



## **APPEAL CONTENTS**

### **COPY OF ORDER, DEFECT, DEPUTY CLERK'S MISTAKE**

1. Pursuant to Rule 203(d)(B)(ii), SCACR the Notice of Appeal is required to be accompanied by a copy of the order to be challenged on appeal if reduced to writing. The Appellant is not yet in receipt of the written order, but obtained a copy of the online document. As attached, the order is defective, and the Appellant is addressing this apparent clerical mistake with the lower court. Here, the writing is defective. The 4<sup>th</sup> October order "*Statement of Judgment*" box is checked and the order contains language *not* applicable to the case.
2. Specifically, it states "*Attorney Justin D. Maines' motion to be relieved of counsel is consented to by all parties and is granted by this court.*" Here, Regina M. Hunter was a pro-se litigant on appeal and to the best of her knowledge Elijah Hunter was not represented by Attorney Maines, but received an accommodation due to a hearing impairment for Cynthia Owens<sup>1</sup> to speak on his behalf. Apparently, the Deputy Clerk, Sherry Yow hastily used another case order as a template for this said order and neglected to omit the text. Thus, although the order states "Appellant's appeal from Magistrate Court is denied and the Magistrate's decision is affirmed" the statement contained therein is unrelated and should be disregarded by the Appellate Court. If and when a revised order is entered, the Appellant will speedily provide such in compliance with Rule 203, SCACR.

### **NAME OF THE COURTS, JUDGES, & COUNTY FROM WHICH THE APPEAL ARE TAKEN**

3. Sumter County Circuit Court of Common Pleas
  - a. Hon. Judge R. Ferrell Cothran, presiding
4. Sumter County Summary Court
  - a. Hon. Fred H. Gordon, Jr. Magistrate
  - b. Hon. William Mattison Gamble, Chief Magistrate

### **DOCKET NUMBERS**

5. Court of Common Pleas, Sumter County
  - a. Case No. 2021-CP-43-1534
6. Summary Court, Sumter County
  - a. Case No. 2021CV4310102733

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<sup>1</sup> On or about 18 August 2021, Owens and Elijah Hunter executed a S.C. Limited Power of Attorney for Business.

## DATE OF ORDERS

### 7. Court of Common Pleas Order—4 October 2021

- a. The Appellant has not received written notice of the order from the Court of Common Pleas, but takes cognizance of the order from the Sumter County, South Carolina Government website “*Third Judicial Circuit Public Records Search*”.
- b. As discussed *supra*, the order contains a clerical mistake which the Appellant addressed with the Sumter County Clerk of the Court and hopes will be corrected.

### 8. Summary Court Judgment—2 September 2021

- a. The Appellant never received a written copy of the judgment in the mail from the Summary Court. In addition, the online docket does not indicate that the Summary Court ever mailed a copy of the 2<sup>nd</sup> September judgment to either the incorrect address or correct address after 7<sup>th</sup> September. The Appellant paid for a copy of the file which contained the written judgment after her Motion to Vacate Judgment was heard *instanter* before Magistrate Gordon and Chief Magistrate Gamble.

## PARTIES

|                |   |
|----------------|---|
| Appellant(s):  | Regina M. Hunter El<br>1165 Broad St. #16<br>Sumter, S.C. 29150<br>(803) 883-0600<br><a href="mailto:reginamhunter@gmail.com">reginamhunter@gmail.com</a> |
| Respondent(s): | Elijah Hunter<br>3400 Hwy. 261 North<br>Rembert, S.C. 29128   |

## FULL PROCEDURAL HISTORY

1. This is the Appellant’s appeal from the Sumter County Magistrate Court.
2. On 16 August 2021, the Defendant, Elijah Hunter executed an Affidavit on the *Application for Notice to Quit Premises*, that Plaintiff was trespassing at 3400 Hwy. 261 North, Rembert, S.C. 29128 without permission of the owner of the said premises. The Application For Notice to Quit Premises is governed by S.C. Code of Laws §15-67-0610. Attached to Elijah’s Hunter application was a “*Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act*”, the Sumter County Property for the Year 2009 (12 years ago), a Sumter County Tax Receipt for the 1983 Havelock trailer he resides in that is the property of the Heirs of Nellie Holmes, the Appellant’s and Defendant’s great aunt and aunt, respectively.
3. On 18 August 2021, then, the Plaintiff was served with the Notice to Quit Premises in-person by Sumter County Sheriff Office (SCSO), Sr. Cpl. Thomas at 3390 Highway 261 North,

Rembert, S.C. 29128. The notice was served twice, upon Regina Mack and Regina Hunter at 07:49 a.m. EST. However, the Plaintiff does not have a mail receptacle at this address and leases a box at the UPS Store in Sumter, S.C.

4. On 18 August 2021, Cynthia Owens of 120 Perkins Avenue, Sumter, S.C. 29150, executed a “*Limited Power of Attorney for Business for Elijah Hunter.*”
5. On 19 August 2021, the Defendant wrote the Summary Court for additional time to show cause as to why the ejectment should not occur. Neither the assigned Magistrate nor any clerk responded in writing.
6. On 23 August 2021, the Defendant called and spoke with Carla Brayboy, the managerial clerk for the Civil Desk Sumter County Magistrate Court.
7. On 23 August 2021, the record shows the Summary Court mailed its summons to the Defendant and the Plaintiff to appear personally for a bench trial in the case.
  - a. A summons was mailed to “Regina Hunter” at 3400 Highway 261 N, Rembert, S.C. 29150. However, the zip code is incorrect and the Plaintiff did not receive the mailpiece.
  - b. A summons was mailed to “Regina Mack” at 3400 Highway 261 North, Rembert, S.C. 29128. However, the Plaintiff’s legal name is Regina M. Hunter and the Plaintiff did not receive the mailpiece.
  - c. A summons was mailed to Elijah Hunter at 3400 Highway 261 N, Rembert, S.C., 29128.
8. On 26 August 2021, Elijah Hunter sent a three page letter to the Magistrate that he sent to the S.C. Governor, Hon. Henry McMaster, Alan Wilson, S.C. Attorney General and the Hon. Dale Atkinson, Probate Judge for Sumter County. Mr. Hunter’s letter makes a number of allegations unrelated to the appeal before the court.
  - d. The letter incorrectly refers to the Plaintiff as Regina Mack. The Plaintiff legally changed her name to Regina Michelle Hunter effective 21 May 2012 with the Family Court (3<sup>rd</sup> Jud. Circuit).
  - e. His letter also indicated that the Respondent knew the Appellant received her mail at 1165 Broad St. #16, Sumter, S.C. 29150.
9. On 2 September 2021, the Summary Court conducted a hearing where the Elijah Hunter was present and the defendant was not present because she had no knowledge that a hearing was scheduled; as discussed *supra*, the court summons was not mailed to the correct address.

10. On 2 September 2021, the Fred H. Gordon, Jr., Magistrate prematurely entered a judgment for the Plaintiff and granted his application. S.C. Code of Laws 15-67-640 holds that the Magistrate only may issue his writ of ejectment five days after announcing his decision.
11. On Friday, 3 September 2021, a Writ for Ejectment was post conspicuously on the Plaintiff's premises to voluntarily vacate within 24 hours.
12. On Tuesday, 7 September 2021, the Plaintiff visited the Summary Court to determine whether her Emergency Motion to Vacate Judgment would be granted. The Plaintiff filed an Amended Answer citing the Magistrate's limited jurisdiction when the title to real property is brought into question. She met with Magistrate Gordon, Jr. and Chief Magistrate William M. Gamble. Court was held instanter, but no relief was granted. The Appellant's only recourse was to file a Notice of Appeal in the Sumter County Court of Common Pleas to avoid execution of the warrant.
13. On Thursday, 9 September 2021, the Clerk of Court, James C. Campbell mailed a Notice of Case Scheduling to Regina M. Hunter at 1165 Broad Street #16, Sumter, S.C. 29150. However, it was too late for her to take cognizance by mail. The postmark is dated 10 September 2021 and was routed through Columbia, S.C.
14. The Appellant took cognizance of the scheduled appeal hearing by viewing the online court roster for the Third Judicial Circuit and calling the Court of Common Pleas for verbal confirmation that the case was set to be heard on Monday, 13 September 2021 at 11:00 a.m.
15. On Monday, 13 September 2021, the Plaintiff filed a Notice of Removal of a Civil Action in the United States District Court for the District of South Carolina. The case number is 3:21-cv-2929-MBS-PJG at 9:33 a.m.
16. On Monday, 13 September 2021, the Appellant filed a complaint against Elijah Hunter and the Sumter County Magistrate Court in the United States District Court for the District of South Carolina. The case number is 3:21-cv-2829-MBS-PJG at 9:33 a.m.
17. At 10:36 a.m., the Appellant served a copy of the Notice of Removal upon the Sumter County Clerk of Court, James C. Campbell.
18. On Monday, 13 September 2021, the parties<sup>2</sup> appeared in an appeal before Judge Cothran. The Court asked the parties to submit relevant documentation within 10 days pursuant to Rule 6(a) Time: Computation (a), by Wednesday, 23 September 2021.
19. On 16 September 2021, the Appellant requested an expedited copy of the transcript for the above-captioned hearing with Tammie M. Holmes, Court Reporter Manager for the South Carolina Judicial Branch. The hearing was recorded using the Digital Court Reporter Program (DCRP) for Calendar 13. On 28 September Julie A. Cendroski, Circuit Court

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<sup>2</sup> Elijah Hunter appeared in-person and due to a hearing impairment and received an accommodation for Cynthia Owens, with Power of Attorney to speak on his behalf.

Reporter III for the Seventh Judicial Circuit responded with the correct pricing for an expedited transcript and the transaction is pending.

20. On 22 September 2021, Appellant filed a Motion of Extension of Time (Enlargement) with the Circuit Court of Common Pleas—the motion was not set on the Motions Calendar or decided in judge’s chamber.
21. On 4 October 2021, when the Petitioner called the Court of Common Pleas Clerk of Office she learned that a judgment on the appeal was entered in favor of the Defendant, affirming the decision of the lower court. Thus, the Appellant filed a Petition for Extraordinary Writ (Writ of Injunction) with the S.C. Supreme Court to preserve the Petitioner’s right to appeal within the prescribed time period. Here, the Appellant also files a Motion for a Writ of Injunction with the Court of Appeals.
22. On 5 October 2021, Elijah Hunter obtained a new Writ for Ejectment document from the Summary Court. Therefore, it is in the posture that the Appellant files and serves her Notice of Appeals on the parties.

#### **VERIFICATION**

Signed this 5<sup>th</sup> day of October 2021, 28 Safar 1443 A.H. under penalty of perjury that the statements and facts contained herein are true and correct to the best of my knowledge and belief as to these matters.

 El

I Am: Regina M. Hunter El  
All Rights Reserved  
A Natural Person, In Full Life, In Propria Persona, Sui Juris

**Oct 05 2021****SC Court of Appeals****PROOF OF SERVICE**

I, Regina M. Hunter El, certify that I served a copy of this Notice of Appeal on Elijah Hunter, Sumter County Court of Common Pleas, and the Sumter County Magistrate Court by depositing a copy of the same with the United States Postal Service, with first class mail postage, to the parties in the attached service list.

Executed this 5<sup>th</sup> day of October 2021 C.E., 28 Safar 1443A.H.

Respectfully,



I Am: Regina M. Hunter El  
All Rights Reserved  
A Natural Person, In Full Life, In Propria Persona, Sui Juris

Regina M. Hunter El  
1165 Broad Street, #16  
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(803) 883-0600  
[reginamhunter@gmail.com](mailto:reginamhunter@gmail.com)

**Service List:**

Elijah Hunter  
3400 Hwy. 261 North  
Rembert, S.C. 29128

Attn: James C. Campbell, Clerk of Court  
Sumter County Court of Common Pleas  
Sumter County Judicial Center, third floor  
215 N. Harvin St  
Sumter, SC 29150  
Tel.: 803-436-2227  
Fax: 803-436-2223

William Mattison Gamble, Chief Magistrate Judge  
Sumter Magistrate Court  
190 E. Canal Street  
Post Office Box 1428  
Sumter, S.C. 29151-1428  
Tel. (803) 436-2280  
Fax: (803) 436-2789

Chief Justice Donald W. Beatty  
c/o Daniel E. Shearouse, Clerk of Court  
c/o Brenda F. Shealy, Deputy Clerk of Court  
South Carolina Judicial Department  
The South Carolina Supreme Court  
1231 Gervais Street  
Columbia, SC 29201  
Tel. 803) 734-1080, Fax: (803) 734-1499

Attn: Sheriff Anthony Dennis &  
Kathy Ward, General Counsel  
Sumter County Sheriff's Office  
1281 North Main Street  
Sumter, SC 29153  
Tel. (803) 436-2053, Fax: (803) 436-2054  
E-mail: [adennis@sumtercountysc.org](mailto:adennis@sumtercountysc.org)

Hon. Dale Atkinson, Probate Judge  
Sumter County Judicial Center  
215 N. Harvin St  
Sumter, S.C. 29150  
Phone: 803-436-2166  
Fax: 803-436-2407

The Honorable Henry McMaster  
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The Honorable Alan Wilson  
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