

IN THE STATE OF SOUTH CAROLINA
COURT OF APPEALS

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OCT 12 2021

SC Court of Appeals

FROM LEE COUNTY COURT OF COMMON PLEAS

Honorable Kristi F. Curtis, Judge

Case No.: 2019-000131

Benita Dinkins-Robinson..... APPELLANT

v.

Alan Ratner..... RESPONDENTS

FINAL BRIEF OF APPELLANT

Benita Dinkins-Robinson
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Camden, SC 29020

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Pro Se Appellant

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Counsels for Respondents
Alan Ratner

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FACTS OF THE CASE

The plaintiff in this case Benita Dinkins-Robinson/Project Reach entered a contract with the defendant. The defendant in this case did file a foreclosure in this case. The defendant did file bankruptcy, however the bankruptcy was dismissed for unforeseen circumstances. The defendant eventually regained possession of the property, 124 Gregg Street, Bishopville, SC 29010 at an auction. However, the plaintiff unaware of this transfer or ownership-maintained ownership of this property. The plaintiff went to use, and retrieve belongs out property and the locks were changed, and a no trespassing sign was placed on the door.

At no point did the plaintiff receive a Formal Eviction or a Notice to Vacate the property which would have allowed her to remove the over million dollars' worth of supplies and materials that was maintained in this 20,000 square foot building. The plaintiff was prohibited from gaining access to the property and was not allowed to retrieve her belongings that was rightfully hers.

The plaintiff fully contends that even though she was initial served foreclosure papers, that is all the notice that she received during these proceedings. WE further reiterate that in no shape or form did the plaintiff file the proper eviction or notice or a notice to vacate. The judge in this case clearly erred in dismissing the case and not allowing a juror to decide this case. The judge allowed the defense to hide behind the foreclosure, stating that it barred by the doctrine of res judicata.

In her own order she states that Attorney Watson was the attorney on record for this proceeding but she did not allow him represent the plaintiff in these proceeding.

At no Point was the Plaintiff, notified of the sale of the property of December 2015. Nor was the defendant given proper notice of this said sale. When the defendant gained ownership of the property. He at no point notified the plaintiff. Instead, he changed the locks and placed a no trespassing sign.

This case is not about the foreclosure procedure, but the illegal eviction process and the defendant taking possession of all the plaintiff belonging within the building. The material within the facility was worth will over 2 million dollars

Whether the judge failed to allow the plaintiff to have sufficient legal representation?

We contend that the court should have allowed the plaintiff to be properly presented by the legal counsel in this case

The judge in dismissing the case when the defendant clearly erred in providing the plaintiff due process in regard to the eviction proceeding.

Whether the Trial Judge erred in failing grant Appellant's Motion to Re-consider.

The plaintiff did not receive any notice sale. Nor was the plaintiff made aware that the defendant regains ownership of the building. **We further contend that even if the defendant gain ownership, he cannot kidnap the belongings of the defendant.** The defendant nor special referee made no attempt to serve the plaintiff with such legal proceeding. The plaintiff has already paid the defendant over \$300,000.00 and would have made an attempt to repurchase the building had she been properly notified or served with Notice of Sale.

The plaintiff filed a motion to reconsidered and the judge did not respond to the motion to reconsider.

The plaintiff did file with the court a motion to reconsider, in which was also denied. The judge should have allowed the jury of their peers to determine this case. It is also clearly that evident that there are clear conflicts and that the defendant did not follow the file.

The judge erred in allowing the defense counsel to continue as counsel.

1. The attorney for the defendant in this case, was the plaintiff long time attorney for over 20 years. He has handled nearly all of the defendant's legal affairs to include real estate transactions. In a consultation with the plaintiff on another legal matter, the plaintiff in detail discussed with the attorney this property in questions and how much she had paid on the property and that she was procession of all the receipts.

Conclusion

We again contend that the defendant does rightfully have a right to obtain his property after the estranged foreclosure proceeding, but he must follow the Civil Rules to fully obtain the property. The defendant cannot just hijacked property and pilfer the plaintiff's belongings within the property. Any landlord that gains property after a foreclosure proceeding, must follow the proper Civil Proceeding and **formally Eviction process.** The eviction process is not embedded within the foreclosure proceeding as the judge in this case as alleged. If this is the case as soon as the foreclosure takes place the tenant would be immediately left in the cold and not allowed to replace. Everything has a proper process; the fact is the defendant failed to follow the proper procedure. We request that this honorable court remand this case back to the lower court and or rule in this matter.

Respectfully Submitted



Benita Dinkins-Robinson

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Camden, SC 29020

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MOTION TO ALLOW LATE FILING

This is hereby a Motion to file this Initial Brief late. I have also lost several immediate family members during this pandemic. I know that this seems repetitive, but I am enclosing one of the Obituary. I had to cousins to die on October 2, 2021. One died from cancer and the other fatally killed at the Waffle house. My aunt, Lorine Wright died on Sunday, October 10, 2021. All of this is overwhelming. I did drop a copy in the mail to the appellants attorney on October 11, 2021.

Respectfully Submitted



Benita Dinkins-Robinson

CERTIFICATE OF SERVICE

I, Benita Dinkins-Robinson hereby this *Motion to Allow Late Filing on October 11, 2021 to Bryan Doby, attorney for respondent/defendant via mail at 1 Court House Square, Bishopville, SC 29010 and PO Box 106, Bishopville, SC 29010*

A handwritten signature in black ink, appearing to read "Benita Dinkins-Robinson", written over a horizontal line.

Benita Dinkins-Robinson

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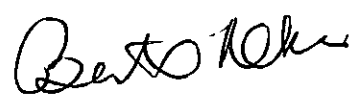
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Alan Ratner..... RESPONDENTS

APPLICATION OF LIBERAL APPLICATION

As a pro se movant, with limited resources the movant is entitled to and contemporaneously invokes the full measure of the liberal pleading and constructive doctrine first expressed in *Estelle v. Gamble*, 429 U.S. 97 (1976). The doctrine obliges the court to apply the law liberally and with a duty of monstrance under any Instant memorandum of the Law and Motion Pursuant to 28 U.S.C. must be held to a less stringent standard than those drafted by attorney's (*Harris v. Kenner*) 404 U.S. 519 (1972); *Blesdoe vs Johnson*, 188 F. 3d 250, 255 (5th Cir. 1999).

Further, the allegation raised herein must be taken as true and consequently constructed in light most favorable to movant's position, in any issue not specifically rebutted or which may be procedurally waived by the movant.



Flower Girls

Class of 1998/Cousins

Ball Bearers

Class of 1998/Cousins

Acknowledgements

We deeply appreciate your kind expressions of love and sympathy in our time of great sorrow. Thank you for keeping us in your thoughts and prayers.

He Only Takes the Best

God saw you getting tired
And a cure was not to be
So he put his arms around and
Whispered "Come to me" with
Tearful eyes we watched you as
You slowly slipped away and
Though we loved you dearly we
Couldn't make you stay!

You're your golden heart stopped
Beating, Your tired hands put to rest
God broke our hearts to prove to us
that he only takes the best and he
Whispered "Come to Me"

From your Mother,
I will always love you!

*In Loving Memory
Of A Special
"SISTER"*

SISTER, since you passed away
life just hasn't been the same. I
would have moved heaven and
earth to have you here with me again.

The time we spent together meant the
World to me, your laughter and,
Your Precious Smile as we grew up!

For so grateful for the years we had
And the closeness that we shared, your
Heart so kind and thought! I will
Always know you cared!

You were a wonderful SISTER, I
Miss you with no end but more than
Just my family, I've lost a very
Special Friend.

With Love Always and Forever, Quinetta,
Genova and Thelita Evans

*HOMEGOING SERVICES
Love & Remembrance*

FRANDRIGO EVANS



ALPHA - OMEGA

Sunset to Sunrise

September 8, 1960 to October 3, 2021

October 9, 2021

2:00 PM

*BISHOPVILLE HOUSE OF GOD
BISHOPVILLE, SOUTH CAROLINA*

*Apostle Benita Robinson Officiating
Bishop Joseph Miller, Pastor*

*Wilson Funeral Home
403 S. Main St. Bishopville, SC 29010*

Order of Service

Processional-----Mt. Hermon Praise and Worship

Processional-----Scriptural Sentences-----Bishop Joseph Miller, Pastor

Prayer-----Pastor Evelyn Miller

Scripture-----Old Testament-----Apostle Benita Robinson

New Testament-----Bishop Bernard Jenkins

Musical Selection-----Mt. Hermon Praise and Worship

Poem-----Sister Thelita Evans (Cousin)

Limit (2) minutes (One Person for Each Category)

Remarks-----Class of Member of 1998-----

-----Family-----

-----Community-----

Obituary Reading and Acknowledgements-----Sister Shante Robinson

Musical Selection-----Mt. Hermon Praise and Worship

Words of Comfort-----Bishop Joseph Miller, Pastor

Recessional

Committal-Benediction-Interment

Pastor Bishop Joseph Miller

THOMASTOWN CEMETERY, BISHOPVILLE, SOUTH CAROLINA

Obituary of Frandrigo Evan

Frandrigo was born in Bishopville, South Carolina on September 8, 1980 to Frances Ashe-Evans and the late Willie James Carter. She confessed to Christ at an early age, under the leadership of Reverend Blanding at Liberty Hill Baptist church.

Frandrigo attended Lee County schools, and received her education at Bishopville High School, with the Class of 1998. She also played as an amazing point guard for the Bishopville Lady Dragons basketball team and a diehard Baltimore Ravens football fan. In 2012, Frandrigo "Dreek", as many have known her by, attended Coastal Carolina, where she received her Medical Assistant Certification. In 2014, she made a career change and gained employment at Hengst of North America, where she later became a Team Leader.

Frandrigo was a great daughter, sister, niece, cousin, friend and most important an Amazing mother. She was the mother of two handsome boys Amir Peebles and Myles Dixon and the God-mother of Omarion Evans.

Frandrigo departed this life on Sunday, October 3, 2021. She was preceded in death by her father, Willie James Carter; her fraternal grandmother Victoria C. Carter and her maternal grand-parents Leah Evans and Sylvester Evans; one aunt Katherine Evans and two uncles Larry Evans and Harold Gillis.

Frandrigo leaves to mourn her passing, a mother, Francis EVANS-Ashe and step father Stanley Ashe of Camden SC; children, Amir Peebles and Myles Dixon both of Camden, SC; god-son Omarion Evans of Bishopville, SC; two brothers Maurice (Monica) Evans and Lydell (LaShanda) Evans all of Jacksonville, FL; two sisters Myheshia Reeves of Greenville, NC and Melissa Fortune of Pampalico SC; ten aunts, Carol Evans, Brenda Evans, and Judy Abbott, Ernestine Carter all of Bishopville, SC; Silvia Morrison of Alberdeen, NC; Roger Mae Wheeler of Mayesville SC; Bina Ruth Ross (Fermon) of Latta SC; Diane P. (Troy) Davis of Columbia, SC; Carolyn (Anthony) Brown of Florence SC; Cicely James of Darlington SC; eight uncles, Roger (Judy) Evans, and Albert (Alice) Gillis both of North Carolina; Donnell (Shirley) Evans of Virginia Beach, VA; Reuben (Deborah) Evans of Bishopville, SC; James R. Parrott of Lynchburg, SC; Edward (Darlene) Brown of Fayetteville, NC; Wendell (Raynetta) Brown of Timmonsville, SC and Wille Lee Carter of Mayesville, SC and a host of nieces, nephews and cousins.