil liberties; and constitutional secured rights. To Due process and a fair and impartial trial.

The use of notary below is for identification only, and such use does NOT grant any jurisdiction to anyone.

Subscribed and sworn, without prejudice, and with all rights reserved.

Principal, by Special Appearance, in Propria Persona, proceeding Sui Juris.

Alnette Karen Jones  
Signature of Affiant



ACKNOWLEDGMENT

state of SOUTH CAROLINA

county of Charleston

On this 11<sup>th</sup> day of October, 2019, before me

personally appeared \_\_\_\_\_, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed, for the purposes therein set forth.

Melessia Ellison  
(Notary Public)

My Commission Expires 02-26, 2029

ucc 1-207 1-308 1-103, 3-306 3-306  
I Alluette\_Karen Jones the real party in Interest  
C/o 1875 Richmond St,  
Charleston South Carolina  
Via United States Republic, North America  
Non-Domestic, Non-Resident  
Zip Exempt [29407]  
843 925-2073

SRP 2011-6, LLC

Alluette K. Jones

RECEIVED

MAR 09 2020

PLAINTIFF(S)

DEFENDANT(S)

SC Court of Appeals

Submitted by: Master in Equity

Attorney for :  Plaintiff  Defendant  
or  
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

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

2019 OCT 15 AM 11:25  
FILED

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

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court: Defendant filed her Emergency Motion and Demand for Relief from Final Judgment per Rule 60(b)(4), SCRPC, on the basis that she was never served with the pleadings. The Motion was filed on October 11, 2019 at 4:18 pm, brought to this Court's attention after 4:00 pm on Monday, October 14, 2019 and this Court held a hearing on the Motion at 10:00 am October 15, 2019 prior to the scheduled sale of the property at 11:00 am that day. The Court finds that the affidavit of service clearly describes Ms. Jones and that she identified herself and accepted service of the pleadings in this case. The Court finds that Defendant's Motion is filed in an attempt to delay the foreclosure process and that Defendant continues to act in bad faith. See Bankruptcy Court Order granting Plaintiff relief from the automatic stay entered September 18, 2019. The Motion is therefore DENIED.

ORDER INFORMATION

This order  ends  does not end the case.  
Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

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

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

FORM 8  
LETTER TO THE APPELLATE COURT CLERK  
FILING THE NOTICE OF APPEAL

OCTOBER 29, 2019

RECEIVED

NOV 01 2019

SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: SRP 2011 6 LLC., Respondent, v. Alluette Karen Jones, Appellant, Case  
No. 2018-CP-10-02344

Dear Ms. Kitchings:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondent[s].
- (2) A copy of the order[s] [judgment] which is [are] to be challenged on appeal.
- (3) A filing fee of \$250\*

Sincerely,  
s/ Alleutte Karen Jones  
Alluette Karen Jones  
142 Coming Street  
Charleston, South Carolina 29403  
(843) 813-1910  
Appellant

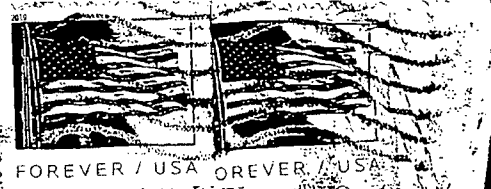
cc: Andrew Micheal Sullivan  
1612 Marion Street Suite 200  
Columbia, South Carolina 29201  
(800) 774-8242  
Attorney for Respondent

\* Under Rule 203(d)(1)(B)(iii) and (d)(2)(B)(iii), SCACR, a filing fee is not required if the appeal is from a criminal case including juvenile delinquency matters, or if the appeal is taken by the State of South Carolina, its departments or agencies. Further, no filing fees are required in post-conviction relief cases. Rule 240(d), SCACR.

over  
142 Coming St  
Charleston, SC  
29403

CHARLESTON SC 294

30 OCT 2019 PM 3:11



**RECEIVED**

NOV 01 2019

SC Court of Appeals

South Carolina Court of Appeals  
1220 Senate St  
Columbia, South Carolina 29201

ATTEN: Clerk of Court

29201-376333

17)

Page. 1

COPY

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

Appellate Case No. 2019-001572

APPEAL FROM CHARLESTON COUNTY  
Mikell R. Scarborough, Master-In-Equity Court Judge

APPELLANT INTIAL BRIEF

---

Allutte Jones, Appellant,

v.

Mikell R. Scarborough, NBSC/SYNOVOUS BANK,  
Judge DANIEL MARTIN JR, CASDELL SINGELTON,  
Representative Andrew Sullivan  
SRP 2011-6 LLC and others

RECEIVED  
MAR 09 2020  
SC Court of Appeals

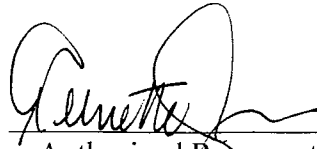
I Am:   
Authorized Representative  
Allutte Jones, Appellant  
142 Coming Street  
Charleston SC, 29403  
(843) 813-1910

TABLE OF CONTENTS

Table of Authorities .....	3
Statute and Other Authorities.....	4
Statement of Issues on Appeal .....	6
Statement of the Case .....	6
Facts .....	7-10
Relief and Injury .....	11
Arguments and Conclusion.....	12

i  
TABLE OF AUTHORITIES\*

CASES

Brown v. Western Ry. of Ala(1949).....	7
SWEEZER v. GREEN, 360 Mo. 1249 (Mo. 1950.....	8
State v. Sullivan 127 .....	8
S.C. BB&T v. Taylor.....	8
Carpenter v Longen .....	7
United States v. Agurs .....	7
Miller v. Pate .....	7
Darden v. Wainwright.....	7
Cf. Mesarosh v. United States.....	9
Orsi v. Kirkwood, 999 F.2d 86, 91 (4th Cir. 1993).....	10
Sniadach v. Family Finance corp .....	8
<i>Franklin Credit Mgmt. Corp. v. Nicholas</i> , 73 Conn.App. 830, 812 A.2d 51, 57-58 (2002.....	10
<i>L Campaign v. Barba</i> , 23 A.D.3d 327, 805 N.Y.S.2d 86, 86 (N.Y.App.Div. 2005).....	10
<i>In re Foreclosure of Real Prop, for \$143,600.00</i> , 156 N.C.App. (2003.....	10
Paramount Fund, Inc. v. Cusaac,.....	10
Lujan v Defender of Wildlife 504 U.S., 560 (1992).....	9
Sniadach v Family Finance Corp.....	7
<i>Hagar v. Reclamation Dist</i> .....	8
State v. Earle, 44 S.E. 781 (S.C. 1903).....	8
Frost v. Railroad Commission of California.....	8

STATUTES

Rule 4 D .....8

.” Fed. R. Civ. P. 56(e)(1).....6-8

SCRCP and FRCP 26.....6

Rule 401.....7

Senate Bill 702.....8

SCRCP Rule 30.....9

Rule 603 .....9

16-5-20.....11

16-5-30.....11

16-5-60.....11

OTHER AUTHORITIES

14th amendment.....6

Article 1 Section 22 SC CON.....9

SC Con Article 1 Section 3.....9

South Carolina Constitution Articles 1 Sections 1, 2, 3, 4, 22, 23.....6

STATEMENT OF ISSUES ON APPEAL

1. DID THE TRIAL COURT ERR IN GRANTING SUMMARY JUDGEMENT OF FORCLOSURE WITHOUT SUFFICIENT VALIDATING EVIDENCE?
2. DID THE TRIAL COURT VIOLATE MY CONSTITUTIONAL RIGHTS TO DUE PROCESS AND EQUAL PROTECTION OF THE LAW?
3. DID THE TRIAL COURT VIOLATE MY CIVIL RIGHTS BY ACTING UNDER AN ABUSE OF DISCRETION UPON AN ERROR OF LAW?
4. DID THE TRIAL COURT HAVE JURISDICTION?

STATEMENT OF THE CASE

1. RP 2011-6 LLC Affidavit is contested for a lack of Procedural due process Mikell R. Scarborough; By a Breach of Trust caused me great injury as well through a wrongful foreclosure and abuse discretion. *Mikell R. Scarborough*, Repersentive, Andrew Sullivan, SRP 2011-6 LLC Using Fraud, Negligence, Slander, Breach of Trust, unprofessional Conduct and unfair practices deprived me of my constitutional secured rights to DUE PROCESS OF LAW, THE 14th amendment equal protection AND South Carolina Constitution Articles 1 Sections 1, 2, 3, 4, 22, 23; This court lack Jurisdiction they knew it and still went forward with the evidence filed in the case that there was not proper service to gain personal jurisdiction. There was no such right to foreclose without Jurisdiction
2. Affidavits submitted by a party must be made on personal knowledge and must set forth facts that would be admissible in evidence. Rule 56(e)(1), FRCP. Just as the requirements for the form of a statement should not be relaxed, evidentiary requirements also should be strictly enforced. Failure to analyze the substance of an affidavit, in light of the requirements of the Rules of Evidence, can undermine the integrity of the process.

*FACTS*

3. State of South Carolina Senate Bill 702 specifically states The Servicer, SRP 2011-6 LLC, *MBS/SYNOVOUS BANK and its representatives* owes the homeowner a duty of utmost care, honesty, loyalty and full disclosure of all material facts: also see Rule 26 of the Federal Civil Procedure. A form of practice may not defeat a federal right. *Brown v. Western Ry. of Ala.*, 338 U.S. 294, 70 S. Ct. 105, 94 L. Ed. 100 (1949). I have been denied my right to available remedies in state court because they refuse to review relevant evidence FRCP 401.
  
4. I was not personally served or told about the Mediation process. Mikell R. Scarborough has ordered the fraudulent sale of my property violating my Civil Liberties without a proper investigation of the evidence therefore any rulings, orders and judgements are void *Ab Initio*. And that inevitably leads to questions of who owes what? Who is the true holder is in due course? Merely having paperwork doesn't mean you have a legitimate claim or the right to foreclose 3. SRP 2011-6 LLC, *MBS/SYNOVOUS BANK and its representatives* never proved this after I Allutte Jones Contested the Jurisdiction and the Affidavit to obtain the material facts and other supportive evidence showing where the Court Jurisdiction came from did, SRP 2011-6 LLC actually have personal Jurisdiction without serving the Summons and complaint personally to I Alluette Jonse.
  
5. Using false or fraudulent evidence involves a corruption *United States v. Agurs*, see also *Miller v. Pate*, *Darden v. Wainwright* (Improper Argument and Manipulation or misstatement of evidence violates due process). Cf. *Mesarosh v. United States*. SRP 2011-6 LLC, *MBS/SYNOVOUS BANK and its representatives* have no valid claim. The fraud and deprivation of my constitutional rights by, abuse of discretion and negligence to follow the proper procedural Due process. I have a claim to sue the bond of Mikell R. Scarborough., and also SRP 2011-6 LLC, *MBS/SYNOVOUS BANK and its representatives* for engaging in unprofessional Conduct fraud and wrongful Foreclosure. If the lawsuit is based upon a loan you must allege that the loan was made. If their action is based upon acquisition of the loan you still must allege that the loan was made and that they actually paid for acquisition of the loan. Otherwise the claim is speculative, fraudulent and cannot invoke the jurisdiction of the Court. Without that the second requirement it is impossible to meet — that you have suffered damages as a result of the making the loan and the borrower not repaying it. These are not mere empty recitals. Without them, no lawsuit can continue. The basis for a trial in which the evidence would be presented would be the Complaint. If the Complaint requires that ownership of a real loan be present at the time the Complaint is filed then the Court's jurisdiction has never been invoked. The Court has no choice as it is plain on its face that there has been a deprivation of my rights and civil liberties. And

the reason for this is that it is very well-settled that you bring a matter to court that must be an actual controversy and a plea for relief that can be legally granted. Article 1 section 23 of the state constitution is mandatory furthermore did they indeed have a personal financial injury? It is irrefragable that the constitutions protects my right to Due process before my property could be claimed See SWEEZER v. GREEN, 360 Mo. 1249 (Mo. 1950).

Proper Service requires personal service. See State v. Sullivan 127 S.C. BB&T v. Taylor An act is willful if done voluntary and intentionally with the specific intent to fail to do something the law requires to be done; with bad purpose either to disobey or disregard the law Wilson v. Walker furthermore, the person providing the service, upon information and belief, is not the sheriff or his deputy or any other duly constituted law enforcement officer, My action are out of necessity and not disregard. This is not only an injury to me and my family but to the public.

***“The court is to protect against any encroachment of constitutionally secured liberties.” Frost v. Railroad Commission of California, 271 U.S. 583. Due Process must be invoked before removing rights secured under the constitutions, Citing State v. Earle, 44 S.E. 781 (S.C. 1903) Supreme Court of South Carolina. These principles are recognized and followed by the Supreme Court of the United States. In Turpin v. Lemon, 25 Sup. Ct. Rep., 20, the Court quotes with approval the following definition of due process of law found in Hagar v. Reclamation Dist., 111 U.S. 701: “It is sufficient to observe here that by ‘due process’ is meant one which, following the forms of law, is appropriate to the case, and just to the parties to be affected. It must be pursued in the ordinary mode prescribed by the law; it must be adapted to the end to be attained; and whenever it is necessary for the protection of the parties, it must give them an opportunity to be heard respecting the justice of judgment sought. The clause in question means, therefore, that there can be no proceeding against life, liberty or property which may result in the deprivation of either, without the observances of those general rules established in our system of jurisprudence for the security of private rights.*”**

I Allutte Jones Am Contesting the Affidavit by authority of Rule 56(e)(1), FRCP Constitutional requirements of due process apply to garnishment and prejudgment attachment procedures whenever state officers act jointly with a private creditor in securing the property in dispute. Sniadach v. Family Finance corp.

6. The U.S. Supreme Court has apparently never retreated, from the precedent and merits set in federal rules of civil procedure 4 D this means that this issue was decided years ago, it is the law of the land and it overrides any state court that would rule otherwise.

7. In order to establish standing, three elements must be established. First, the party must have suffered an injury in fact---an invasion of a legally protected interest which is (a) concrete and particularized and (b) actual or imminent, not conjectural or hypothetical. Second, there must be a causal connection between the injury and the conduct complained of---the injury has to be fairly traceable to the challenged action of the adverse party and not the result of independent action of some third party not before the court. Third, it must be likely as opposed to merely speculative, that the injury will be redressed by a favorable decision. See *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 112 S.Ct. 2130, 2136, 119 L.Ed.2d 351 (1992); *Chambers Medical Technologies of*
  
8. An abuse of process and malicious prosecution by SRP 2011-6 LLC, *MBS/SYNOVOUS BANK, its representatives and Judge Mikell R. Scarborough* Charleston County Clerk of Court, The Trier of Fact, And the Trier of the Case willfully filed an alleged civil action in conspiracy with an agent for alleged "Plaintiff", with no valid Affidavit or evidence to support the claim is clear "Fraud by the Court" and its officials which is unlawful and void. The Plaintiff cannot meet the requirements to establish Standing, and did not take an oath according to Rule 603 of the federal civil procedure and South Carolina Civil procedure Rule 30. Therefore the Affiant has not entered any valid testimony or factual injury. Judge is charged to know without Full Due process of law, evidence or factual testimony in connection to the alleged claim the court order is void. And is a violation of I Alluette\_Karen Jones Civil and personal Liberties.
  
9. I Alluette\_Karen Jones Object to the Testimony without Discovery and a proper investigation, Notice, Service and Judicial review Article 1 Section 22 SC CON, Further Though I am not an Attorney I have in the past had Valid pleadings and notices to show the plaintiff's representation which were ignored by the Master IN Equity. See. *Boag vs Mcdougall*.
  
10. I found fraud in the instruments called Contract it does not identify a valid debt by its own written testimony states the plaintiff gave credit which is not money or valid to satisfy a contract. No one has yet produced an evidence of Moneta being exchanged that has obligated me. I have on occasions produced Notices of my concerns and desires about not getting a valid Discovery. I have found through research and study That Mers Was the assigner which is clear fraud.
  
11. SC Con Article 1 Section 3 the privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws. (1970 (56) 2684; 1971 (57) 315.)

12. Where a party submits an affidavit to the court that contains information inconsistent with the party's prior deposition testimony or other sworn submission, courts hold that these contradictory affidavits should be disregarded as "shams" or "competing affidavits." See *Margo v. Weiss*, 213 F.3d 55, 63 (2nd Cir. 2000); *Rohrbough v. Wyeth Labs. Inc.*, 916 F.2d 970, 976 (4th Cir. 1990); *Martin v. Merrell Dow Pharms., Inc.*, 851 F.2d 703, 705 (3rd Cir. 1988). C Further a federal and State agency cannot in manner through administrative convenience adopts a regulation or through nonfeasance permits under the color of State and federal law inferior authorities to deny my secured Constitutional rights or ignores Congress' intent.

Furthermore *Harlow v. Fitzgerald* (points) inter alia= among other things. Executive officials in general are usually entitled to only qualified or good faith immunity. Such immunity is not available if the official asserting the defense took the action with malicious intention to cause a deprivation of constitutional rights or other injury see *Wood v. Strickland*.

The U.S. and State Supreme Court has apparently never retreated, from the precedent and merits set in the South Carolina Supreme and Appeals court Cases *See, e.g., Franklin Credit Mgmt. Corp. v. Nicholas*, 73 Conn.App. 830, 812 A.2d 51, 57-58 (2002) ("In a mortgage foreclosure action, to make out its prima facie case, the foreclosing party had to prove by a preponderance of the evidence that it was the owner of the note and mortgage and that the [defendant] had defaulted on the note.") (internal quotations omitted) (internal citations omitted); *Campaign v. Barba*, 23 A.D.3d 327, 805 N.Y.S.2d 86, 86 (N.Y.App.Div. 2005) ("To establish a prima facie case in an action to foreclose a mortgage, the plaintiff must establish the existence of the mortgage and mortgage note, ownership of the mortgage, and the defendant's default in payment."); *In re Foreclosure of Real Prop. for \$143,600.00*, 156 N.C.App. 477, 577 S.E.2d 398, 406 (2003) ("In a foreclosure proceeding, the lender bears the burden of proving that there was a valid debt, default, right to foreclose under power of sale, and notice."); 55 Am. Jur. 2d *Mortgages* § 604 ("[T]he burden of proof of any particular issue rests upon the party asserting the affirmative of that issue under the pleadings."); *cf. Paramount Fund, Inc. v. Cusaac*, 282 S.C. 497, 499, 319 S.E.2d 354, 355 (Ct.App. 1984) (holding the mortgagee has the burden of proving a disputed mortgage by the preponderance of the evidence).

**Injury:**

Due to the above mentioned facts the failure of the court to recognize that they must apply the rules and laws that apply resulted not only in no personal Jurisdiction, the wrongful foreclosure of my property, but the foreclosure of my ability to negotiate a settlement with an undisclosed equitable creditor, or with the alleged legal owner of the loan in the property records. We have suffered extreme mental anguish further including but not limited to doctor visits and extreme migraines caused by a smoke do to the stress and the fire on the alleged day of Service. We have also suffered from Slander Mikell R. Scarborough has caused my home to be listed for sale, by color of law. And my family and I have undergone tremendous stress and tension By the defendants fraudulent actions and negligent practices.

**Relief**

WHEREFORE, the Appellant (s) would like the Affidavit to be Stricken and disregarded by the court granting a new fair and impartial trial to cause the plaintiff to prove their burden of proof, also void and vacate the court order(s) based on the established precedents of the stare decisis voiding the sale of my home and resolve this Matter Peacefully if Possible And I request/Pray judgment against defendant(s SRP 2011-6 LLC, MBS/SYNOVOUS BANK, its representatives and Judge Mikell R. Scarborough, for Restitution, economic Civil Tort, and psychological damages as well as compensatory damages plus costs and fees and respectfully ask this Court for leave to move for punitive damages. I was violated by fraud, negligence unprofessional Conduct, lack of service and never properly noticed or contacted about the process or given the proper notices that would have allowed me the ability to properly negotiate. Which caused a deprivation of my civil liberties; and constitutional secured rights. To Due process and a fair and impartial trial.fair and impartial trial.

ARGUMENTS

- I. Respondent Mikell R. Scarborough, NBSC/SYNOVOUS BANK, Judge DANIEL MARTIN JR, CASDELL SINGELTON, Representative Andrew Sullivan SRP 2011-6 LLC and others has not proven that he/she/ or the Corporate organization has Properly Served the Appellant gaining Personal jurisdiction or suffered any Personal Financial injury for which relief can be granted with any factual documentation to date.
  
- II. Respondent Mikell R. Scarborough, NBSC/SYNOVOUS BANK, Judge DANIEL MARTIN JR, CASDELL SINGELTON, Representative Andrew Sullivan SRP 2011-6 LLC and others have repeatedly violated my Civil Liberties and denied me my Constitutionally Secured Rights to Due Process by falsely Testifying that they produced LEGAL and LAWFUL request made by Affidavits Rule 56 (e) issued under the FRCP.
  
- III. Respondent Mikell R. Scarborough, NBSC/SYNOVOUS BANK, Judge DANIEL MARTIN JR, CASDELL SINGELTON, Representative Andrew Sullivan SRP 2011-6 LLC and others introduced a fraudulent evidence in this alleged matter to which I have not been served as well as the court going forward on a rule to Show Cause hearing when the respondents and Judge have both denied the evidence I have and provided the court on a Rule 60 (b) (4) motion which is a matter of right and not a Judges Discretion.

CONCLUSION

For the reasons stated, this Court should reverse the judgment of the Master IN Equity Court and I pray grant me a New Trial.

Respectfully submitted,

March 7, 2020

Allutte Jones, Appellant

**RECEIVED**

112 Coming Street, Charleston SC, 29403  
(843) 813-1910

MAR 09 2020

SC Court of Appeals



16  
**PROOF OF SERVICE FOR INITIAL BRIEF AND DESIGNATION OF  
MATTER**

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

Alluette Jones, Appellant,

v.

Appellate Case No. 2019-001572

APPEAL FROM CHARLESTON COUNTY

*Mikell R. Scarborough*, Master-In-Equity Court Judge

---

**Mikell R. Scarborough,  
NBSC/SYNOVOUS BANK,  
Representative Andrew  
Sullivan, and SRP 2011 6  
LLC, Respondent,**

v.

**Alluette K. Jones, Appellant,**

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**PROOF OF SERVICE**

---

I certify that I Alluette K. Jones have served the Initial Brief and Designation of Matter on Andrew Sullivan, NBSC/SYNOVOUS BANK, SRP 2011 6 LLC and Mikell R. Scarborough by depositing a copy of it in the United States Mail, postage prepaid, on March 21, 2020, addressed to Andrew Sullivan, 1612 Marion St 200, Columbia, SC 29201 843 577-2026, NBSC/SYNOVOUS BANK 1111 Bay Avenue, Columbus Georgia 31901, SRP 2011 6 LLC 3 CORPORATE DRIVE, STE 208, SHELTON, CT 06484 and Mikell R. Scarborough, 100 Broad St CHARLESTON, S.C 29403 on March 21, 2020].

March 21, 2020, I \_\_\_\_\_ Certify that  
I have read all documents to the best of my knowledge  
Information and belief there is good grounds to  
Support it; and it is not interposed for delay

Alluette K. Jones, Appellant  
142 Coming Street  
Charleston SC, 29403  
(803) 813-1910

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STATE OF SOUTH CAROLINA  
COURT OF COMMON PLEAS  
COUNTY OF CHARLESTON.

SRP 2011-6, LLC,  
Plaintiff,

vs. CASE NO. 2018-CP-10-2344

Alluette K. Jones, South Carolina Federal Credit  
Union, Synovus Bank, and Historic Charleston  
Foundation,

Defendants.

**RECEIVED**  
JAN 17 2020  
SC Court of Appeals

Hearing before the Honorable Mikell R.  
Scarborough, reported by Christine A. Smith, Court  
Reporter and Notary Public, at 10:06 a.m. on  
October 15, 2019 at 100 Broad Street, Courtroom 2A,  
Charleston, South Carolina.

**COPY**

Christine A. Smith, Court Reporter  
Master-in-Equity  
P.O. Box 30276  
Charleston, South Carolina, 29417  
(843) 958-5071  
casmith@charlestoncounty.org

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\*Any court, party, or person who has purchased a transcript may, without paying a further fee to the reporter, reproduce a copy or portion thereof as an exhibit pursuant to court order or rule or for internal use, but shall NOT otherwise provide or sell a copy or copies to any other party or person.

APPEARANCES OF COUNSEL:

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Asullivan@clawsonandstaubes.com

ATTORNEYS FOR THE DEFENDANT:

Alluette Jones, Pro se

P R O C E E D I N G S

1  
2  
3 THE COURT: Let me see if I can get  
4 Mr. Sullivan on the line.

5 MR. SULLIVAN: Good morning. This is Andrew.

6 THE COURT: Mr. Sullivan, good morning. This  
7 is Mikell Scarborough.

8 MR. SULLIVAN: Judge Scarborough, how are you  
9 this morning?

10 THE COURT: Good. I am in the courtroom with  
11 Ms. Alluette Jones. We're on the record in the case  
12 of SRP 2011-6, LLC versus Alluette K. Jones. It's  
13 case number 2018-CP-10-2344.

14 Good morning, Ms. Jones.

15 MS. JONES: Good morning.

16 THE COURT: I received late yesterday  
17 afternoon a filing for an emergency hearing. It  
18 looks like that was filed October 11th, and it came  
19 with a couple of attachments, A and B, a cover letter  
20 as well.

21 It seems to indicate that you were not served  
22 with process in this matter. That seems to be the  
23 basis for that.

24 MS. JONES: That's correct.

25 THE COURT: Mr. Sullivan, have received a copy

1 of any of this documentation?

2 MR. SULLIVAN: I did from Marti, your law  
3 clerk, late yesterday afternoon. That's the first I  
4 had seen any of this. I have had an opportunity to  
5 review the motion that was filed as well as some of  
6 the allegations in the motion, and I'm happy to  
7 respond to any of those allegations.

8 THE COURT: Very good. Ms. Jones, go ahead  
9 and make your record. Tell me what's going on. I've  
10 reviewed the file. I looked at the Affidavit of  
11 Service, and the Affidavit of Service from whomever  
12 it was indicated that they had served you and  
13 verified that that was who you were. So tell me what  
14 is your basis for claiming you were not served is.  
15 You need to state it for the record. I need to make  
16 a record.

17 MS. JONES: Well, I wasn't served. I have no  
18 record of being handed any kind of information, and I  
19 just want it thrown out because I was not served.

20 THE COURT: All right. And the basis for that  
21 is apparently your daughter was in the hospital?

22 MS. JONES: Absolutely. I have proof that she  
23 was in the hospital. I have proof from the fire  
24 department. It was an incident that happened and it  
25 took me away for almost all of that day.

1 THE COURT: Well, that's kind of what I was  
2 looking for. Do you have anything other than a bill  
3 from MUSC saying that she went to the emergency room?

4 MS. JONES: I can get the detailed information  
5 that she went there and she had to stay because she  
6 was admitted to IOP. Yes, I can prove that.

7 THE COURT: Does she live with you?

8 MS. JONES: Yes.

9 THE COURT: Okay. And where is she today?

10 MS. JONES: She's home.

11 THE COURT: Very good. Okay. Mr. Sullivan,  
12 let me hear from you.

13 MR. SULLIVAN: Well, Your Honor, I certainly  
14 stand by the Affidavit of Service that was filed by  
15 the process server. I mean, I think it very clearly  
16 not only indicates that Ms. Jones acknowledged her  
17 identity when the process server served her with the  
18 initial pleadings, but also provide an accurate  
19 description of the physical appearance of Ms. Jones  
20 at that time.

21 I have had countless communications and  
22 correspondence with Ms. Jones dating all the way back  
23 to a prior foreclosure we were involved with.

24 We sent a demand letter to Ms. Jones on  
25 February 7th of 2018, and on March 6th of 2018

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received a letter from Ms. Jones refusing the debt. So she had knowledge at least that a lawsuit was forthcoming. We subsequently responded and validated the debt by way of letter on March 19th, 2018. Of course the lis pendens, summons and complaint, and initial pleadings were filed on May 7th.

The process server did serve her, at least according to the records that we have, on May 10th. I believe it was alleged in the motion that she indicated that she wasn't personally served her, and that we served her via publication which is not the case at all.

Subsequent to having been served with the pleadings, she did engage with my client for some loss mitigation of which she was ultimately denied in a denial letter issued to her. Of course, moving forward we eventually get to a foreclosure hearing at which Ms. Jones appeared at that foreclosure hearing. Not at one point in that hearing did Ms. Jones ever indicate that she was not personally served in the lawsuit. In fact, to the contrary, indicated that she simply needed more time to sell, I believe, another property that she owned and was trying to sell that either to reinstate or payoff the loan of my client.

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Your Honor indicated that you would grant that request and extended the sale date out to May 7th. One day prior to that sale Ms. Jones filed bankruptcy, pro se, Chapter 13. That bankruptcy was ultimately dismissed. The property was rescheduled for a foreclosure sale in early August. On August 6th she refiled for Chapter 13 bankruptcy and filed inadequate and incomplete schedules and other documentation.

At that point in time, Your Honor, from the bankruptcy court perspective we moved for relief from the automatic stay and the Court in the bankruptcy in the second case, did find that Ms. Jones had engaged in a scheme to delay and hinder the creditor from pursuing relief and seeking foreclosure.

That order has been entered with the ROD as of, I believe, August -- no. I take that back. September -- I don't have that in front me. I believe it was late in September. That order was, in fact, filed with the Register of Deeds in Charleston County, and so my position is ultimately this, Your Honor. Ms. Jones has had more than an adequate opportunity to get whatever -- seek whatever relief she was trying to seek, whether it be through the bankruptcy process or this other asset that she

1           apparently owns that she was going to sell and  
2           otherwise pay off my client.

3                       This is just another attempt one day before  
4           the foreclosure sale to delay my client its  
5           opportunity and its right to foreclosure this  
6           property and have it sold to be made whole. My  
7           client, since the February 12st foreclosure hearing,  
8           has incurred \$8,580.92 in attorneys' fees and costs  
9           for not only having to have this property scheduled  
10          for sale on three different occasions, but going  
11          through the processes and the bankruptcy matters to  
12          have those dismissed.

13                      So I stand certainly behind everything that's  
14          been filed in this lawsuit, of course, Your Honor --  
15          that Ms. Jones certainly had knowledge of what was  
16          going on, that she was served in this action, and I  
17          would ask the Court to deny her motion and have this  
18          property sold at this morning's foreclosure sale.

19                      THE COURT: Thank you, Mr. Sullivan. Anything  
20          further, Ms. Jones.

21                      MS. JONES: Yes, sir. I object to everything  
22          he said because I was never served by law. Never,  
23          ever did this person put anything in my hand on that  
24          day he said. And I have a video which showed that  
25          the incident occurred, that my daughter had to leave,

1 and I went behind the ambulance. I couldn't go in  
2 there with her to MUSC when she got admitted to IOP,  
3 the Institute of Psychiatry.

4 THE COURT: Well, Ms. Jones, the affidavit --  
5 I'm going to read from the affidavit, the language  
6 from the affidavit, that was filed on May 11th of  
7 2018. It says that on the 10th day of May, 2018 at  
8 7:12 p.m. at the address of 142 Coming Street in  
9 Charleston, South Carolina, affiant served the  
10 above-described documents upon Alluette K. Jones, who  
11 accepted service with identity confirmed by subject  
12 stating their name, a black female approximately over  
13 65 years of age, 5'6" to 5'8" tall weighing 140 to  
14 160 pounds with gray hair with glasses. Her hair was  
15 more white than gray, it says. And then, Is the  
16 place the usual dwelling house or abode of the party  
17 being served? They checked, Yes.

18 Ms. Jones, that certainly appears to describe  
19 you and according to the affidavit of the process  
20 server, he confirmed your identity with you at the  
21 time of service.

22 MS. JONES: Sir, honestly, he never served me.  
23 Honestly. I have a video that shows that I was not  
24 there on the 10th because my daughter started a fire,  
25 and I didn't know what to do. I had to call the fire

1 department. They came. My friend and he took a  
2 video of the whole thing. I was not there. I was  
3 not there.

4 THE COURT: Okay.

5 MS. JONES: Do you want to see the video?

6 THE COURT: No. No, ma'am. Not at this point  
7 in time. Ms. Jones, I find that you've been served.  
8 I'm sorry that this has come to this point. You've  
9 had ample opportunity to bring this to the Court's  
10 attention, whether it would have been in the February  
11 hearing at which time the sale was set for May or  
12 thereafter.

13 MS. JONES: Your Honor, can I have --

14 THE COURT: Just one second. I'm talking for  
15 the record, and then I'll let you respond. Okay?

16 Bankruptcy Court order from September 18th of  
17 this year, not quite a month ago, found that the  
18 debtor had acted in bad faith and abused the  
19 bankruptcy process to delay the foreclosure process  
20 by the multiple filings of bankruptcy in this case,  
21 and frankly, Ms. Jones, I find the same. I find that  
22 this is a delay tactic. I'm sorry for your  
23 situation. I'm sorry to hear about your daughter and  
24 that she's not well, and I'm concerned about where  
25 you all are going to go, but I'm going to deny the

1 motion. I'm glad to hear from you.

2 MS. JONES: Okay. I want to have Freddie  
3 Whaley come up and show you the video of what  
4 happened that day because I was not there, and I  
5 served, he said, which I wasn't. I didn't have any  
6 paperwork indicating -- when you're served do they  
7 put papers in your hands or how do they do that?

8 THE COURT: Generally they do.

9 MS. JONES: Couldn't he have gotten that  
10 information off of a driver's license or something?  
11 Isn't that public record?

12 THE COURT: Well, the affidavit of the process  
13 server, who's got no stake in the case, says that  
14 Allulette K. Jones accepted service with identity  
15 confirmed by subject stating their name.

16 MS. JONES: Can I see the person? Am I able  
17 to see who served me?

18 THE COURT: Not today.

19 MS. JONES: Can Freddie Whaley be a witness?

20 THE COURT: Ms. Jones, if you had brought this  
21 up in February of this year we could have had a  
22 full-fledged hearing on this. For whatever reason  
23 you waited until last Friday, or whatever it was, to  
24 bring the matter to the Court's attention. We,  
25 frankly, didn't know about it until late yesterday

1 afternoon after 4:00, so I'm trying to have this  
2 hearing for you today just to give you -- I think you  
3 have the right to a hearing. I'm going to give you  
4 the right to that hearing, but I don't find -- if you  
5 had brought with you today the transcript of the EMS  
6 and the fact that it was at such and such time and  
7 you were in the transcript and it was there, but --  
8 if you had had a written record to that fact I would  
9 have accepted that.

10 MS. JONES: I do have a written record.

11 THE COURT: I'm not going to take the time now  
12 to watch a video that you could have brought to me in  
13 February of this year if this was, in fact, an issue.

14 MS. JONES: I didn't know the process. I just  
15 now learned it, sir. That's why I'm bringing you all  
16 the information.

17 THE COURT: I'm going to deny your motion.

18 MS. JONES: The gentleman talked to him. He  
19 did not talk to me. I wasn't there. The  
20 gentleman -- can I bring this witness up to state  
21 that this gentleman spoke to him and not me? I  
22 wasn't there, Judge Scarborough.

23 THE COURT: Ms. Jones, I --

24 MS. JONES: Can I have him on the record with  
25 that?

1 THE COURT: Ms. Jones, I find that you did. I  
2 just --

3 MS. JONES: I am challenging the jurisdiction,  
4 sir. I was not served.

5 THE COURT: I understand that. I understand  
6 that. All right. Thank you very much. I'm going to  
7 deny the claim. The property is going to be sold.  
8 Ms. Jones, we're selling property today for the first  
9 time in North Charleston. That's where we're going  
10 now. My understanding is that the lender has put a  
11 bid in and we'll be doing that. All right.

12 MS. JONES: Yes, sir.

13 MR. SULLIVAN: Thank you, Your Honor.

14 THE COURT: All right, Mr. Sullivan. Thank  
15 you, sir.

16 MR. SULLIVAN: Okay. Thank you.

17 THE COURT: Bye-bye now.

18 MS. JONES: Judge, can I give this to the  
19 gentleman for you?

20 THE COURT: Sure.

21 MS. JONES: This is the lis pendens.

22 THE COURT: Has this been filed? Is it a  
23 filed document?

24 MS. JONES: Yes, sir.

25 THE COURT: When did you-all file that?

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MS. JONES: Today.

THE COURT: Let me take a look. We'll take this up. This is in the U.S. District Court. I guess I'll see you over there at some point in time. Okay? Thank you, Ms. Jones. Good to see you. Take care.

(The proceedings were concluded at 10:21 a.m.)

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State of South Carolina)  
County of Charleston ) C E R T I F I C A T E

I, Christine A. Smith, Court Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 2nd day of January, 2020 at Charleston, Charleston County, South Carolina.



Christine A. Smith  
Notary Public  
My Commission Expires  
May 12, 2021

17  
THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

Alluette Jones, Appellant,

v.

Mikell R. Scarborough, NBSC/SYNOVOUS BANK,  
Judge DANIEL MARTIN JR, CASDELL SINGELTON,

Representative Andrew Sullivan

SRP 2011-6 LLC and others

Appellate Case No. 2019-001572

RECEIVED

FEB 06 2020

APPEAL FROM CHARLESTON COUNTY SC Court of Appeals  
*Mikell R. Scarborough*, Master-In-Equity Court Judge

Motion for extension of time to complete initial brief

Comes now Alluette Jones, Appellant, pursuant to Appellate Rule 240, moves this Court for an order extending the time for the Appellant (S) to complete initial brief. I Alluette Jones, Appellant move this Court for asking for an order extending the time for I Alluette Jones, Appellant to complete initial brief which was due Saturday, February 2nd, 2020, by thirty (30) days until Monday, March 2nd, 2020, I am seeking an additional thirty (30) days.

Alluette Jones, Appellant seeks additional time because of my right to liberty interest which is Fundamental in Nature, and several Personal Things happening out of my Control over the Holiday season. I Alluette Jones, Appellant pray the court grants my request.

February 3, 2020

Alluette Jones, Appellant

Alluette Jones, Appellant  
142 Coming Street  
Charleston SC, 29403  
(843) 813-1910

**PROOF OF SERVICE FOR MOTION TO EXTEND TIME**

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

Alluette Jones, Appellant,

v.

Mikell R. Scarborough, NBSC/SYNOVOUS BANK,  
Judge DANIEL MARTIN JR, CASDELL SINGELTON,

Representative Andrew Sullivan

SRP 2011-6 LLC and others

Appellate Case No. 2019-001572

APPEAL FROM CHARLESTON COUNTY

*Mikell R. Scarborough, Master-In-Equity Court Judge*

Mikell R. Scarborough,  
NBSC/SYNOVOUS BANK,  
Judge DANIEL MARTIN JR,  
CASDELL SINGELTON,  
Representative Andrew  
Sullivan SRP 2011-6 LLC and  
others

Respondent,

**RECEIVED**

FEB 06 2020

SC Court of Appeals

v.

Alluette Jones

Appellant.

PROOF OF SERVICE

I certify that I have served the Motion for Extension of time to complete brief on Mikell R. Scarborough, NBSC/SYNOVOUS BANK, Judge DANIEL MARTIN JR, CASDELL SINGELTON, Representative Andrew Sullivan SRP 2011-6 LLC and others by depositing a copy of it in the United States Mail, postage prepaid, on February \_\_, 2020, addressed to Mikell R. Scarborough, NBSC/SYNOVOUS BANK, Judge DANIEL MARTIN JR, CASDELL SINGELTON, Representative Andrew Sullivan SRP 2011-6 LLC and others, 100 Broad St CHARLESTON, S.C 29403[by personally delivering a copy of it to her Clerk of record, \_\_\_\_\_, at her office at 100 Broad St CHARLESTON, S.C 29403on January 6th, 2020].

February 5, 2020

Alluette Karen Jones, Appellant  
142 Coming Street  
Charleston SC, 29403  
(843) 813-1910

*Exhibits (1)*

**RECEIVED**

MAR 09 2020

SC Court of Appeals

Guarantor ID: **816986**  
Guarantor Name: **ELFREDA SMALLS**  
Statement Date: **06/21/2018**

**Statement of Services**

	Date of Visit	Description of Services	Charges	Insurance Pmt/Adj	Patient Pmt/Adj	Amo Du
<b>Physician Services</b>	02/20/18	99395 Preventive Visit, Est. 18-39	\$ 176.00			
Patient: Elfreda Smalls	03/02/18	Discount (Self-Pay, Uninsured)			-88.00	
Visit # 516023122	02/20/18	CO-Payment Thank You			-80.00	
Cheryl P. Lynch, MD, Mph						
MUSC Parent Hospital Location						
<b>Total \$</b>			<b>176.00</b>	<b>0.00</b>	<b>-168.00</b>	
<b>Hospital Services</b>	02/20/18	510 Clinic Visit	\$ 106.00			
Patient: Elfreda Smalls	02/25/18	Discount (Self-Pay, Uninsured)			-53.00	
Visit # 516023126						
MUSC Parent Hospital Location						
<b>Total \$</b>			<b>106.00</b>	<b>0.00</b>	<b>-53.00</b>	
<b>Hospital Services</b>	05/01/18	306 Laboratory	\$ 490.00			
Patient: Elfreda Smalls	05/06/18	Discount (Self-Pay, Uninsured)			-245.00	
Visit # 516748462						
MUSC Parent Hospital Location						
<b>Total \$</b>			<b>490.00</b>	<b>0.00</b>	<b>-245.00</b>	<b>\$2</b>
<b>Physician Services</b>	05/01/18	99395 Preventive Visit, Est. 18-39	\$ 176.00			
Patient: Elfreda Smalls	05/02/18	Discount (Self-Pay, Uninsured)			-88.00	
Visit # 516966943						
Krista Terese Wagoner, MD						
MUSC Parent Hospital Location						
<b>Total \$</b>			<b>176.00</b>	<b>0.00</b>	<b>-88.00</b>	<b>\$</b>
<b>Hospital Services</b>	05/10/18	05/18/18				
Patient: Elfreda Smalls		351 CT-Scan	\$ 1,775.00			
Visit # 517089014		450 Emergency Room	\$ 2,119.00			
MUSC Parent Hospital Location		307 Laboratory	\$ 2,295.00			
		250 Pharmacy	\$ 168.00			
		124 Room And Board, Semi Private	\$			
			14,581.00			
	05/23/18	Discount (Self-Pay, Uninsured)			-10,469.00	
<b>Total \$</b>			<b>20,938.00</b>	<b>0.00</b>	<b>-10,469.00</b>	<b>\$10.4</b>

(Continued on next page)

GUARANTOR/ADDRESS CHANGES							
PATIENT NAME				IF GUARANTOR NAME CHANGED PLEASE CALL US			
STREET ADDRESS, APT #			HOME PHONE NUMBER		CELL PHONE NUMBER		
CITY		STATE / PROVINCE		POSTAL CODE		COUNTRY	
EMPLOYER						WORK PHONE NUMBER	
EMPLOYER STREET ADDRESS				CITY		STATE ZIP	
INSURANCE COMPANY				INSURANCE COMPANY			
<input type="checkbox"/> CHECK BOX IF HMO				<input type="checkbox"/> CHECK BOX IF HMO			
SUBSCRIBER'S NAME		SUBSCRIBER'S DATE OF BIRTH		SUBSCRIBER'S NAME		SUBSCRIBER'S DATE OF	
I.D. NUMBER	GROUP/PLAN NUMBER	EFFECTIVE DATE		I.D. NUMBER	GROUP/PLAN NUMBER	EFFECTIVE DATE	
MAILING ADDRESS FOR CLAIMS				MAILING ADDRESS FOR CLAIMS			
CITY		STATE		ZIP CODE		CITY STATE ZIP	

\*\*\* IF POSSIBLE, PLEASE ENCLOSE A COPY OF YOUR INSURANCE ID CARD (FRONT AND BACK) WITH THIS CHANGE \*\*\*

19

*Exhibits (2)*



MEDICAL RECORDS  
169 Ashley Ave Suite H102  
MSC 250  
Charleston SC 29425-3490  
HIM ROI Notes Report

Smalls, Elfreda  
MRN: 000918148, DOB: 7/28/1993, Sex: F  
Acct #: 517089014  
Adm: 5/10/2018, D/C: 5/18/2018

CSN: 1117592489

**Discharge Summary by Brittainy R Erby, MD at 5/18/2018 12:26 PM**

Author: Brittainy R Erby, MD  
Filed: 5/18/2018 4:10 PM  
Status: Signed  
Related Notes: Original Note by Brittainy R Erby, MD (Resident) filed at 5/18/2018 4:10 PM  
Cosigner: Andrew James Manett, MD at 5/21/2018 8:10 AM

Service: PSY-PsYCHIATRY HOSPITALISTS  
Creation Time: 5/18/2018 7:53 AM  
Editor: Brittainy R Erby, MD (Resident)

Author Type: Resident  
Note Type: Discharge Summary

**Institute of Psychiatry  
Discharge Summary  
Medical University of South Carolina**

**Patient Name:** Elfreda Smalls  
**Age:** 24 y.o.  
**Sex:** female  
**MRN:** 000918148  
**Date:** 5/18/2018  
**Admission Date:** 5/10/2018  
**Discharge Date:** 5/18/2018

**Attending Physician:** Dr. Andrew Manett  
**Service:** 3N Adult Psychiatry Unit



**Labs:**  
CBC- wnl  
BMP- wnl  
EtOH <10

20

Charleston Police Department

Exhibit #

REPORT

Case# 18-06913

INCIDENT DATA

ORI SC0100100

Date / Time Reported 05/10/2018 21:3  
Last Known Secure 05/10/2018 17:0  
At Found 05/10/2018 17:0

Location of Incident 142 Coming St, Charleston SC 29403-

Premise Type Residence/home

Zone/Tract 121

#1 Crime Incident(s) (Com) Arson 200

Weapon / Tools  
Entry Exit Security

#2 Crime Incident (Com) Assisting Other Agencies 952

Weapon / Tools  
Entry Exit Security

#3 Crime Incident ( )

Weapon / Tools  
Entry Exit Security

MO

VICTIM

# of Victims 2 Type: INDIVIDUAL/ NOT LAW Injury:  
V1 Victim/Business Name (Last, First, Middle) JONES, ALLUETTE KAREN  
Victim of Crime # 1, DOB 05/28/1952, Age 65, Race B, Sex F  
Home Address 142 COMING ST, Charleston, SC 29403- Home Phone 843-81  
Employer Name/Address Business Phone Mobile Phone  
VYR Make Model Style Color Lic/Lis VIN

OTHERS

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)  
Type: SOCIETY/PUBLIC Injury:  
V2 Name (Last, First, Middle) City of Charleston  
Victim of Crime # 2, DOB / /, Age  
Home Address  
Employer Name/Address Business Phone Mobile Phone

INVOLVED

Type: INDIVIDUAL/ NOT LAW ENFORCEMENT Injury:  
CO Name (Last, First, Middle) JONES, ALLUETTE KAREN  
Victim of Crime # 1, DOB 05/28/1952, Age 65, Race B, Sex F  
Home Address 142 Coming St Charleston, SC 29403 Home Phone 843-813  
Employer Name/Address Business Phone Mobile Phone

PROPERTY

1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown ("OJ" = Recovered for Other Jurisdiction)

VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number
1	29	2	\$100.00		1	SINGLE OCCUPANCY		
1	06	2	\$500.00		1	CLOTHES/FURS		

Officer/ID# MALONE, J. T. (PTL, TM3P) (2496)

Invest ID# (0)

Supervisor SALKELD, B. J. (PTL, TM3P) (998)

Status Complainant Signature

Case Status Pending Inactive 05/11/2018

Case Disposition: Page

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	WHALEY, FREDDIE JR		06/07/1952	65	B	M
	Address 7863 Long Shadow Ln , N Charleston, SC 29406-9584		H:843-647-9139			
	Empl/Addr		B: - -			
			Mobile #: - -			



# Incident Report Suspect List

Charleston Police Department

OCA: 18-06913

1	Name (Last, First, Middle) <i>SMALLS, ELFREDA LOTTIE</i>					Also Known As					Home Address <i>142 COMING ST CHARLESTON, SC 29403 843-810-3279</i>				
	Business Address														
DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.					
<i>07/28/1993</i>	<i>24</i>	<i>B</i>	<i>F</i>	<i>N</i>	<i>503</i>	<i>230</i>	<i>BLK</i>	<i>BRO</i>		<i>0102603690 SC</i>					
Scars, Marks, Tattoos, or other distinguishing features															
<i>Reported Suspect Detail</i>															
Suspect Age		Race	Sex	Eth	Height		Weight		SSN						
Weapon, Type	Feature		Make		Model		Color	Caliber	Dir of Travel						
VehYr/Make/Model			Drs	Style		Color	Lic/St		VIN						
Notes							Physical Char								

1	Property Description <b>SINGLE OCCUPANCY</b>			Make		Model		Caliber	
	Color	Serial No.		Value <b>\$100.00</b>		Qty <b>1.000</b>		Unit	Jurisdiction <b>Locally</b>
	Status <b>Burned</b>	Date <b>05/10/2018</b>	NIC #		State #		Local #		OAN
	Name (Last, First, Middle) <b>Jones, Alluette Karen</b>				DOB <b>05/28/1952</b>		Age <b>65</b>	Race <b>B</b>	Sex <b>F</b>

Notes

*Minor burn damage to the floor of an upstairs closet.*

2	Property Description <b>CLOTHES/FURS</b>			Make		Model		Caliber	
	Color	Serial No.		Value <b>\$500.00</b>		Qty <b>1.000</b>		Unit	Jurisdiction <b>Locally</b>
	Status <b>Burned</b>	Date <b>05/10/2018</b>	NIC #		State #		Local #		OAN
	Name (Last, First, Middle) <b>Jones, Alluette Karen</b>				DOB <b>05/28/1952</b>		Age <b>65</b>	Race <b>B</b>	Sex <b>F</b>

Notes

*Several items of clothing were burned.*



**K1 Person/Entity Involved**

Local Option

Business name (if applicable)

Area Code

Phone Number

Check This Box if same address as incident location. Then skip the three duplicate address lines.

Mr., Ms., Mrs. First Name MI Last Name Suffix

Number Prefix Street or Highway Street Type Suffix

Post Office Box Apt./Suite/Room City

State Zip Code

More people involved? Check this box and attach Supplemental Forms (NFIRS-1S) as necessary

**K2 Owner**

Same as person involved? Then check this box and skip The rest of this section.

Local Option

Business name (if applicable)

Area Code

Phone Number

Check this box if same address as incident location. Then skip the three duplicate address lines.

Mr., Ms., Mrs. First Name MI Last Name Suffix

Number Prefix Street or Highway Street Type Suffix

Post Office Box Apt./Suite/Room City

State Zip Code

**L Remarks**

Local Option

05/10/2018 21:25:14 yownj

The following incident narrative has been provided by the Charleston Fire Department and is subject to change without notice. The information is believed to be true and accurate at the time the report was generated.

Incident narrative entered by - FF J Yown

Units were dispatched for -Structure Fire

Conditions observed upon arrival - Engine 115 arrived on scene of a two story residential structure with nothing showing from 3 sides.

Incident narrative - Engine 115 established they own water supply and command. Company entered the structure times 3 in investigative mode and made contact with the listed owner. Owner reported that a fire had occurred in a second story rear closet and the owner had attempted to extinguish the fire prior to our arrival. Company proceeded area of origin and observed a light haze of smoke in the rear bedroom. Upon entering the closet, a pile of approximately 20 clothing items on the floor was smoldering. Engine 115 Bravo was able to use his boot to open the pile and less than 1 gallon of water was used from the water can to extinguish the remaining ambers. The clothing was removed from the structure. Engine 115 Bravo requested a smoke ejector from Ladder 104 to be placed in an upstairs window to assist in smoke removal. All other units were released from the incident. The closet was scanned with a TIC and physical inspection to determine no fire extension. Engine 115 Bravo requested Charleston Police Department and the Charleston Fire Marshall Office to respond to

**L Authorization**

E036749

Officer in charge ID

Horn, Thomas E

Signature

CP

Position or rank

E115

Assignment

05

Month

10

Day

2018

Year

Check Box if same as Officer in charge.

E043489

Member making report ID

Yown, Jason R

Signature

FF/EMT

Position or rank

E115

Assignment

05

Month

10

Day

2018

Year