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**Jun 04 2021**

**SC Court of Appeals**

) **IN THE COURT OF  
COMMON PLEAS**

**STATE OF SOUTH CAROLINA**

**COUNTY OF BEAUFORT**

) **FOURTEENTH  
JUDICIAL CIRCUIT**

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

**Plaintiff,** )  
**CIVIL ACTION** )

**NO. 2019-CP-07-02178** )

**v.** )

)  
**DEFENDANTS' RESPONSE TO  
PLAINTIFF'S REQUEST**

**JOSEPH CHAKYING SUN, et al**

**FOR**

**Defendants.** )

**HEARING**

\_\_\_\_\_ )

Defendants Joseph Sun (hereinafter Sun) and the 2009 Suns Family Trust (hereinafter the Trust) hereby respond to Plaintiff's request for hearing as follows:

Plaintiff Bluffton Park Community Association (hereinafter Bluffton Park) requests the court to grant a hearing without filing or serving any motion or document informing defendants any detail. Defendants can only guess on Plaintiff's purpose of the hearing requested. For that reason alone, no hearing should be granted as Defendants are not required to speculate, without more they cannot prepare for any argument or present any evidence for the hearing.

It is a denial of the defendants' right to due process here, in addition to numerous illegal acts already committed by the Plaintiff that the defendants now has to guess, that Plaintiff wishes to present certain issues at a hearing of which defendants are not sure. Reviewing the Beaufort County Public Index, Plaintiff seems to have filed a "formal objection/sufficiency of surety" at the Supreme

Court with a copy put in the county public index. But this court has no authority to hear anything filed at the South Carolina Supreme Court after Notice of Appeal had already been filed and served on April 16, 2021. Therefore, this court has no more jurisdiction on any matter relating to the judgment in this case which would be affected by the outcome of the appeal. (Rule 205, SCRAP.) Therefore, Plaintiff's request for a hearing must be denied.

If and when the Supreme Court would ever remand the matter to this court for determination, Defendants Sun and the Sun Trust would include the provisions in South Carolina Code Section 18-9-130(A)(2) that "(2) A plaintiff may not enforce a sale of property after a notice of appeal is filed without giving an undertaking or bond to the defendant, with two good sureties, in double the appraised value of the property or double the amount of the judgment, conditioned to pay all damages the defendant may sustain by reason of the sale in case the judgment is reversed."

Respectfully submitted,

This 1st day of June, 2021

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

#### **CERTIFICATE OF SERVICE**

This is to certify that I have this date served the Plaintiff a copy of this document, 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

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and by email to: [scott@wildlawfirm.com](mailto:scott@wildlawfirm.com)

This 1st day of June, 2021.

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JOSEPH C. SUN  
P. O. Box 2543  
Bluffton, SC 29910