

The State of South Carolina - Court of Appeals  
Appeal from Laurens County - Common Pleas Court

The Honorable - J. Cordell Maddox Jr., Judge

2020-CP-30-0111

Anthony Bernard Burnside . . . . Appellant,

V.

Honorable - W. Reid Cox, Jr., Master in equity / Special Referee,  
And Tim Mahon, Owner, TM Properties, LLC, Defendants,  
of whom - Honorable - W. Reid Cox, Jr., Master-in-equity /  
Special Referee, is the Respondent.

INITIAL Brief of Appellant

**RECEIVED**

MAY 28 7021

SC Court of Appeals

Anthony Bernard Burnside  
Anthony Bernard Burnside  
Post office Box #344  
Gray Court, S.C. 29645  
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TABLE OF Authorities

Code of LAWS of SOUTH CAROLINA

SECTION 15-67-410

## ISSUE ON APPEAL

1. Whether the Court improperly Addressed the issue of "FRAUDULENT AUCTION", which WAS NOT properly before the Court to be heard ON October 19, 2020.?

## Statement of the Case

ON OR ABOUT AUGUST 16, 2019, TM Properties filed a FORECLOSURE ACTION AGAINST the APPELLANT (Burnside), in CONNECTION WITH A PROMISSORY NOTE AND MORTGAGE filed in the office of the CLERK OF COURT - FOR COMMON PLEAS, in the CITY OF LAURENS / COUNTY OF LAURENS, SOUTH CAROLINA.

The foreclosure hearing took PLACE ON OR ABOUT NOVEMBER 8, 2018, AND the MATTER WAS heard by W. Reid COX, Jr., AS SPECIAL Referee, PURSUANT TO AN order issued by the Court dated October 12, 2018.

W. Reid COX, Jr., / SPECIAL referee, AFTER the hearing, issued AN order of foreclosure date NOVEMBER 9, 2018; ALSO, the Court issued A NOTICE OF SALE which provided, inter ALIA, that the SUBJECT REAL property would be publicly sold ON JANUARY 7, 2019.

HOWEVER, the PLAINTIFF timely filed AN APPEAL with the SOUTH CAROLINA Court of Appeals, the SAID APPEAL WAS denied August 26, 2019; AFTER the NOTICE OF SALE

WAS PUBLISHED BY THE SPECIAL REFEREE - AN AUCTION TOOK PLACE - ONCE THE FLOOR WAS OPENED FOR THE BIDDING PROCESS, THE APPELLANT BID ONE DOLLAR (\$1.00), AS THERE WERE NO OTHER BIDDERS PHYSICALLY PRESENT TO BID AGAINST THE APPELLANT.

### NOTICE TO THE COURT

THE ISSUE OF THE AUCTION IS NOT A PROPER ISSUE BEFORE THE COURT; THE SOLE ISSUE BEFORE THE COURT IS SUPPOSE TO BE AND SHOULD HAVE BEEN - THE ISSUE OF "DECLARATION OF ENTRY OF DEFAULT JUDGMENT."

ON AUGUST 25, 2020, A PHYSICAL HEARING WAS HELD AT THE LAURENS COURT HOUSE - THE HONORABLE - EUGENE GRIFFITH, PRESIDED OVER THE HEARING, AND AT THE HEARING, THE PLAINTIFF REQUESTED A HEARING BE HELD SOLELY ON THE ISSUE OF "DEFAULT JUDGMENT"; THE ISSUE OF THE AUCTION WAS NOT AN ISSUE BEFORE THE COURT (HEARING) OF AUGUST 25, 2020, AND THERE IS NO

evidence to dispute the PLAINTIFF'S ASSERTIONS;  
the COURT - ON OCTOBER 19, 2020, ERRONEOUSLY  
RULED ON AN ISSUE THAT WAS NOT PART OF THE RECORD  
TO BE HEARD, AND THERE IS NO EVIDENCE TO THE CONTRARY

## ARGUMENT

The PLAINTIFF, in this MATTER, AND in the MATTER of "DEFAULT Judgment" / AND, "DECLARATION OF ENTRY OF DEFAULT Judgment" - the PLAINTIFF do hereby CONCEDE, AND ASKS this COURT OF APPEALS to LET STAND the Judgment of the LOWER COURT CONCERNING the issue of "DEFAULT Judgment" / AND, "DECLARATION OF ENTRY OF DEFAULT Judgment"; the PLAINTIFF does NOT CONTEST the LOWER COURT RULING of December 11, 2020 - CONCERNING ONLY the ABOVE STATED issue(s). see EXHIBIT - "B".

The PLAINTIFF CONTINUES TO ASSERT the MATTER of the "AUCTION", in which the PLAINTIFF, by SUMMONS AND COMPLAINT filed Suit in the COURT OF COMMON PLEAS ON JANUARY 29, 2020, - see EXHIBIT - "A"; the PLAINTIFF filed the SUMMONS AND COMPLAINT in the MATTER of the "AUCTION PURSUANT to SOUTH CAROLINA Code of LAWS-section 15-67-410, respectively.

The PLAINTIFF asserts, the Lower Court improperly Joined the DECLARATION OF ENTRY FOR DEFAULT Judgment AND the Suit for FRAUDULENT AUCTION - both CASES were independently filed, AND the hearing of August 25, 2020, determined the DECLARATION OF ENTRY FOR DEFAULT Judgment would be heard AT A future hearing, AND Agreed upon by the PLAINTIFF. The FRAUDULENT AUCTION CASE WAS improperly before the Court ON October 19, 2020.

The PLAINTIFF, UPON INFORMATION AND BELIEF, believes the defendants AND the respondent improperly Added the CASE of the FRAUDULENT AUCTION in with the DECLARATION OF default Judgment in AN effort to Keep the FRAUDULENT AUCTION FROM being heard independently because of the FRAUD involved AT the "AUCTION" which WAS held ON October 7, 2019.

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM LAURENS COUNTY COMMON PLEAS COURT  
The Honorable - J. Cordell Maddox, JR.,

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MAY 28 2021

SC Court of Appeals

CASE#: 2020-CP-3000111

ANTHONY B. Burnside . . . . . Appellant,

V.

HONORABLE - W. Reid COX, JR., MASTER-IN-EQUITY/SPECIAL Referee,  
AND TIM MAHON, OWNER, TM properties, LLC, DEFENDANTS, OF  
WHOM - HONORABLE - W. Reid COX, JR., MASTER-IN-EQUITY/SPECIAL  
Referee, is the respondent.

PROOF of Service

I, ANTHONY B. Burnside, do hereby certify that I have served the  
initial brief of the Appellant and Appellant's designation of  
Matter to be included on the record on appeal on the defendants/  
respondent by depositing a copy of same in the UNITED STATES MAIL,  
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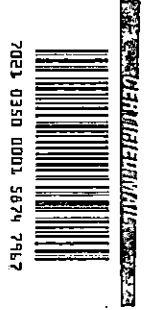
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