

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

MAY 28 2021

SC Court of Appeals

APPEAL FROM LAURENS COUNTY COMMON PLEAS COURT

The Honorable - J. Cordell Maddox, JR.,

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.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

The Appellant Proposes the following be included in the Record on Appeal:

1. ORDER DISMISSING ACTION - OCTOBER 19, 2020
2. FRAUDULENT AUCTION - JANUARY - 22, 2020
3. SWORN AFFIDAVIT - JANUARY - 22, 2020
4. DECLARATION FOR ENTRY OF DEFAULT JUDGMENT - MARCH 16, 2020
5. APPELLANT'S AFFIDAVIT - MARCH 16, 2020
6. MOTIONS ROSTER - DECEMBER 11, 2020

The Appellant do hereby certify that this designation
CONTAINS NO MATTER which is irrelevant to this appeal.

S/ Anthony B. Bernside
ANTHONY B. BERNside
Post office Box # 344
GRAY COURT, S.C.
29645

864-200-9311

LAURENS, SOUTH CAROLINA
MAY 27, 2021

CONCLUSION

Wherefore, the Appellant Pray this Court GRANT AN independent hearing in a physical setting to be heard concerning the "Fraudulent Auction", which has not been properly heard by a court of law as warranted.

The Appellant further Pray this Court grant Appellant AN Further relief deemed Just AN proper.

S/Anthony B. Burnside
ANTHONY B. BURNSIDE
Post Office Box # 344
GRAY COURT, S.C. 29645

LAURENS, S.C.

MAY 27, 2021

TRUE COPY OF ORIGINAL

Jean W. Lancaster
Lynn W. Lancaster
Laurens County CCCP & GS

STATE OF SOUTH CAROLINA)
COUNTY OF LAURENS)
ANTHONY BERNARD BURNSIDE,)
Plaintiff,)
v.)
HONORABLE- W. REID COX JR.,)
MASTER-IN-EQUITY/)
SPECIAL REFEREE, AND;)
TIM MAHON, OWNER,)
TM PROPERTIES, LLC.,)
Defendant.)

IN THE COURT OF COMMON PLEAS
CASE NO. 2020-CP-30-111

ORDER DISMISSING ACTION

RECEIVED

MAY 28 2021

SC Court of Appeals

HEARING DATE: October 19, 2020
PRESIDING JUDGE: Hon. J. Cordell Maddox, Jr.
ATTORNEY FOR PLAINTIFF: N/A
ATTORNEY FOR DEFENDANT: Nathaniel B. Senn, Esq.
HON. REID COX: Thomas Thompson, Esq.
ATTORNEY FOR DEFENDANT: TIM MAHON/TM PROPERTIES: Joy E. Holston
COURT REPORTER:

This matter came before the Court on October 19, 2020 upon motion of the Plaintiff. Due to technical difficulties which were encountered during the hearing which was conducted via WebEx, the parties agreed that the Court may proceed in rendering its decision in this matter based upon the pleadings and submissions from the parties in the Court's file.¹ Thereafter, the Court issued an Order in accordance with the Agreement of the parties, and now issues this Order rendering its decision on the matter following its review of the entire record.

¹ While the Court noted that both parties consented to the Court rendering its decision based upon the record and submissions of the parties, the Plaintiff gave his consent stating that he "knew [the Court] is going to rule against him" and stated his intent to appeal the Court's ruling. Plaintiff repeatedly made this statement, and others like it, on the record, and despite the fact that no ruling had been made and no indication had been given by the Court during the hearing that it was inclined to issue its ruling either granting or denying the Plaintiff's requested relief.

I. Factual and Procedural History

This action arises from a foreclosure action against the Plaintiff (Case No. 2018-CP-30-578) in which his former property was sold at public auction presided over by the Defendant, Reid Cox, acting in his capacity as Special Referee.² The Plaintiff contests the manner in which the public auction was conducted. Much to the frustration of the Plaintiff, the land was then sold to Defendant Tim Mahon of TM Properties, LLC.

✓ Upon losing his former property at this foreclosure auction, the Plaintiff then attempted, unsuccessfully, to appeal this matter to the S.C. Court of Appeals. That appeal was ultimately dismissed. Then, the Plaintiff filed this action seeking to have the sale set aside and requesting that his Court issue a judgment naming him as “the rightful legal owner.” (Complaint, Prayer for Relief ¶ 2).

This matter is before the Court on several motions which were filed by the Plaintiff in which he seeks a default judgment against the Defendant Special Referee. Additionally, the Defendant has raised affirmative defenses in his Answer requesting that the Plaintiff's Complaint be dismissed under Rule 12(b)(6), SCRCP, for failing to state any claim upon which relief may be granted and, secondly, for a dismissal under the doctrine of judicial immunity. ✓

At the last hearing which occurred on August 25, 2020, at which Mr. Burnside and counsel for the Defendants were all personally present, the Court instructed counsel for the Defendant Special Referee to prepare a brief for the Court framing the Special Referee's position ✓ on the issues before the Court in anticipation of this hearing. The Plaintiff, appearing *pro se*, was also given an opportunity to prepare and file a similar brief for the Court or obtain legal

² The Court takes judicial notice of the adjudicative facts found in the record of the underlying foreclosure dispute (Case No. 2018-CP-30-578) and the appeal which followed pursuant to Rule 201(c), SCRE.

counsel prior to this hearing who would assist him in doing so. The Special Referee's brief was prepared and electronically filed prior to the hearing. The Plaintiff elected not to prepare any additional submissions to the Court.

The issues now before the Court are dispositive. Should the Court grant the Plaintiff's request for a default judgment against the Special Referee? Should the Court grant the Special Referee's request to dismiss the Plaintiff's action?

II. Legal Standard & Analysis

A. Default Judgment

The South Carolina Rules of Civil Procedure provide that a Defendant should serve an Answer "30 days after the service of the complaint upon him..." Rule 12(a), SCRCPP. The Plaintiff's Complaint may be served upon the Defendant by "registered or certified mail, return receipt requested and delivery restricted to the addressee. Service is effective upon the date of

delivery as shown on the return receipt." Rule 4(d)(8), SCRCPP. This Rule also provides "Service pursuant to this paragraph shall not be the basis for the entry of a default or a judgment by default unless the record contains a return receipt showing the acceptance by the defendant." Id. Where service is effected by certified mail, and the Defendant is usually required to file a responsive pleading within 30 days, "five days shall be added to the prescribed period" under Rule 6(e), SCRCPP, so that the Defendant should have a total of thirty-five (35) days to respond to the Plaintiff's Complaint, exclusive of the date of service.

The Plaintiff filed this action on January 29, 2020. The Complaint which was filed simultaneously with a certification of service indicates that a copy was left at the Defendant Special Referee's office at 107 E. Laurens Street, Laurens, SC that same day. However, it appears the Plaintiff actually attempted to serve the Defendant Special Referee by mail. This

mail was purportedly delivered to his office by the US Postal Service on January 31, 2020; however, the Plaintiff has never produced a proof of receipt bearing the Defendant's signature as required by Rule 4(d)(8), SCRCF.

Further, even if the Plaintiff had properly served the Defendant, the Defendant's response was timely made and filed. Since the Plaintiff acknowledges in his filing entitled "Declaration for Entry of Default Judgment" that the Defendant Special Referee did not receive his mailing until January 31, 2020, then according to the applicable rules, the Defendant's Answer would have been timely as long as it were filed before March 7, 2020. In actuality, according to the electronic filing system, it appears the Defendant filed his Answer on February 28, 2020.

Accordingly, consistent with the finding of this Court's Order of September 28, 2020 that the Special Referee "timely filed and served an Answer to the Plaintiff's Complaint," this Court finds that the Defendant Special Referee is not in default, he never has been, and the Plaintiff's claims for relief based upon any alleged default are improper and must be dismissed.

B. Rule 12(b)(6) and Rule 9(b), SCRCF

a. Rule 12(b)(6), SCRCF

Any litigant seeking relief before a Court must "state facts sufficient to constitute a cause of action," or his Complaint is subject to dismissal under Rule 12(b)(6), SCRCF. The factual analysis for any Court considering whether to grant relief under a Rule 12(b)(6) motion is "confined to the four corners of the Complaint." See Spence v. Spence, 368 S.C. 106, 628 S.E.2d 869 (2006). If the facts alleged and inferences reasonably deducible therefrom, viewed in the light most favorable to the plaintiff, would entitle the plaintiff to relief on any theory, then dismissal under Rule 12(b)(6) is improper. See, e.g., Baird v. Charleston County, 333 S.C. 519, 511 S.E.2d 69 (1999); Stiles v. Onorato, 318 S.C. 297, 457 S.E.2d 601 (1995). "The question is whether, in the light most

favorable to the plaintiff, and with every doubt resolved in his behalf, the complaint states any valid claim for relief.” Gentry v. Yonce, 337 S.C. 1, 5, 522 S.E.2d 137, 139 (1999). The complaint should not be dismissed merely because the court doubts the plaintiff will prevail in the action. See Toussaint v. Ham, 292 S.C. 415, 357 S.E.2d 8 (1987).

Here, the Plaintiff’s claims against the Defendant Special Referee allege various acts of wrongdoing, but even taking the facts as alleged by the Plaintiff (and only those contained in the Complaint) in the light most favorable to him, the Plaintiff has pled no causes of action upon which the Court could grant any relief. While the Plaintiff alleges that the Special Referee’s actions were “illegal” (Complaint ¶8.E) and that he “aided and abetted in the defrauding of the Plaintiff,” (Complaint ¶8.D), no elements of any cause of action are pled, and the only cause of action pled, “fraud,” has not been pled with the specificity required by Rule 9, SCRCP (as set forth more fully below). No monetary damages have been claimed. To the extent declaratory relief has been sought, no legal basis for any such relief has been pled.

The Defendant Special Referee raised this Rule 12(b)(6) affirmative defense in his Answer which was properly filed with this Court and served upon the Defendant. To this day, the Plaintiff has not amended his pleadings nor has he sought legal counsel to aid him in correcting any of these deficiencies despite having more than seven months to do so since he received the Special Referee’s Answer.

b. Rule 9(b), SCRCP

Rule 9(b), SCRCP, requires that “In all averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with particularity,” while allowing that the elements of “Malice, intent, knowledge, and other condition of mind of a person may be averred generally.”

The Plaintiff states in Paragraphs 7 and 8(d) of his Complaint that the Defendant Special Referee conducted an action that was "fraudulent" and that he "defrauded" the Plaintiff. However, the Plaintiff makes no allegation as to any malice, intent, knowledge, or condition of mind on the part of the Defendant, nor does he plead any other element of the cause of action for fraud, either generally or with particularity, as required by Rule 9(b), SCRCF.

Accordingly, this Court finds that the Plaintiff has failed to comply with the pleading requirements of the South Carolina Rules of Civil Procedure, and specifically, that he has failed to state a claim upon which relief may be granted or plead fraud in such a way as would be sufficient to put the Defendant on notice of the allegations against him.

C. Judicial Immunity

The doctrine of judicial immunity as set forth in Plyler v. Burns, 373 S.C. 637, 647 S.E.2d 188 (2007), "serves as a bar to litigation against a judicial officer in certain circumstances." This doctrine of judicial immunity serves to protect special referees as judicial officers since, according to Rule 53(c), SCRCF, "the master or special referee shall exercise all power and authority which a circuit judge sitting without a jury would have in a similar matter."

The Plyler Court clarified that this immunity is not absolute and does not apply where "(1) [the judicial officer] did not have jurisdiction to act; (2) the act did not serve a judicial function; or (3) the suit is for prospective, injunctive relief only." Id. at 645. However, the opposite must also be true. Where a judicial officer has the proper jurisdiction to act, where the action concerned was in service of his judicial function, and where the potential suit against him is for purely retrospective, remedial relief, he is immune from civil liability and suit.

In this case, the actions complained of by the Plaintiff were a clear exercise of his authority as Special Referee, and this is clearly acknowledged by the Plaintiff throughout his Complaint by his

2
repeated references to Reid Cox as "Special Referee." Further, there is no allegation that the Defendant was acting in any capacity outside of his role as Special Referee, nor that there was any other condition or circumstance which would nullify the immunity to which he would otherwise be entitled as a judicial officer. Accordingly, any relief sought by the Plaintiff against the Defendant Special Referee is barred by the doctrine of judicial immunity.

D. Rule 53(e) and Rule 59, SCRPC, and the Doctrine of *Res Judicata*.

In addition to the deficiencies in the Plaintiff's pleadings identified above, this Court agrees with the Defendant Special Referee that the Plaintiff has waived his ability to seek relief against the Defendant concerning the underlying facts of this matter under the Doctrine of *Res Judicata*. According to Rule 59(b), any party wishing to be granted a new trial or to be relieved from the final judgment of the Court in a non-jury action must file a motion "not later than 10 days after the receipt of written notice of the entry of judgment or of the filing of an order disposing of the action." Additionally, any such motion should have been made and served upon the judge [or special referee] "within ten (10) days after filing the motion." *Id.* Further, any appeal of any order of judgment of a special referee or master "shall be to the Supreme Court or the Court of Appeals as provided by the South Carolina Appellate Court Rules." Rule 53, SCRPC.

Even if any of the errors alleged by the Plaintiff had occurred, then the proper legal relief from the Special Referee's order/judgment must have been sought by way of an appeal of the order/judgment resulting from the proceedings to the Court of Appeals filed within ten (10) days of the entry of the order of the Special Referee. This did not occur.

Following the entry of the Amended Order of the Special Referee on November 12, 2018, the Plaintiff filed what purported to be an appeal on December 13, 2018, well after the time limit imposed by Rule 59, SCRPC. The S.C. Court of Appeals notified the Plaintiff that his appeal did

not meet the requirements of various appellate court rules, gave him an opportunity to comply with these rules. He did not. As a result, the Court of Appeals ultimately dismissed his appeal in an Order which was entered on August 26, 2019 and filed with the Laurens County Clerk of Court on September 17, 2019. Subsequently, the Special Referee filed a Report on Sale and Disbursement on October 22, 2019, and no further action was taken by the Plaintiff until he filed this case in January 2020.

The relief sought by the Plaintiff in this action, i.e., setting aside the judgment of the Special Referee, a declaratory judgment naming him the rightful owner of the subject real property, and the adjudication as to certain "facts," are all items of relief which would result from adjudication of this matter through the appellate process. However, since the Plaintiff did not properly appeal the underlying controversy, despite being specifically instructed to do so by the SC Court of Appeals, these claims are barred by the doctrine of *res judicata*.

Our courts have held that subsequent actions are barred when "the claims arise out of the same transaction or occurrence that was the subject of the prior action between those parties." Reidman Corp. v. Greenville Steel Structures, Inc., 308 S.C. 467, 469, 419 S.E.2d 217 (1992). In this matter, the parties are the same, the relief sought by the Plaintiff involves the same occurrence that he improperly appealed to the Court of Appeals, and indeed the relief he sought from the Court of Appeals was identical. That appeal was ultimately dismissed, and the judgment of the Special Referee was allowed to stand.

Accordingly, this Court finds that the Plaintiff's claims are barred by the doctrine of *res judicata*.

III. Conclusion

NOW, THEREFORE, in light of the findings of fact and conclusions of law set forth above, this Court finds that the Plaintiff's claims and this action must be dismissed, with prejudice.

*

IT IS SO ORDERED!

By: *sc*

Done this _____ Day of

_____, 2020.

At Anderson, S.C.

Honorable J. Cordell Maddox, Jr.
S.C. Circuit Court Judge
Sitting in the Eighth Judicial Circuit



Laurens Common Pleas

Case Caption: Anthony Bernard Burnside VS W Reid Cox, as Special Referee Jr. ,
defendant, et al
Case Number: 2020CP3000111
Type: Order/Dismissal

So Ordered

s/ J. Cordell Maddox Jr.

Electronically signed on 2020-12-11 16:11:32 page 10 of 10

EXHIBITS

A & B

COUNTY OF Laurens

LYNN W. LAFCASTER

Anthony B. Burnside

Plaintiff(s)) PH 1: 40

CIVIL ACTION COVERSHEET

2020-CP-30-111

vs.

LAURENS COUNTY CLERK OF COURT

FRAUDULENT AUCTION

Honorable W. Reid Co. Jr

Defendant(s)

Submitted By: Anthony B. Burnside

SC Bar #:

Address: PO Box 344 J

Telephone #: 864-266-9311

Gray Court SC 29645

Fax #:

Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

**If Action is Judgment/Settlement do not complete*

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|---|--|---|
| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> General (130) <input type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Fraud/Bad Faith (150) <input type="checkbox"/> Failure to Deliver/Warranty (160) <input type="checkbox"/> Employment Discrim (170) <input type="checkbox"/> Employment (180) <input type="checkbox"/> Other (199) <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habeas Corpus (530) <input type="checkbox"/> Other (599) <p>Special/Complex /Other</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Medical (620) <input type="checkbox"/> Other (699) <input type="checkbox"/> Sexual Predator (510) <input type="checkbox"/> Permanent Restraining Order (680) <input type="checkbox"/> Interpleader (690) | <p>Torts - Professional Malpractice</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) Previous Notice of Intent Case # <u>20 -NI-</u> <input type="checkbox"/> Notice/ File Med Mal (230) <input type="checkbox"/> Other (299) <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reinstate Drv. License (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture-Petition (840) <input type="checkbox"/> Forfeiture-Consent Order (850) <input type="checkbox"/> Other (899) | <p>Torts - Personal Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Personal Injury (350) <input type="checkbox"/> Wrongful Death (360) <input type="checkbox"/> Assault/Battery (370) <input type="checkbox"/> Slander/Libel (380) <input type="checkbox"/> Other (399) <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input type="checkbox"/> Magistrate's Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript Judgment (740) <input type="checkbox"/> Lis Pendens (750) <input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760) <input type="checkbox"/> Confession of Judgment (770) <input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780) <input type="checkbox"/> Incapacitated Adult Settlement (790) <input type="checkbox"/> Other (799) | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input checked="" type="checkbox"/> Other (499) <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate-Civil (910) <input type="checkbox"/> Magistrate-Criminal (920) <input type="checkbox"/> Municipal (930) <input type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOT (950) <input type="checkbox"/> Worker's Comp (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Public Service Comm. (990) <input type="checkbox"/> Employment Security Comm (991) <input type="checkbox"/> Other (999) |
|---|---|--|---|

Submitting Party Signature:

Anthony B. Burnside

Date:

1/29/20

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA)
COUNTY OF LAURENS)
))
ANTHONY BERNARD BURNSIDE,)
PLAINTIFF,)
))
V.)
))
HONORABLE - W. REID COX, JR.,)
MASTER-IN-EQUITY/)
SPECIAL REFEREE, AND;)
))
TIM MAHON, OWNER,)
TM PROPERTIES, LLC.,)
DEFENDANTS.)

IN THE COURT OF COMMON PLEAS

EXHIBIT - "A"

COMPLAINT
2020 CP30-11
FRAUDULENT AUCTION

SECTION 15-67-410
SOUTH CAROLINA CODE OF LAWS

LAURENS COUNTY
CLERK OF COURT

2020 JAN 29 PM 1:40

LYNN W. LANCASTER

THE ABOVE PLAINTIFF IN THIS MATTER WOULD RESPECTFULLY SHOW UNTO THIS COURT:

1. THE DEFENDANTS, HONORABLE - W. REID COX, JR., JUDGE/SPECIAL REFEREE, AND, TIM MAHON, OWNER, TM PROPERTIES, LLC., UPON INFORMATION AND BELIEF ARE CITIZENS AND RESIDENTS OF THE COUNTY OF LAURENS, STATE OF SOUTH CAROLINA.
2. THE PLAINTIFF IN THIS MATTER, IS A CITIZEN AND RESIDENT OF THE COUNTY OF LAURENS, STATE OF SOUTH CAROLINA.
3. THE REAL PROPERTY "AT AUCTION" AND THE SUBJECT MATTER OF THE WITHIN ACTION IS LOCATED IN THE COUNTY OF LAURENS, STATE OF SOUTH CAROLINA, AND BEING MORE PARTICULARLY DESIGNED AS LOT #7, PROPERTY #2, FRONTING ON HIGHWAY - 101, GRAY COURT, (LAURENS COUNTY), SOUTH CAROLINA.
4. THE PLAINTIFF, ANTHONY BERNARD BURNSIDE, HEREINAFTER REFERRED TO AS "BURNSIDE", ATTENDED THE SAID "AUCTION" REFERENCED IN PARAGRAPH #3, OF THIS PLEADING; THE SAID AUCTION WAS HELD AS ADVERTISED IN THE FIRST FLOOR CONFERENCE ROOM, IN THE LAURENS COUNTY JUDICIAL COMPLEX, 100 HILL CREST DRIVE, LAURENS, SOUTH CAROLINA. THE SAID AUCTION WAS HELD ON OCTOBER 7, 2019, COMMENCING AT 11:00 A.M.,
5. THE PLAINTIFF, AT PUBLIC OUTCRY, WAS THE HIGHEST BIDDER - BIDDING ONE (\$1.00) DOLLAR ON THE SAID AUCTIONED PROPERTY, ~~AS THERE WERE NO OTHER~~ PHYSICAL BIDDERS TO OUT-BID THE PLAINTIFF AT THE SAID AUCTION.
6. THE PLAINTIFF, IN THIS MATTER, BY LAW, WON, THE SAID PROPERTY, BEING THE REAL PROPERTY UP FOR, AND AT AUCTION, AND SUCH REAL PROPERTY ADDRESSED AT AND LOCATED AT 10367 HIGHWAY #101, GRAY COURT, (LAURENS COUNTY), SOUTH CAROLINA. SEE - AUCTION ADVERTISE-
MENT. (EXHIBIT #1).
7. THE PLAINTIFF, (BURNSIDE), IN THIS MATTER COMPLAINS, THE AFOREMENTIONED AUCTION HELD ON OCTOBER 7, 2019, WAS ILLEGAL, FRAUDULENT, AND BIASED, THEREBY IN VIOLATION OF SOUTH CAROLINA CODE OF LAWS, SECTION 15-67-410.

EXHIBIT-"A"

8. THE PLAINTIFF, (BURNSIDE), FURTHER ASSERTS, AFTER THE OPENING OF THE ACTUAL AUCTION BIDDING PROCESS, THE PLAINTIFF, AFTER BIDDING ONE (\$1.00) DOLLAR, WITH NO PHYSICAL COMPETITORS TO BID AT A HIGHER BID - THE SPECIAL REFEREE - REFUSED TO SEAL THE BID AT THE RATE OF ONE (\$1.00) DOLLAR BIDDED BY THE PLAINTIFF; THIS WAS INTENTIONAL ERROR.

(A). THE PLAINTIFF, (BURNSIDE), CONTENDS THE SPECIAL REFEREE - W. REID COX, JR., COMMITTED INTENTIONAL ERROR BY NOT SEALING THE BID OF THE PLAINTIFF, ONCE MADE, AS THERE WERE NO OTHER PHYSICAL BIDDERS TO OUT BID THE PLAINTIFF.

(B). THE PLAINTIFF, (BURNSIDE), CONTENDS THE SPECIAL REFEREE - W. REID COX, JR., COMMITTED LEGAL ERROR BY STOPPING THE AUCTION PROCESS AT HAND, AND ALLOWING AN UNKNOWN PARTY TO SUPPOSEDLY CALL TO SEE WHAT THE ALLEGED OWNER WOULD BID BY TELEPHONE - (THE ALLEGED OWNER OR REPRESENTATIVE WERE NOT PHYSICALLY PRESENT AT THE ACTUAL AUCTION), AND A BLIND PHONE CALL WAS MADE, AND THE SPECIAL REFEREE ALLOWED A PHONE CALL TO BE RETURNED WITHOUT VERIFYING THE IDENTITY OF THE RETURN CALLER SUPPOSEDLY MAKING A BID BY TELEPHONE. THAT WAS BLATANT LEGAL ERROR, AND THE SPECIAL REFEREE PROMOTED THE TAINING OF THE AUCTION PROCESS, BY NOT STOPPING THE AUCTION/OR BIDDING PROCESS UNTIL ALL PARTIES INVOLVED IN THE AUCTION/OR BIDDING PROCESS WERE PHYSICALLY PRESENT.

(C). THE PLAINTIFF, (BURNSIDE), FURTHER CONTENDS THE SPECIAL REFEREE AT AUCTION WAS "BIASED" TOWARDS THE PLAINTIFF, AND THE PLAINTIFF MADE A GENUINE BID ON THE PROPERTY AFOREMENTIONED IN THIS PLEADING, IN THE AMOUNT OF \$1.00, AND THERE WERE NO OTHER BIDS MADE TO SUPERSEDE THE BID MADE BY PLAINTIFF, AS THERE WERE NO PHYSICAL BIDDERS PRESENT OTHER THAN THE PLAINTIFF.

(D). THE PLAINTIFF, (BURNSIDE) WAS DEFRAUDED OF THE PROPERTY BIDDED UPON AT AUCTION, AND THE SPECIAL REFEREE AIDED AND ABETTED IN THE DEFRAUDING OF THE PLAINTIFF OF THE AFOREMENTIONED PROPERTY; THE PLAINTIFF'S BID WAS VALID AND LEGAL, AND THE PLAINTIFF IS THE LEGAL RIGHTFUL OWNER OF THE SAID PROPERTY.

(E). THE PLAINTIFF, (BURNSIDE), ASSERTS THE ACTIONS OF THE SPECIAL REFEREE WERE ILLEGAL AT THE SAID AUCTION, AND THE ACTIONS OF THE SPECIAL REFEREE WORKED DIRECT PREJUDICE AGAINST THE PLAINTIFF; WITH NO OTHER BIDS BEING MADE BY A PHYSICAL (PARTY), OR PARTIES, THE PLAINTIFF WON THE PROPERTY BY BID AT AUCTION, FAIR AND LEGAL.

(9). THE PLAINTIFF, (BURNSIDE), NOTICES THIS COURT, THE SPECIAL REFEREE - (W. REID COX, JR.,) SHOULD HAVE RECUSED HIMSELF FROM THE SAID PARTICULAR AUCTION PROCEEDINGS, SINCE (HE) HAD PREVIOUS INVOLVEMENT DEALING WITH THE SAME SAID PROPERTY, WHICH BECAME QUESTIONABLE.

HOWEVER, IN A PREVIOUS LEGAL MATTER, DEALING WITH THE SAME SAID PROPERTY, THE SAME OWNER, THE SAME SPECIAL REFEREE - (W. REID COX, JR.,) WHO WAS SHOWN AN UNUSUAL SPECIAL INTEREST IN THE SAID PROPERTY CASE, AND CONTINUES, UPON INFORMATION AND BELIEF, TO SHOW A RATHER SPECIAL INTEREST IN THE PRESENT CASE AT HAND AT THE AUCTION; SUCH SPECIAL INTEREST IN THE PROPERTY, BY THE SPECIAL REFEREE AT THE AUCTION, ALSO WORKED DIRECT INTENTIONAL PREJUDICE AGAINST THE PLAINTIFF, AND VIOLATED SOUTH CAROLINA STATE LAW.

(2)

(10.) THE OWNER OF TM PROPERTIES, LLC. (TIM MAHON), WAS NOT PRESENT DURING THE SAID

AUCTION PROCESS, HELD ON MONDAY - OCTOBER 7, 2019, AT THE LAURENS COUNTY JUDICIAL COMPLEX, NOR DID (HE) HAVE A PROXY AT THE AUCTION REPRESENTING (HIS) INTERESTS; OTHERWISE, AN UNKNOWN PARTY AT THE AUCTION WOULD NOT HAVE ALLEGED TO HAVE MADE A PHONE CALL TO THE OWNER, WITHOUT ANY TYPE VERIFICATION BEING CONDUCTED BY THE SPECIAL REFEREE TO SEE WHO WAS BEING CALLED; ALSO, UPON AN INCOMING CALL, ATTORNEY - THOMAS J. THOMPSON, ADVISED THE SPECIAL REFEREE THAT THE OWNER, (TIM MAHON), WAS ENTERING A BID OF FORTY-EIGHT (\$48,000.00) THOUSAND DOLLARS, BY PHONE, AND NO VERIFICATION WAS MADE BY THE SPECIAL REFEREE, AS TO WHO THE CALLER WAS.

(11.) THE PLAINTIFF, (BURNSIDE), AVERS, HAD AN ABSENTEE BID WOULD HAVE BEEN LEGALLY ALLOWED, VERIFICATION WOULD BE ESSENTIAL TO PROTECT THE PARTIES INVOLVED, AND THE INTEGRITY OF THE AUCTION DEMANDED THE SPECIAL REFEREE - W. REID COX, JR., CONDUCT A VERIFICATION QUEST TO DETERMINE IF THE INCOMING CALLER WAS INDEED, THE OWNER, AND AS A DIRECT RESULT, THE PLAINTIFF SUFFERED PREJUDICE BY THE SPECIAL REFEREE'S NEGLIGENCE, IN THIS MATTER.

EXHIBIT "A"

(12.) THE PLAINTIFF, (BURNSIDE), UPON INFORMATION AND BELIEF, STATES, INTENTIONAL /OR WILLFUL FRAUD WAS INTENDED, AND CARRIED OUT BY THE SPECIAL REFEREE, TIM MAHON, AND ATTORNEY - THOMAS J. THOMPSON, BEING A DIRECT /OR INDIRECT PARTY TO THE FRAUDULENT ACTIVITIES CARRIED OUT AT THE SAID AUCTION HELD ON OCTOBER 7, 2019. HOWEVER, UPON FURTHER INFORMATION AND BELIEF, THE PLAINTIFF STATES, THE THREE (3) ABOVE NAMED INDIVIDUALS SEEM TO HAVE A SPECIAL INTEREST IN LITIGATION; LITIGATIONS THAT INVOLVES, TIM MAHON, OWNER, TM PROPERTIES, AND ATTORNEY - THOMAS J. THOMPSON, - SUCH LITIGATION UPON INFORMATION AND BELIEF HAS A TENDENCY OF BEING HEARD, BY NO OTHER REFEREE, NONE OTHER THAN SPECIAL REFEREE - W. REID COX, JR.; THE PLAINTIFF, UPON INFORMATION AND BELIEF, ASSERTS, SUCH INVOLVEMENT IS NO MERE COINCIDENCE.

(13.) THE PLAINTIFF, (BURNSIDE), EMPHATICALLY STATES, (HE) IS THE LAWFUL OWNER OF THE AFOREMENTIONED PROPERTY, WON AND BIDDED UPON AT AUCTION, WITH NO PHYSICAL BIDDER(S), TO BID OR COMPETE WITH PLAINTIFF'S, (BURNSIDE'S), BID.

WHEREFORE, PLAINTIFF, (BURNSIDE), PRAYS AS FOLLOWS:

(1.) THE PLAINTIFF, (BURNSIDE), REQUESTS UPON THE LEGAL FACTS OF THIS MAKE SAID CASE, THAT A HEARING BE HELD IN THE COURT OF COMMON PLEAS, AND THAT A DATE CERTAIN BE SET AS REQUESTED.

(2.) THAT THE MAKE SAID PROPERTY BE TURNED OVER TO THE PLAINTIFF, (BURNSIDE), AS THE RIGHTFUL LEGAL OWNER OF THE MAKE SAID PROPERTY AS BID UPON.

(3.) THAT THE ACTUAL BID BY THE PLAINTIFF, (BURNSIDE), BE DEEMED VALID AND LEGAL - AS IS SO - AND THE BID WAS FAIR AND LEGAL ACROSS THE BOARD.

(4.) THAT IT BE DEEMED BY THE FACTS OF THE AUCTION, THAT THERE WAS NO REPRESENTATIVE NOR PROXY AT THE SAID AUCTION ON THE OWNER'S BEHALF - NOR WAS THE OWNER PHYSICALLY PRESENT AT THE SAID AUCTION AS LEGALLY REQUIRED, DURING THE BIDDING PROCESS.

(5.) THAT THE SPECIAL REFEREE'S JUDGEMENT AT AUCTION BE REVERSED /OR SET ASIDE - AS THE JUDGMENT WAS IN ERROR, AND ILLEGAL, AND THE OWNER DID NOT WIN THE BID LEGALLY; AS

THE SPECIAL REFEREE HAD NO AUTHORITY TO ACCEPT AN UNVERIFIED BID BY TELEPHONE OVER THE BID OF THE PLAINTIFF, (BURNSIDE); THE ACTIONS OF THE SPECIAL REFEREE WERE IN ERROR, AND FRAUDULENT.

(6.) THAT THE PLAINTIFF BE AWARDED SUCH OTHER, AND FURTHER RELIEF THIS COURT DEEMS TO BE JUST AND PROPER UNDER LEGAL CIRCUMSTANCES.

EXHIBIT-"A"

s/ Anthony B. Burnside

ANTHONY B. BURNSIDE
POST OFFICE BOX #344
GRAY COURT, SC 29645
864-200-9311

SWORN TO AND SUBSCRIBED BEFORE ME
ON THIS 29th DAY OF JANUARY, 2020:

Bruce Skoff

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 9/21/20

AFFIDAVIT

I, HAROLD SULLIVAN, WAS PRESENT AT THE AUCTION HELD ON MONDAY - OCTOBER 7, 2019, THAT WAS HELD AT THE LAURENS COUNTY JUDICIAL COMPLEX - AT 11:00 A.M., SAME DAY.

AS A SPECTATOR AT THE AUCTION, I ATTEST TO THE FACT THAT MR. BURNSIDE, AFTER THE JUDGE OPENED THE FLOOR AT AUCTION FOR BIDDING; MR. BURNSIDE, OPENED WITH \$1.00 - AND THERE WERE NO OTHER PHYSICAL BIDDERS THAT BIDDED AGAINST MR. BURNSIDE.

HOWEVER, I DO DECLARE, UNDER OATH, I DID HEAR (AS OTHERS DID), THE ATTORNEY - (THOMPSON), (WHOM I KNOW), MAKE A STATEMENT TO THE JUDGE - W. REID COX, JR., "AND I QUOTE":

SIR, MR. MAHON, WAS SUPPOSED TO HAVE HAD SOMEONE HERE, BECAUSE (HE) IS NOT ABLE TO BE HERE.
"END OF QUOTE":

EXHIBIT-"A"

I FURTHER ATTEST TO THE FACT, AT THE END OF ATTORNEY THOMPSON'S, VERBAL EXCHANGE, WITH THE JUDGE, A GENTLEMAN, (UNKNOWN TO ME), IN THE AUDIENCE AT THE AUCTION, STATED, "AND I QUOTE":

JUDGE, I KNOW MR. MAHON, PERSONALLY, AND I CAN GIVE HIM A CALL TO SEE WHAT'S GOING ON; THE JUDGE PERMITTED THE UNKNOWN GENTLEMAN TO PLACE A PHONE CALL. HOWEVER, AFTER THE UNKNOWN GENTLEMAN HAD MADE THE PHONE CALL, AND ADVISED THE JUDGE THAT MR. MAHON WAS BIDDING \$48,000, BY PHONE.

AT THAT POINT, THE JUDGE ACCEPTED THE SUPPOSED TELEPHONE BID, STATED BY ATTORNEY - THOMPSON. THERE WERE NO OTHER BIDDERS, AND THE JUDGE ENDED THE AUCTION.

I HEREBY DECLARE, I AM THE AFFIANT OF THIS AFFIDAVIT, AND UNDER THE PENALTY OF PERJURY, AND BY MY SIGNATURE, UNDER OATH, I DECLARE, THE FACTS SET FORTH IN THIS AFFIDAVIT ARE TRUE.

s/ Harold Sullivan
HAROLD SULLIVAN
102 PARK PL
LAURENS, SC 29360
(404) 484-5905

LAURENS COUNTY
CLERK OF COURT
2020 JAN 27 PM 1:40
LYNN W. LANCASTER

SWORN TO AND SUBSCRIBED BEFORE ME
ON THIS 29th DAY OF JANUARY, 2020:

Bruce Grant
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 5/21/20

THE STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

ANTHONY BERNARD BURNSIDE,
PLAINTIFF,

2020 CP30-111

V.

HONORABLE - W. REID COX, JR.,
MASTER-IN-EQUITY/
SPECIAL REFEREE, AND;

TIM MAHON, OWNER,
TM PROPERTIES, LLC.,

DEFENDANTS.

LAURENS COUNTY
CLERK OF COURT

2020 JAN 22 PM 1:40

LYNN W. LANCASTER

EXHIBIT-"A"

CERTIFICATE OF SERVICE

I, ANTHONY BERNARD BURNSIDE, THE PLAINTIFF IN THIS MATTER, DO HEREBY CERTIFY THAT AN ORIGINAL COPY OF THE PLAINTIFF'S COMPLAINT HAS BEEN SERVED ON THE DEFENDANT, W. REID COX, JR., AS WELL AS THE SUMMONS TO: 107 EAST LAURENS STREET, LAURENS, SC 29360.

RESPECTFULLY SUBMITTED,

s/ Anthony B. Burnside

ANTHONY B. BURNSIDE
POST OFFICE BOX #344
GRAY COURT, SC 29645
864-200-9311

SWORN TO AND SUBSCRIBED BEFORE ME
ON THIS 21st DAY OF JANUARY, 2020:

Paul Hart

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 5/21/20.

2020
JAN 22
PM 1:40

STATE OF SOUTH CAROLINA)
COUNTY OF LAURENS)
)
ANTHONY BERNARD BURNSIDE,)
PLAINTIFF,)
)
V.)
)
HONORABLE - W. REID COX, JR.,)
MASTER-IN-EQUITY/)
SPECIAL REFEREE, AND;)
)
TIM MAHON, OWNER)
TM PROPERTIES, LLC.,)
DEFENDANTS,)

C/A#: 2020-CP-30-00111

DECLARATION FOR ENTRY

OF

DEFAULT JUDGEMENT

DECLARATION FOR ENTRY OF DEFAULT JUDGEMENT:

THE PLAINTIFF IN THIS MATTER - ANTHONY BERNARD BURNSIDE, DO HEREBY MOVE BEFORE THIS COURT OF COMMON PLEAS, IN THE COUNTY OF (LAURENS), SOUTH CAROLINA, FOR DECLARATION FOR "ENTRY OF DEFAULT JUDGEMENT" PURSUANT TO - RULE - 55 (A), SOUTH CAROLINA RULES OF CIVIL PROCEDURE.

EACH DEFENDANT IN THIS ACTION IS NEITHER A MINOR, NOR AN INCOMPETENT PERSON.

THE PLAINTIFF IN THIS MATTER ASSERTS, STAMPED FILED/COPIES OF PLAINTIFF'S COMPLAINT AND SUMMONS, WERE SERVED ON BOTH DEFENDANTS BY CERTIFIED MAIL, (RETURN RECEIPT REQUESTED), ON OR ABOUT JANUARY 31, 2020, POST OFFICE VERIFIABLE.

THEREFORE, THE INDIVIDUAL DEFENDANT IN THIS MATTER - HONORABLE - W. REID COX, JR., MASTER-IN-EQUITY/SPECIAL REFEREE, HAS HAD THIRTY (30) PLUS DAYS TO FILE AND ANSWER TO PLAINTIFF'S SUMMONS AND COMPLAINT, AND HAS FAILED TO DO SO.

THE PLAINTIFF FURTHER ASSERTS, THE INDIVIDUAL DEFENDANT IN THIS MATTER HAS BLATANTLY FAILED TO ANSWER OR OTHERWISE DEFEND AS TO PLAINTIFF'S COMPLAINT, OR SERVE A COPY OF ANY ANSWER OR ANY DEFENSE WHICH IT MIGHT HAVE HAD, UPON AFFLIANT OR THE PLAINTIFF HEREIN.

THE PLAINTIFF FURTHER ASSERTS, THE DEFENDANT IS NOT IN THE MILITARY SERVICE, AND IS NOT AN INFANT NOR INCOMPETENT.

I, ANTHONY BERNARD BURNSIDE, DO DECLARE UNDER PENALTY OF PERJURY THAT I AM THE PLAINTIFF IN THIS FOREGOING MATTER, AND THE INFORMATION CONTAINED WITHIN IS TRUE AND ABSOLUTELY CORRECT.

EXECUTED AT LAURENS COUNTY, SOUTH CAROLINA, ON THIS ¹16TH DAY OF MARCH - 2020:

EXhibit - "B"

s/ Anthony Bernard Burnside

ANTHONY BERNARD BURNSIDE
POST OFFICE BOX #344
GRAY COURT, SC 29645

SWORN TO AND SUBSCRIBED BEFORE ME
ON THIS 16th DAY OF MARCH - 2020:

Bruce Sart

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 3/21/20

STATE OF SOUTH CAROLINA)
 COUNTY OF LAURENS)
)
 ANTHONY BERNARD BURNSIDE,)
 PLAINTIFF,)
)
 V.)
)
 HONORABLE - W. REID COX, JR.,)
 MASTER-IN-EQUITY/)
 SPECIAL REFEREE, AND;)
)
 TIM MAHON, OWNER)
 TM PROPERTIES, LLC.,)
 DEFENDANTS,)

IN THE COURT OF COMMON PLEAS

EXHIBIT - "B"

C/A#: 2020-CP-30-00111

PLAINTIFF'S AFFIDAVIT

I, ANTHONY BERNARD BURNSIDE, AM THE PLAINTIFF IN THIS MATTER, AND HAVE THIS DAY - MARCH 16th, 2020, FILED THE STATED "DECLARATION FOR ENTRY OF DEFAULT JUDGMENT, AGAINST ONE (1) - HONORABLE - W. REID COX, JR., MASTER - IN- EQUITY/SPECIAL REFEREE - IN THE COURT OF COMMON PLEAS - FOR THE COUNTY OF (LAURENS), SOUTH CAROLINA.

I FURTHER DECLARE /OR CERTIFY UNDER THE PENALTY OF PERJURY THAT THE DOCUMENT(S) IN THIS MATTER ARE TRUE AND CORRECT, AND BY MY SIGNATURE, UNDER OATH, I DO DECLARE THIS A VALID ATTESTATION.

S/ Anthony Bernard Burnside
 ANTHONY BERNARD BURNSIDE
 POST OFFICE BOX #344
 GRAY COURT, SC 29645

SWORN TO AND SUBSCRIBED BEFORE ME
 ON THIS 16th DAY OF MARCH - 2020:

Bruce Grant
 NOTARY PUBLIC FOR SOUTH CAROLINA
 MY COMMISSION EXPIRES: 5/31/20

Exhibit - "A"

THE STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

ANTHONY BERNARD BURNSIDE,
PLAINTIFF,

V.

HONORABLE - W. REID COX, JR.,
MASTER - IN - EQUITY/
SPECIAL REFEREE, AND;

TIM MAHON, OWNER,
TM PROPERTIES, LLC.,
DEFENDANTS.

CERTIFICATE OF SERVICE

I, ANTHONY BERNARD BURNSIDE, THE PLAINTIFF IN THIS MATTER, DO HEREBY CERTIFY THAT A COPY OF PLAINTIFFS - "DECLARATION FOR ENTRY OF DEFAULT JUDGEMENT" HAS BEEN SERVED ON THE DEFENDANT, HONORABLE - W. REID COX, JR., AT 107 EAST LAURENS STREET, LAURENS, SOUTH CAROLINA 29360.

RESPECTFULLY SUBMITTED,

S/ Anthony Bernard Burnside
ANTHONY BERNARD BURNSIDE
POST OFFICE BO+X #344
GRAY COURT, SC 29645
(864) 200-9311

SWORN TO AND SUBSCRIBED BEFORE ME
ON THIS 16th DAY OF MARCH - 2020:

Bruce Grant

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 5/20/20

**Laurens County Eighth Judicial Circuit - Roster Details
Non-Jury Motions/Appeals**

| | | | | | |
|---------------------|---------------------|--------------------------|-------------------|------------------------|-------------------|
| Court/Agency | Common Pleas | Judge | Griffith | Roster Id | 56 |
| Roster Type | Motions | Roster Begin Date | 08/25/2020 | Roster End Date | 08/25/2020 |

Number of motions = 24

| # | Date | Time | hr:mn | Description | Filing Party | Filed Date | Case | Sub-Type | Plaintiff Attorney | Defendant Attorney | Notes |
|---|------------|---------|-------|-----------------------------|---------------------------|------------|---|-------------------------|---|---|---|
| | 08/25/2020 | 9:30 AM | | Motion/Appeal | Earl Edward Barlow -APL | 02/13/2020 | 2020CP3000166 Earl Edward Barlow VS The City of Laurens | Municipal 930 | Tristan Michael Shaffer (803) 626- 0188 | Thomas J. Thompson (864) 984-6554 | |
| | 08/25/2020 | 9:30 AM | | Motion/Appeal | Cynthia Glenn-APL | 02/19/2020 | 2020CP3000177 Cynthia Glenn VS Milford Howard | Magistrate Civil 910 | Cynthia Glenn (864) 329-0010 | Eric K. Englehardt (864) 232-2329 | Englehardt not available until after September per email |
| | 08/25/2020 | 9:30 AM | | Motion/Other | Darlene H. Curry- PLT | 08/12/2020 | 2020CP3000281 Darlene H Curry VS. Pamela - Penland | Breach of Cont. 140 | Jason James Andrighetti (864) 370-8222 | Rodney M. Brown (864) 862-2528 | |
| | 08/25/2020 | 9:30 AM | | Motion/Appeal | Richard Lawson Jr- APL | 03/26/2020 | 2020CP3000316 Richard Lawson Jr VS South Carolina, State of | Magistrate Crim 920 | Joel Thomas Broome (864) 984- 8807 | | |
| | 08/25/2020 | 9:30 AM | | Motion/Appeal | C A H (minor)-APL | 07/21/2020 | 2020CP3000625 C/A H (minor) VS Laurens County | Magistrate Crim 920 | Samuel Barton Tooker (864) 271- 2636 | | |
| | 08/25/2020 | 9:30 AM | | Motion/Set Aside Default | Geraldine Roberts- DEF | 03/25/2020 | 2019CP3001028 Tracy M. Driver VS Geraldine Roberts | Motor Veh Accid 320 | Rachel Gottlieb Peavy (803) 500- 2000 James Christopher Sproat (864) 574- 8801 | Allison Margaret Mabbs (864) 908- 3814 Martin Kyle Thompson (864) 527-3280 | Plaintiff deceased Estate needs to be opened |
| | 08/25/2020 | 9:30 AM | | Motion/Default Judgment | Tracy M. Driver- PLT | 01/14/2020 | 2019CP3001028 Tracy M. Driver VS Geraldine Roberts | Motor Veh Accid 320 | Rachel Gottlieb Peavy (803) 500- 2000 James Christopher Sproat (864) 574- 8801 | Allison Margaret Mabbs (864) 908- 3814 Martin Kyle Thompson (864) 527-3280 | Plaintiff deceased. Estate needs to be opened. |
| | 08/25/2020 | 9:30 AM | | Motion/Sanctions | Terry Owings-PLT | 05/29/2020 | 2018CP3000735 Terry Owings plaintiff et al VS Geraldine Christina Davis defendant, et al | Personal Injury 350 | Hannah Rogers Metcalf (864) 214- 2319 | Stephen Drew Geoly (864) 223- 3352 | Awaiting approval for Protection on Geoly for March 24, 2020 thru April 10, 2020 Order/Scheduling Order subject to trial on or about 9-7-20 |
| | 08/25/2020 | 9:30 AM | | Motion/Default Judgment | Terry Owings-PLT | 09/13/2019 | 2018CP3000735 Terry Owings, plaintiff, et al VS Geraldine Christina Davis, defendant, et al | Personal Injury 350 | Hannah Rogers Metcalf (864) 214- 2319 | Stephen Drew Geoly (864) 223- 3352 | Awaiting approval for Protection on Geoly for March 24, 2020 thru April 10, 2020 Continued per Order |
| | 08/25/2020 | 9:30 AM | | Motion/Default Judgment | Terry Owings-PLT | 09/13/2019 | 2018CP3000735 Terry Owings, plaintiff, et al VS Geraldine Christina Davis defendant, et al | Personal Injury 350 | Hannah Rogers Metcalf (864) 214- 2319 | Stephen Drew Geoly (864) 223- 3352 | Awaiting approval for Protection on Geoly for March 24, 2020 thru April 10, 2020 |
| | 08/25/2020 | 9:30 AM | | Motion/Compel | Terry Owings-PLT | 08/16/2019 | 2018CP3000735 Terry Owings, plaintiff, et al VS Geraldine Christina Davis defendant, et al | Personal Injury 350 | Hannah Rogers Metcalf (864) 214- 2319 | Stephen Drew Geoly (864) 223- 3352 | Awaiting approval for Protection on Geoly for March 24, 2020 thru April 10, 2020 |

EXHIBIT
11.11.20

**Laurens County Eighth Judicial Circuit - Roster Details
Non-Jury Motions/Appeals**

| | | | | | |
|----------------------|--------------|---------------------------|------------|-------------------------|------------|
| Court Agency: | Common Pleas | Judge: | Griffith | Roster Id: | 56 |
| Roster type: | Motions | Roster Begin Date: | 08/25/2020 | Roster End Date: | 08/25/2020 |

Number of motions = 24



| # | Date | Time | hr:mn | Description | Filing Party | Filed Date | Case | Sub Type | Plaintiff Attorney | Defendant Attorney | Notes |
|----|------------|---------|-------|--|---|------------|--|---------------------|---|---|--|
| 12 | 08/25/2020 | 9:30 AM | | Motion/Entry of Default | Terry Owings-PLT | 03/01/2019 | 2018CP3000735 Terry Owings plaintiff et al VS Geraldine Christina Davis defendant et al | Personal Injury/350 | Hannah Rogers Metcalfe (864) 214-2319 | Stephen Drew Geoly (864) 223-3352 | Awaiting approval for Protection on Geoly for March 24, 2020 thru April 10, 2020 |
| 13 | 08/25/2020 | 9:30 AM | | Motion/Compel | Laurens County Disabilities And Special Needs Board-DEF | 06/04/2020 | 2019CP3000572 Katrina Simpson VS Laurens County Disabilities And Special Needs Board defendant, et al | Empl Discrim 170 | Candy M. Kern (864) 226-8938 | Knox L. Haynsworth III (864) 271-7424 x105 | |
| 14 | 08/25/2020 | 9:30 AM | | Motion/Default Judgment | Thomas J. Suber-PLT | 06/08/2020 | 2020CP3000291 Thomas J. Suber VS Joseph L. Mcgee | Motor Veh Accid/320 | Casey Marie Jacaruso (864) 574-8801 | Martin Kyle Thompson (864) 527-3280 | |
| 15 | 08/25/2020 | 9:30 AM | | Motion/Set Aside Default | Joseph L. Mcgee-DEF | 06/26/2020 | 2020CP3000291 Thomas J. Suber VS Joseph L. Mcgee | Motor Veh Accid 320 | Casey Marie Jacaruso (864) 574-8801 | Martin Kyle Thompson (864) 527-3280 | |
| 16 | 08/25/2020 | 9:30 AM | | Motion/Other | Phillip R. Holmes-PLT | 06/09/2020 | 2019CP3000392 Phillip R. Holmes VS Tokeshia S. Simpson | Motor Veh Accid 320 | John Michael Turner Sr (864) 984-6565 | James P. Walsh (864) 232-4400 | |
| 17 | 08/25/2020 | 9:30 AM | | Motion/Compel  | Anthony Bernard Burnside-PLT | 06/10/2020 | 2020CP3000111 Anthony Bernard Burnside VS W. Reid Cox, as Special Referee Jr., defendant, et al | Real Prop/Other 499 | Anthony Bernard Burnside  | Russell W. Harter Jr. (864) 233-4500 Nathaniel B. Senn III (864) 715-9529 Thomas J. Thompson (864) 984-6554 | |
| 18 | 08/25/2020 | 9:30 AM | | Motion/Dismiss | Lynn W. Lancaster-DEF | 07/28/2020 | 2020CP3000111 Anthony Bernard Burnside VS W. Reid Cox, as Special Referee Jr., defendant, et al | Real Prop/Other 499 | Anthony Bernard Burnside | Russell W. Harter Jr. (864) 233-4500 Nathaniel B. Senn III (864) 715-9529 Thomas J. Thompson (864) 984-6554 | |
| 9 | 08/25/2020 | 9:30 AM | | Motion/Summary Judgment | Wells Fargo Bank, N.A.-PLT | 06/15/2020 | 2019CP3000356 Wells Fargo Bank, N.A. VS Melissa C Tyson | Debt Collection 110 | Marley Nicole Grim (336) 354-1797 x3608 | | |
| 10 | 08/25/2020 | 9:30 AM | | Motion/Alter and/or Amend | Derrill O. Mills-PLT | 06/19/2020 | 2019CP3001091 Derrill O. Mills VS Frankie L. Bryson defendant, et al | Real Prop/Other 499 | Thomas J. Thompson (864) 984-6554 | Todd Russell Flippin (864) 594-5300 | |
| 11 | 08/25/2020 | 9:30 AM | | Motion/Alter and/or Amend | Demisha Mills-PLT | 06/22/2020 | 2019CP3001154 Demisha Mills VS Carolyn Mills Goodwine defendant, et al | Real Prop/Other 499 | Thomas J. Thompson (864) 984-6554 | Todd Russell Flippin (864) 594-5300 Kristen Nicole Nichols (843) 576- | |

EXHIBIT - "B"

Laurens County Eighth Judicial Circuit - Roster Details
Non-Jury Motions/Appeals

| Court Agency | | Common Pleas | | Judge | | Griffith | | Roster Id | | 56 | |
|------------------------|------------|--------------|-------|-----------------------------------|---------------------|------------|--|---------------------|---|----------------------------------|-------|
| Roster Type | | Motions | | Roster Begin Date | | 08/25/2020 | | Roster End Date | | 08/25/2020 | |
| Number of motions = 24 | | | | | | | | | | | |
| # | Date | Time | hr:mn | Description | Filing Party | Filed Date | Case | Sub Type | Plaintiff Attorney | Defendant Attorney | Notes |
| 22 | 08/25/2020 | 9:30 AM | | Motion/Default Judgment (Damages) | Carol Salinas-PLT | 12/13/2019 | 2019CP3000864 Carol Salinas plaintiff et al VS Darrell Lara | Breach of Cont 140 | William Hughes Nicholson IV (864) 229-7241 | 2836 | |
| 23 | 08/25/2020 | 9:30 AM | | Motion/Other | Thomas C Makins-DEF | 07/21/2020 | 2020CP3000400 Midland Credit Management, Inc VS Thomas C Makins | Debt Collection 110 | Wylie Westmoreland Clarkson (803) 602-0789 Stephen Elias Fain (803) 602-0789 | Thomas J Thompson (864) 984-6554 | |
| 24 | 08/25/2020 | 9:30 AM | | Motion/Default Judgment | Maria Henderson-PLT | 08/10/2020 | 2020CP3000569 Maria Henderson plaintiff et al VS Estate Of Mary Godfrey defendant et al | Motor Veh Accld 320 | William Alton Maxey (864) 574-8801 x165 | | |

EXHIBIT-B

Laurens County Eighth Judicial Circuit - Roster Details
Motions/Appeals/Non-Jury

| | | | | | |
|--------------|--------------|-------------------|------------|-----------------|------------|
| Court Agency | Common Pleas | Judge | Maddox | Roster Id | 58 |
| Roster Type | Motions | Roster Begin Date | 10/19/2020 | Roster End Date | 10/23/2020 |

Number of motions = 5

| # | Date | Time | hr:mn | Description | Filing Party | Filed Date | Case | Sub Type | Plaintiff Attorney | Defendant Attorney | Notes |
|---|------------|----------|-------|---------------------------------|-----------------------------------|------------|---|----------------------|---|--|-------|
| 1 | 10/19/2020 | 9:30 AM | | Motion/Compel ↑ | Anthony Bernard Burnside-PLT ↑ | 06/10/2020 | 2020CP3000111 Anthony Bernard Burnside VS W Reid Cox, as Special Referee Jr., defendant, et al | Real Prop/Other 499 | Anthony Bernard Burnside | Nathaniel B. Senn III (864) 715-9529 Thomas J. Thompson (864) 984-6554 | |
| 1 | 10/20/2020 | 10:30 AM | | Motion/Appeal | Cynthia Glenn-APL | 02/19/2020 | 2020CP3000177 Cynthia Glenn VS Milford Howard | Magistrate Civil 910 | Cynthia Glenn (864) 329-0010 | Eric K. Englehardt (864) 232-2329 | |
| 1 | 10/21/2020 | 10:30 AM | | Motion/Summary Judgment | S&Me, Inc.-DEF | 09/21/2020 | 2018CP3000935 Emily F. Bailey, Individually And As Co-Trustee For The Emily F., plaintiff, et al VS S&Me, Inc. | Constructions 100 | Bryan Patrick Kelley (864) 255-9500 | Stephanie Holmes Burton (864) 327-5000 | |
| 2 | 10/21/2020 | 2:00 PM | | Motion/Default Judgment-Damages | Maria Henderson-PLT | 08/10/2020 | 2020CP3000569 Maria Henderson, plaintiff, et al VS Estate Of Mary Godfrey, defendant, et al | Motor Veh. Accid 320 | William Alton Maxey (864) 574-8801 x165 | | |
| 1 | 10/22/2020 | 10:30 AM | | Motion/Quash | Jenifer Dixon-DEF | 09/21/2020 | 2020CP3000766 Bess Pierce, plaintiff, et al VS Jenifer Dixon, defendant, et al | Contract/Other 199 | Robert Mills Ariail Jr. (864) 232-9390 | Zachary Lee Weaver (864) 241-7007 | |

Please contact me and let me know if you have availability to have this heard via webex. If not, we will set it up via webex in our conference room.
9-29-2020

Best regards,

Donna, Laurens County Civil Clerk

EXHIBIT - "B"

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

RECEIVED

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,
Postage Prepaid, and addressed on May 27, 2021, to:

Attorney - NATHANIEL SENN

~~Post Office Box# (AB)~~

~~LAURENS, S.C. 29360~~

121-A, W. PUBLIC SQUARE

LAURENS, S.C. 29360

Attorney - THOMAS J. THOMPSON

Post Office Box# 215

LAURENS, S.C. 29360

LAURENS, S.C.
MAY 27, 2021

~~St Anthony B. Burnside~~
ANTHONY B. BURNSIDE
Post Office Box # 344
GRAY COURT, S.C. 29645

ANTHONY B. BURNSide
POST OFFICE BOX # 344
GRAY COURT, SOUTH CAROLINA
29645

7021 0350 0001 5874 7967



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MAY 28 2021

SC Court of Appeals

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GRAY COURT SC 29645

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Pg. 2 of 4

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SC Court of Appeals
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