

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
8th CIRCUIT

RECEIVED
SEP 13 2021
SC Court of Appeals

APPEAL FROM ABBEVILLE COUNTY
Court of Common Pleas

Donald B Hocker, Circuit Court Judge

Case No. 2020-CP-01-00134

Unifund CCR, LLC

Respondent,

v.

Shonda L Wade,

Appellant.

Record On Appeal

Shonda L Wade

Appellant

Wesley D Dail

Post Office Box 110564

Durham, North Carolina 27709

Attorney for Respondent

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Order of February 3, 2021 _____

Complaint

Answer

Defendant's Answer To Plaintiff's Motion For Summary Judgement

Appellant's Exhibit A

Appellant's Exhibit B

Appellant's Exhibit C

Appellant's Exhibit D

STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE

IN THE COURT OF COMMON PLEAS
EIGHTH JUDICIAL CIRCUIT
CIVIL ACTION NO. 2020-CP-01-00134

Unifund CCR, LLC,
Plaintiff,

vs.

Shonda L. Wade,
Defendant,

**ORDER GRANTING
SUMMARY JUDGMENT**

THIS CAUSE came on to be heard before the undersigned Circuit Court Judge upon the Plaintiff's Motion for Summary Judgment, pursuant to Rule 56 of the South Carolina Rules of Civil Procedure; and,

IT APPEARED TO THE COURT that there is no genuine issue as to any material fact, and that the Plaintiff is entitled to judgment as a matter of law.

IT IS NOW, THEREFORE, ORDERED, ADJUDGED AND DECREED, pursuant to Rule 56 of the South Carolina Rules of Civil Procedure, that Summary Judgment be, and the same is hereby granted in favor of the Plaintiff and against the Defendant, as follows:

1. That the Plaintiff have and recover from the Defendant the principal sum of \$4,372.61.
2. Interest at the rate of 7.25% per annum from and after the date of judgment until paid
3. That the Plaintiff further have and recover from the Defendant all costs incurred in this action.

ITEMIZATION OF ACCOUNT:

Principal:	\$4,372.61
Court Costs:	
• Suit Filing Fee	\$180.32*
• Process Server Fee	\$75.00
• Additional Service Fees (if applicable)	\$0.00
• Motion Filing Fee	\$31.74*
Total Court Costs:	\$287.06

*Includes E-Filing/Technology Fees

Total: \$4,659.67

Dated: February 2, 2021

OG0000343996

ELECTRONICALLY FILED : 2021 Feb 03 4:39 PM - ABBEVILLE - COMMON PLEAS - CASE#2020CP0100134

STATE OF SOUTH CAROLINA
 COUNTY OF Abbeville
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2020CP0100134

Unifund CCR, LLC

Shonda L. Wade

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Wesley D. Dail, SC Bar No. 100355 P.O. Box 110564 Durham, NC 27709	Attorney for : <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> 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

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:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : Order Granting Summary Judgment

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)
Unifund CCR, LLC	Shonda L. Wade	\$4,659.67
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.



Abbeville Common Pleas

Case Caption: Unifund Ccr Llc VS Shonda L Wade

Case Number: 2020CP0100134

Type: Order/Summary Judgment

Circuit Court Judge

s/Donald B. Hocker, Judge Code 2167

Electronically signed on 2021-02-03 16:24:01 page 5 of 5

STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE

IN THE COURT OF COMMON PLEAS
(NON-JURY COLLECTION ACTION)

CIVIL ACTION NO. 2020-CP-_____

Unifund CCR, LLC

Plaintiff,

vs.

Shonda L. Wade

Defendant.

SUMMONS

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, or otherwise appear and defend, and to serve a copy of your Answer to said Complaint upon the subscriber at P.O. Box 110564, Durham, North Carolina, 27709, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, or otherwise appear and defend, the Plaintiff in this action will apply to the Court for the relief demanded therein, and judgment by default will be rendered against you for the relief demanded in the Complaint.

Dated: May 12, 2020

SESSOMS & ROGERS, P.A.

By: s/Wesley D. Dail
S.C. Bar No. 100355
Attorney for Plaintiff
P.O. Box 110564
Durham, North Carolina 27709
Telephone: (919) 688-1000
Fax: (919) 688-9000
Email: consumerinquiries@sessomslaw.com



STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE

IN THE COURT OF COMMON PLEAS
EIGHTH JUDICIAL CIRCUIT
CIVIL ACTION NO. 2020-CP-_____ - _____

Unifund CCR, LLC
Plaintiff,
vs.
Shonda L. Wade
Defendant

COMPLAINT

The Plaintiff, complaining of the Defendant, alleges and says as follows:

1. The Plaintiff is a limited liability company organized under the laws of the state of Ohio, with a principal office and place of business in Hamilton County, Ohio.
2. Upon information and belief, the Defendant is a resident of Abbeville County, South Carolina and is neither an infant nor incompetent.
3. This is an action for recovery of a balance owed to the Plaintiff on an account obtained by the Defendant from Capital One Bank (USA), N.A..
4. The Plaintiff's predecessor in interest, Capital One Bank (USA), N.A., extended credit to the Defendant through a credit account (the "Account") opened on or about February 27, 2011.
5. The Defendant accepted and used the credit extended through the Account.
6. The Defendant defaulted by failing to make every payment owed on the Account when each became due.
7. On or about February 5, 2018, the Account was charged off by Plaintiff's predecessor in interest.
8. Capital One Bank (USA), N.A. assigned the Account to Unifund CCR, LLC and the Plaintiff is the current owner of the Account.
9. This case is brought within three years of the events giving rise to the accrual of Plaintiff's cause of action based upon an open account or in the alternative upon account stated, and it is therefore filed within the applicable statute of limitations.



10. As shown by the attached Affidavit of Account, the Defendant remains lawfully indebted to the Plaintiff in the amount of \$4,372.61. Said amount includes any offsets and credits to which the Defendant is lawfully entitled.

11. The business transaction described herein may be a consumer credit transaction as contemplated by the South Carolina Consumer Protection Code. The Defendant remains in default, and the Plaintiff should be entitled to the amounts referenced herein. These amounts are determined by assessment of all charges due on the account.

12. Upon information and belief, the Notice of Consumer's Right to Cure, as contemplated under S.C. Code Ann. §§ 37-5-110 and 37-5-111, was sent to the Defendant.

WHEREFORE, the Plaintiff prays the Court that it recover the following relief from Defendant:

1. The amount of \$4,372.61.
2. Interest from and after the date of judgment at the legal state rate which is currently 8% per annum but may vary annually per S.C. Code Ann. § 34-31-20(B).
3. All costs of this action.
4. Such other and further relief as the Court may deem just and proper.

Dated: May 12, 2020

SESSOMS & ROGERS, P.A.

By: s/Wesley D. Dail
S.C. Bar No. 100355
Attorney for Plaintiff
P.O. Box 110564
Durham, North Carolina 27709
Telephone: (919) 688-1000
Fax: (919) 688-9000
Email: consumerinquiries@sessomslaw.com

This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.

Shonda L Wade
17 Carver Street Ext
Due West, SC 29639
shonda8500@gmail.com
Defendant is self-represented

FILED
STATE OF SOUTH CAROLINA
2020 OCT 21 11 09 AM
CLERK OF COURT

**IN THE COURT OF COMMON PLEAS
EIGHTH JUDICIAL CIRCUIT
STATE OF SOUTH CAROLINA COUNTY OF ABBEVILLE**

Unifund CCR, LLC, Plaintiff, vs. Shonda L Wade, Defendants.	ANSWER Civil No.: 2020CP0100134 Judge:
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Defendant answers Plaintiff's Complaint as follows.

RESPONSE TO ALLEGATIONS

Allegation Number	Response
1.	Defendant denies the allegation for lack of knowledge sufficient to know the truth or falsity thereof.
2.	Defendant denies the allegation for lack of knowledge sufficient to know the truth or falsity thereof.
3.	Defendant denies the allegation.
4.	Defendant denies the allegation for lack of knowledge sufficient to know the truth or falsity thereof.
5.	Defendant denies the allegation.
6.	Defendant denies the allegation.

7.	Defendant denies the allegation for lack of knowledge sufficient to know the truth or falsity thereof.
8.	Defendant denies the allegation for lack of knowledge sufficient to know the truth or falsity thereof.
9.	Defendant denies the allegation.
10.	Defendant denies the allegation.
11.	Defendant denies the allegation for lack of knowledge sufficient to know the truth or falsity thereof.
12.	Defendant denies the allegation for lack of knowledge sufficient to know the truth or falsity thereof.

Defendant denies each and every allegation in the Complaint that is not expressly admitted herein.

With respect to all paragraphs in which Plaintiff prays for damages or other relief, Defendant denies that Plaintiff is entitled to such relief under law.

AFFIRMATIVE DEFENSES

1. Plaintiff's claims are barred in whole or in part by the doctrines of laches, equitable estoppel, and unclean hands.
2. Plaintiff's claims are barred in whole or in part because of a failure to mitigate damages.
3. Plaintiff's claims are barred in whole or in part because Plaintiff does not correctly state the amount owed.
4. Defendant requests that Plaintiff perform an accounting and provide Defendant with documentation that proves the amount that Defendant allegedly owes.
5. Plaintiff's claims are barred in whole or in part because of a possible violation of the statute of frauds.

WHEREFORE, Defendant requests the following relief:

1. That Plaintiff's Complaint be dismissed with prejudice, and Plaintiff take nothing therefrom;
2. The Defendant recover its reasonable fees and costs incurred in defending against this lawsuit;
3. For such other and further relief as this Court may deem just and proper.

PARTIAL INITIAL DISCLOSURES – WITNESSES AND EVIDENCE

Witnesses: Defendant, Charles Wade

Evidence: The Agreement,

DATED 08/17/2020.

/s/ Shonda L Wade

Shonda L. Wade

Self-represented

Defendant's Address:

17 Carver Street Ext
Due West, SC 29639

*Clark of Court
of Abbeville
County
Emily McManhan
P.O. Box 99
Abbeville, SC
29620*

STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE

IN THE COURT OF COMMON PLEAS
(NON-JURY COLLECTION ACTION)
CIVIL ACTION NO. 2020-CP-01-00134

Unifund CCR, LLC)
 Plaintiff,)
 vs.)
)
Shonda L. Wade)
)

**Defendant's Answer to Plaintiff's
Motion for Summary Judgement**

Now comes alleged defendant in the above referenced case. Pursuant to Rule 56 of the South Carolina Rules of Civil Procedures alleged defendant answered the Plaintiff as to what was known by the alleged defendant. Alleged defendant has no knowledge of this company or any of its representatives. All allegations that were levied by Plaintiff is in question(s) as there has been no type of relationship with the Plaintiff or its representatives.

Wherefore, the named defendant request that this deny Plaintiff's Motion for Summary Judgement be denied.

FILED
STATE OF
SOUTH CAROLINA
COUNTY OF ABBEVILLE
2021 JAN 22 AM 8:46
SHANDAL BOGGS
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE

IN THE COURT OF COMMON PLEAS

UNIFUND CCR, LLC,)
PLAINTIFF,)
)
-VS-)
)
SHONDA WADE)
DEFENDANT.)
_____)

CASE NO.: 2020-CP-01-0134

TRANSCRIPT OF RECORD

FEBRUARY 1, 2021
VIRTUAL HEARING VIA WEBEX

BEFORE:

THE HONORABLE DONALD B. HOCKER, JUDGE

APPEARANCES:

ATTORNEY FOR PLAINTIFF:

WESLEY DAIL, ESQUIRE

ATTORNEY FOR DEFENDANT:

SHONDA WADE, PRO SE
(DID NOT APPEAR FOR WEBEX HEARING)

TARA T. SCOTT, CVR
CIRCUIT COURT REPORTER

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WITNESS

PAGE NO.

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EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
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(NO EXHIBITS WERE INTRODUCED DURING PROCEEDING)

1 THE COURT: This is the case of *Unifund CCR, LLC v*
2 *Shonda Wade*. It's a 2020 case, file number -134, Abbeville
3 case. This is a Plaintiff's Motion for Summary Judgment.
4 Wes Dail is the attorney for the Plaintiff and the Defendant
5 is pro se. I will put on the record that my office had some
6 prior communication with Ms. Wade that she wanted to
7 participate in this hearing. Also, I think she talked to my
8 office this morning and indicated that she was in my waiting
9 room, but she is not. My office just tried to call the
10 number that we had and got a voicemail, so I'm going to
11 proceed forward with the hearing. Mr. Dail, I'll turn the
12 record over to you, sir.

13 MR. DAIL: Yes, Your Honor. This is just an action to
14 seek a balance owed on a charged off of a credit card
15 account. The account was opened in February 2011 and
16 charged off in February 2018 for non-payment. It was
17 originally a Capital One account sold to my client, the
18 Plaintiff, Unifund after charge off. We filed suit on May
19 14th of last year. The date of last payment was June 24,
20 2017, so we did file within the applicable statute of
21 limitations.

22 The Defendant was served August 11th of last year,
23 filed an answer with pretty much general denials. We served
24 discovery upon the Defendant on November 17th of last year
25 to which the Defendant did not respond. That is largely the

1 basis of our Motion for Summary Judgment as well as the
2 other facts of the case. The Defendant is in default --
3 excuse me -- rather, the Defendant has admitted the
4 allegations in discovery by virtue of not responding
5 thereto. So, we are seeking the balance at the time of
6 charge-off which is alleged in the complaint as \$4,372.61,
7 plus \$287.06 in cost for cost of this action, for a total
8 judgment of \$4659.67.

9 THE COURT: Okay, Mr. Dail. The motion is granted. If
10 you will prepare an appropriate order and e-file it to me
11 please, I would appreciate that.

12 MR. DAIL: I will do that, Your Honor. Thank you very
13 much.

14 (Whereupon, the proceeding was concluded.)

15 - - - END OF TRANSCRIPT OF RECORD - - -

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Certificate of Reporter

I, the undersigned, Tara T. Scott, Official Court Reporter for the State of South Carolina Judicial Branch, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the Virtual WebEx hearing of the captioned case, relative to appeal, in the Eighth Circuit Court for Abbeville County, South Carolina, on the 1st day of February, 2021.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

Tara T. Scott

Tara T. Scott, CVR

Official Circuit Court Reporter

South Carolina Judicial Branch

March 2, 2021

STATE OF SOUTH CAROLINA)

COUNTY OF ABBEVILLE)

Unifund CCR, LLC)

Plaintiff,)

v.)

Shonda L. Wade,)

Defendant.)

IN THE COURT OF COMMON PLEAS

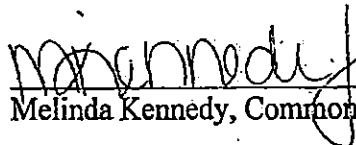
CERTIFICATE OF SERVICE BY MAIL

2020-CP-01-134

The undersigned, an employee of the Office of the Clerk of Court for Abbeville County, hereby certifies that service of a copy of Notice and Instructions for WebEx Hearings was made upon the following by placing same in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelopes this 7th day of January, 2020:

Shonda L. Wade
17 Carver Street Ext
Due West, SC 29639

FILED
STATE OF
SOUTH CAROLINA
COUNTY OF ABBEVILLE
2021 JAN -7 PM 2:59
SHANDAL BOGGS
CLERK OF COURT


Melinda Kennedy, Common Pleas Clerk

***** PLEASE NOTE LOCATION CHANGE**

Exhibit "D"

Everyone,

Judge Hocker has started using the virtual courtroom through the [sccourts.org](http://www.sccourts.org) website. The hearing will still be on WebEx, but instead of receiving invitations by email, you will log into the WebEx from the [sccourts](http://www.sccourts.org) website.

Here are the instructions to sign into the Virtual Courtroom:

To sign into Judge Hocker's virtual courtroom, please click on this link <https://www.sccourts.org/calendar/> > Today's date > Circuit. Then under Judge Hocker's name there should be a link to his virtual courtroom. This will bring you to an Event page where you will need to enter your first name, last name and email address. Once the information is entered, click on "Join Now". Judge Hocker has to open the virtual courtroom so please allow a few minutes for him to open the event if you at first cannot join.

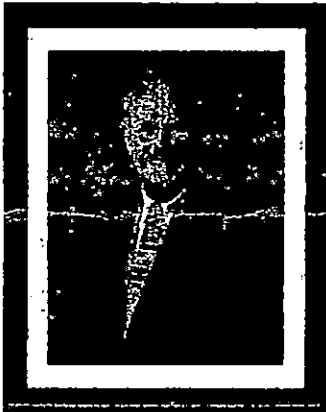
See the attached picture for an example of the Virtual Courtroom Event Information page. You will be muted upon entry into the WebEx. When Judge Hocker calls your case, click on the Participants icon at the bottom of the screen, then click on the hand icon at the bottom right of your screen to "Raise" or "Lower" your hand. This will allow Judge Hocker to be notified that you are in attendance and change your role to a presenter.

In case of technical errors please call our office at (864) 984-2076.

Please feel free to contact me with any further questions.

Exhibit "A"

Event Information: Judge Donald B. Hocker's Virtual Courtroom



Join Event Now

You cannot join the event now because it has r

First name:

Last name:

Email address:

Event password:

Join Now

Join by browser **NEW!**

If you are the host, **start you**

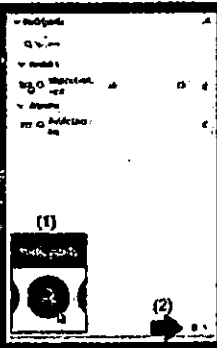
Event status: Not started

Date and time: Friday, August 8, 2025 9:00 am
Eastern Daylight Time (New York, GMT-04:00)
[Change time zone](#)

Duration: 8 hours

Description: *If prompted for a password, it is sccourts*
Call in number for audio only United States Toll +1-408-418-9388
Call in Access code: 129 748 1493 #
Call in Attendee ID number is issued when you JOIN
You can test your Webex connection here anytime: **TEST YOUR WEBEX**
SCJB Virtual Court User Guides: [Attorney Guide](#) and [General Public Guide](#)

- You are Muted on entry
- Court may be in progress
- When it's time to call your case, the Judge may ask you to "Raise Your Hand"
Click on the Participants icon at the bottom of your screen
Click on the hand icon at the bottom right to "Raise" or "Lower" your hand
- If you are experiencing connection issues, you can use the Call in Number provided. Be sure to Mute yourself and your Computer Volume to prevent an audio feedback loop



By joining this event, you are accepting the Cisco Webex [Terms of Service](#) and [Privacy Statement](#).

Exhibit "B"

RECEIVED

SEP 13 2021

SC Court of Appeals

Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

s/ Shonda L Wade

Shonda L Wade

17 Carver St Ext

Due West, SC 29639

Appellant