

**PETITION FOR A WRIT OF CERTIORARI TO THE
SUPREME COURT OF APPEALS**

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

Thomas E. Player, Jr.
Special Referee

Opinion No. 2018-001277 (S.C. Ct. App. filed July 2018)

Joseph K. Coffey, Jr. and Lewis Babcock, LLC, as Legal
Representative of Donna Erickson

Respondent,

v.

Felicia Ruff,

Petitioner.

PETITION FOR A WRIT OF CERTIORARI

Felicia Ruff
1455 Hidden Oaks Dr
Wedgfield, South Carolina 29168
(803) 468-5364 Petitioner

Joseph K Coffey, Jr
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Manning, South Carolina 29102
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RECEIVED

Oct 13 2021

S.C. SUPREME COURT

Attorney for Respondent

Cc: Ariel King Esquire
David Paavola Esq

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CERTIFICATE OF COUNSEL

Petitioner certifies that the Petition for Rehearing was made and finally ruled on by the Court of Appeals on July 15, 2021.

STATEMENT OF THE CASE

On May 22, 2018, Joseph K Coffey, Jr., Esq., Legal Counsel for the Respondent Donna Erickson, brought this action. . . .

A proceeding was held in the Court of Common Pleas, heard by The Honorable Thomas E. Player, Jr., Special Referee. The decision was Foreclosure. An appeal was filed by Felicia Ruff, Petitioner, in July of 2018. At this point, there has been a second dismissal of this appeal. The first dismissal was in error, and I am convicted that this second dismissal was done in error as well.

The Court of Appeals did not affirm the decision of the Court of Common Pleas, but, dismissed the case based on untimely responses. There is documented proof that the correspondence from the Appellant was conducted in a timely manner. The Appellant corresponded with the Clerk of Court handling this case and submitted documents

accordingly. For these reasons, I beg of the Supreme Court of Appeals, to hear this application.

ARGUMENT

1. The initial appeal relevant to this case was filed in July of 2018 in response to a Foreclosure decision handed down from the Court of Common Pleas, by Special Referee The Honorable Thomas E Player Jr. There are no transcripts on record. The question is, how is a home and property that has been paid for, Foreclosed on? There is a 2013 Bankruptcy filing attached to this case. That filing was dismissed in March of 2014, however, an agreement was made by the Respondent and the Petitioner (mediated by Eddy Lane, Esq, Bankruptcy Attorney for the Petitioner) that payment would continue. At the time of the bankruptcy filing, the Petitioner had 10k in equity in the property in question. When the bankruptcy case was dismissed, equity was at 12k. By June of 2016 the agreed upon asking price of 18k had been satisfied. At this point, a handful of attempts were made by the Petitioner to reach out to the Respondent in an effort to arrange a closing. To no avail. The Respondent states that the Bankruptcy filing voided all equity paid in to the property in question. This is not factual. But for those reasons, the Respondent refuses to conduct business accordingly. There has been property tax payments made to the Respondent by the Petitioner. Respondent still refused to arrange a closing. This brings us to a hearing that took place on May 22, 2018. Foreclosure was the decision. The Petitioner was out of state and did not receive any notification. There is also a third party involved who made the bankruptcy payments (equity) but also was not notified of the hearing held in the lower court. It appeared fraudulent on the part of the Respondent and disregarding to the laws and rules of the Bankruptcy filing. Filing for Bankruptcy does not void equity. It is ones legal right and opportunity to maintain and sustain ownership by consolidating and making

consistent payments, order handed down by a judge, agreed upon by all parties involved. The Respondent is not and has not been in adherence with the laws that apply.

In filing for appeal, the Petitioner had hoped to bring these issues before the Court.

However, on July 15, 2021, the case was dismissed. This dismissal was not based on affirmation of the decision made in the lower court. It was based on “untimely correspondence.” There is a Clerk of Court who is directly involved with the Appeal in question who can confirm my timely responses. Confirming emails were sent to the Petitioner that documents were received and time stamped. A duplicate action of dismissing this case was made earlier this year and had to be recanted, for it was done in error. A remittitur was sent to the lower court and had to be withdrawn and the Appeal was reinstated. The Petitioner is convicted that this same error has occurred and is at the mercy of the Supreme Court of Appeals to review this case.

CONCLUSION

For the reasons stated, petitioner asks the Court to grant the petition for a writ of certiorari.

Respectfully submitted,

October 9th, 2021

/s/ Felicia Ruff
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Petitioner