

STATE OF SOUTH CAROLINA
In The Supreme Court

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Apr 30 2021

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

SC Court of Appeals

**Marvin H. Dukes III, Master in Equity
and Special Circuit Court Judge**

CASE NO. 2019-CP-07-02178

**JOSEPH CHAKYING SUN as Trustee
of The 2009 Suns Family Trust, and
JOSEPH CHAKYING SUN, Individually Appellants**

v.

**BLUFFTON PARK COMMUNITY
ASSOCIATION, Inc. Respondent**

**MOTION FOR CONSIDERATION ON ALREADY FILED
PETITION FOR WRIT OF MANDAMUS**

Appellant Joseph Sun during the pendency of the within case at the Court of Common Pleas filed and served on the respondent, a Petition for Writ of Mandamus addressing the numerous denial of his Constitutional rights to due process of the law. The respondent had not responded to the aforesaid petition. Similarly, it had not responded to all other motions filed by the Appellant at the circuit court. Without a hearing, Special Circuit Judge Marvin Dukes allowed the respondent to include the denial of the motions in its proposed order of Master's Decree of Foreclosure, Sale, and Judgment (\$21,115.47), a copy of which was attached within Appellant's Notice of Appeal sent in for filing.

Because there was no hearing held to determine the merits of Appellant's motions, Appellants complained that it was equivalent to the circuit court allowing the respondent to rule on Appellants' motions and enter an order of denial.

According to circuit court's Form 4 order of denial of Appellant's motion for reconsideration, (a copy is attached with the notice of appeal,) no sale of Appellants' property shall occur sooner than 60 days from date of denial on April 7, 2021, or on June 7, 2021.

As it is unlikely that the appeal of this case can be determined prior to June 7, 2021, Appellant Sun is without any other legal remedy to save his home because he has no funds to pay the respondent the sum that it claims or any bonds on appeal. Appellant can show that he does not owe the respondent any money and the judgment was obtained by the respondent using clearly false testimony in its affidavit for publication and several other denial of due process against the Appellants as alleged in the petition with citation of records.

Wherefore, Appellant prays the court that a writ of mandamus issue requiring the respondent and the circuit court to give any reason that Appellant is not entitled to the writ and/or that Appellants' petition should be denied. In the alternative, Appellants pray the court to stay the execution of the Circuit Court orders until the appeal of this case is decided by the court.

Appellant asks this court to accept jurisdiction and determine the merits of his petition and the appeal as all records are already on the record at the Beaufort County Public Index. The determination by this court would save court time and resources. Appellants request to be directed by the court and be allowed to proceed in filing and serving his Appellant's Brief and the records of appeal if deemed necessary by the court.

Respectfully submitted,

This 27th day of April, 2021.

JOSEPH C. SUN, pro se
P. O. Box 2543
Bluffton, SC. 29910
843-226-8788

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Attorney for Respondent
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CERTIFICATE OF SERVICE

This is to certify that I have this date served the Respondent a copy of this Motion for Consideration on Already Filed Petition for Writ of Mandamus, by depositing a copy of same in the U.S. Mail to:

Scott M. Wild, Esq.
P. O. Box 6867
Hilton Head Island, SC 29938

and by email to: scott@wildlawfirm.com

This 27th day of April, 2021.

JOSEPH C. SUN
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