

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED
NOV 15 2021
SC Court of Appeals

APPEAL FROM SUMTER COUNTY
MASTER IN EQUITY

Case No. 2015-CP-43-1981
Appellate Case No. 2021-000230

Edward Mays and Corrine Mays.....
Respondents,
Irene L. Myers.....
Appellant.

REPLY TO RESPONDENTS' RETURN TO MOTION FOR CLARIFICATION AND TO
COMPEL AND RETURN TO RESPONDENTS THIRD MOTION TO DISMISS

(1)

The South Carolina Court Administration Directions and Procedures for Obtaining Transcripts

Appellant reiterates to the Court that the South Carolina Court Administration, under the control of the Chief Justice of the South Carolina Judicial System, directs individuals to contact the Master-In-Equity directly in order to obtain transcripts from proceedings before that court. Confer with attached **Exhibit 1**. Again, Appellant has made numerous requests to the Master-In-Equity to obtain the transcripts and has even provided a \$100 deposit in good faith. See attached **Exhibit 2**, which was also filed with this Court upon a prior occasion. Yet, the Master-In-Equity

has repeatedly ignored Appellant. In response, to the Master-In-Equity's unreasonable stance, the Appellant has asked this Court to clarify whether the South Carolina Court Administration's directions to directly contact the Master-In-Equity in order to obtain transcripts is correct, the duty of the Master-In-Equity relating to furnishing transcripts and court reporter contact information, and to compel the Master-In-Equity to comply with the directions of the Court Administration-- a body functioning under the powers of the Chief Justice for South Carolina.

(2)

The Master-In-Equity's and Respondents' Suppression of the Transcripts

It is Appellant's belief that both the Master-In-Equity and Respondents have suppressed the identity of the alleged court stenographer, and thus transcripts of the proceeding, in an attempt to hide evidence of an exculpatory nature and the improprieties within this case. Setting aside the Respondents recent false claims and mischaracterization of Appellant's arguments, the Respondents and Master-In-Equity took the sum of \$275 from Appellant, which was claimed to have went toward the payment of a stenographer. This is confirmed by the Master-In-Equity's Order, which reads as follows:

The Court finds as reasonable the appraised value of the .21 acres, \$1,050, and same shall be, within thirty (30) days of the filing of this Order, paid by the Plaintiffs to the Defendant via certified funds. The Plaintiffs, however, shall be given credit for the costs of the court reporter for the August 25, 2020 and October 27, 2020 hearings, or \$275. Therefore, the amount owed to Defendant by Plaintiffs is \$775.00. The Plaintiffs shall mail said \$775.00 by first class mail to the Defendant at the following address said certified funds: Irene Myers, 3150 Spencer Road, Rembert, SC 29128.

See page ~~60~~ paragraph one, of Master in Equity's Order, dated January 26, 2021; herein, **Exhibit 3**.

Both the Master-In-Equity and Respondent have failed to provide any receipt or information to Appellant as to the alleged stenographer and reasons for the deduction of \$275. In short, \$275 was taken from the Appellant, but neither the Master-In-Equity or the Respondents want to show who the money actually went to, nor how and why the amount of \$275 was derived? Ultimately, the claims by the Master-In-Equity in its Order would be belied by any accurate recording of the hearings.

Suppression of Respondents' Failed Claims

Again, at the outset of this case, the respondent's brought a claim of ordinary adverse possession. Apparently, unaware that South Carolina had a different criteria and standard of review for adverse possession relating to true boundary-line disputes between adjacent landowners, the Respondent's admitted in an affidavit and to the pretrial court that their encroachment was by mistake and that they were unaware of the actual boundaries until 2014 when a survey was done. Confer with attached affidavit of Mays, dated November 22, 2016 ; herein, **Exhibit 4**. Based upon the Respondents' admissions, the Honorable Justice Booth denied Respondent's request to amend their complaint to reflect the applicable theory of adverse possession as it applies to boundary disputes between two adjacent landowners. It is at this time that the Appellant had pending motions to dismiss the Respondents' suit with prejudice. In support of those motions the Appellant presented the Mays' affidavit and an affidavit from Mark C. Myers establishing that the Mays' claims that Mr. Myers showed them incorrect boundary-lines was false. The Respondents delayed the hearing of the motions; and unfortunately, the

Honorable Justice Booth passed away before the motions could be decided upon their merits. This is why the Respondents failed to serve the Appellant with two crucial court proceeding notices and why the Respondents and subsequent Master-In-Equity have suppressed the transcripts relating to this matter. Appellant has repeatedly asked the question: How were the Respondents and Master-In-Equity able to treat this matter as an ordinary adverse possession claim when this is a case involving two adjacent landowners and the Respondents admitted that they did not know where the actual boundary-lines were until a survey was conducted in 2014? See attached **Exhibit4**. Ultimately, the Respondents seek to have this matter dismissed and closed before a panel of three Appellate Court Justices can make a determination on whether the law of adverse possession as it applies to two adjoining landowners was improperly circumvented for the inapplicable standard of ordinary adverse possession. Again, confer with the Mays' affidavit; herein, attached **Exhibit 4**. Appellant argues that the Master-In-Equity and Respondents should not be allowed to suppress exculpatory evidence, information, and transcripts within their sole control. Nor should the directions of South Carolina's Court Administration be allowed to be blatantly disregarded by the Master-In-Equity and Respondents.

Wherefore, Appellant asks this Court for clarification, to direct the Master-In-Equity to fulfill its duty as outlined by South Carolina's Court Administration, direct the Respondents to furnish receipts and name of the alleged court stenographer for the \$275 deducted from Appellant, to grant an extension of time to obtain the transcripts, and any other relief the Court deems appropriate within this matter.

Irene Myers



Dated: November 10, 2021

Irene L. Myers
3150 Spencer Road
Rembert, South Carolina 29128

Exhibit 1



You may request a transcript by completing this form and emailing it to **South Carolina Court Administration at transcripts@sccourts.org** and to the Court Reporter. If you are requesting a transcript from court proceedings in Municipal, Magistrate, Master-In-Equity, or Probate court, you must contact that court directly.



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must get a court order to provide the transcript. You may request a transcript by completing this form and emailing it to South Carolina Court Administration at transcripts@sccourts.org and to the Court Reporter. If you are requesting a transcript from court proceedings in Municipal, Magistrate, Master-In-Equity, or Probate court, you must contact that court directly.

How do I obtain a transcript?

Anyone who is a party or an attorney interested in obtaining a transcript from a court proceeding in Circuit or Family Court must order the transcript in writing by contacting the court reporter assigned to record the proceedings. If the requestor is a non-party, the court reporter must get a court order to provide the transcript. You may request a transcript by completing this [form](#) and emailing it to South Carolina Court Administration at transcripts@sccourts.org and to the Court Reporter. If you are requesting a transcript from court proceedings in Municipal, Magistrate, Master-In-Equity, or Probate court, you must contact that court directly.

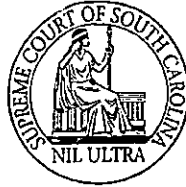
The following instructions explain how you can find the Court Reporter's email address and mailing address.

1. Hover over the calendar drop down menu on the far right of the top menu.
2. Click "Terms of Court" in the drop down menu.
3. Select the circuit/ county where the term was held.
4. At the top of the following page, you can select the month and year when the court was held.
5. Once the correct month and year is selected, click the "Go To Date" button.
6. After the page loads, you will see the terms separated into weeks for the month. Circuit court will be in the top section and Family court will be in the bottom section.
7. Find the day and the Judge who presided. You will see the court reporter's last name below the Judge's name.
 - Click on the court reporter's last name to open their information page.
8. Once the page has loaded, you will find the court reporter's full name, email address, and mailing address.

Once your request is received, court reporters should acknowledge your request in writing within five business days, advising you of the cost to obtain the transcript. Court reporters do not accept personal checks. You will be instructed to send a money order or certified bank check in order to obtain the transcript.

Pursuant to South Carolina Appellate Court Rule 607, court reporters have 60 days to prepare and deliver the transcript after satisfactory payment arrangements are made. If the court reporter is unable to complete the transcript in 60 days, he or she may request a 30-day extension. If this extension is granted, you will be notified by Court Administration. Court reporters may ask for up to three extensions from Court Administration. If court reporters are unable, due to heavy transcript loads, time in court, or other extenuating circumstances, to produce the transcript within that additional 90-day time frame, they may request an additional extension from the Chief Justice. If granted, you will be notified by Court Administration.

If after following this procedure, your request is not acknowledged, or the transcript has not been received, you may contact Court Administration, and we will be glad to assist you. If you are requesting a transcript from digital court proceedings, contact Tammie Holmes, Court Reporter Manager, via email: tholmes@sccourts.org, or at South Carolina Court Administration, 1220 Senate Street, Suite 200, Columbia, SC 29201.



South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

TONNYA K. KOHN
STATE COURT ADMINISTRATOR

KARAMA BAILEY
DEPUTY DIRECTOR

1220 SENATE STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1800
FAX: (803) 734-0269
EMAIL: kbailey@sccourts.org

April 2, 2021

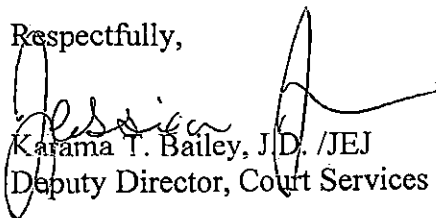
Ms. Irene Myers
3150 Spencer Road
Rembert, SC 29128

Dear Ms. Myers:

I am writing in response to your letter received by this office on March 18, 2021. In your letter, you are requesting a transcript. In your letter, you also stated that you reached out to a Master of Equity court reporter in regards to this request. If you are requesting a transcript from circuit and family courts, please respond with the name of the Judge, County and dates of hearing. If the case was held in any other court, you will need to contact that court directly to request a transcript.

Please do not hesitate to contact this office again, if you have questions regarding court reporters and/or to obtain transcripts from proceedings in circuit or family court in this state.

Respectfully,


Karama T. Bailey, J.D. /JEJ
Deputy Director, Court Services

Irene Myers
3150 Spencer Road
Rembert, SC 29128

Michael Jordan, Master in Equity
13 Canal Street
Sumter, SC 29150

October 29, 2021

Dear Master in Equity Jordan:

Re: Appellate Case No. 2021-000230
Lower Case #2015-CP-43-1981

I am writing your office once again to obtain the transcripts relating to the above case. Please confer with attached letter, dated July 28, 2021; herein, Exhibit 1. Please be advised that I am ordering the transcripts in the above case. I am willing to pay for the transcripts. Enclosed is a deposit, a money order for \$100.00, as an act of good faith. Please let me know what the total cost for the transcripts are so that I can make payment for the balance. Additionally, I will need the contact information for the Court Reporter(s) involved with the hearings in this matter.

Respectfully,



Irene L. Myers

cc: US Department of Justice
SC Court of Appeals
SC Governor
US Attorney General
SC attorney General
Court Administration
Clerk of Common Pleas
Patrick Killen



POSTAL MONEY ORDER

Serial Number

27639099281

Year, Month, Day
2021-10-29

Post Office
291500

U.S. Dollars and Cents

\$100.00

One Hundred Dollars and 00/100 *****

Amount

Pay to
Court Reporter

Clerk 05

Address From *Ernie Meyer*

Address *3150 Spencer Rd*

Memo *Case # 204-2023*

Randall SC

SEE REVERSE WARNING - NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS

⑆00000800 2⑆

2763909928 ⑆⑆

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM SUMTER COUNTY

MASTER IN EQUITY

Case No. 2015-CP-43-1981

Appellate Case No. 2021-000230

Edward Mays and Corrine Mays.....

Respondents,

Irene L. Myers.....

Appellant.


PROOF OF SERVICE

I affirm, under the penalty of perjury, I have served a letter upon the Master-In-Equity with a deposit in the form of a money order for \$100 in order to make payment arrangements and obtain the Court Reporter(s) contact information and relevant transcripts as directed by the South Carolina Court Administration, dated October 29, 2021, by depositing said letter and money order in the United States Mail, postage prepaid, under camera inspection, on October 29, 2021, addressed to Michael M. Jordan, Master-In-Equity, 13 East Canal Street, Sumter, South Carolina 29150; and Michael M. Jordan, Master-In-Equity, 10 Law Range, Sumter, South Carolina 29150.

Sworn to Before Me This 29th Day of
October 2021

By: 

Irene L. Myers
3150 Spencer Road
Rembert, South Carolina 29128
(803) 757-5155
rosesbyirene@hotmail.com


Sumter, South Carolina
Date: October 29, 2021

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM SUMTER COUNTY

MASTER IN EQUITY

Case No. 2015-CP-43-1981

Appellate Case No. 2021-000230

Edward Mays and Corrine Mays.....

Respondents,

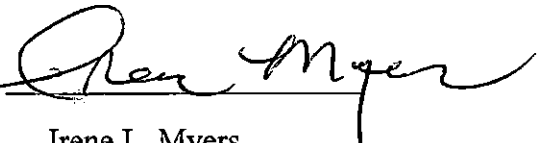
Irene L. Myers.....

Appellant.

PROOF OF SERVICE

I affirm, under the penalty of perjury, I have served a copy of my letter contacting the Master-In-Equity regarding payment arrangements and obtaining transcripts as directed by the South Carolina Court Administration, dated October 29, 2021, along with attached exhibits and a \$100 dollar money order as a deposit of good faith for transcripts in the above case to the Respondents via their counsel, Patrick M. Killen by depositing a copy of it in the United States Mail, postage prepaid, on October 29, 2021, addressed to Patrick M. Killen, 1 Law Range, Suite B, Sumter, South Carolina 29150.

Sworn to Before Me This 29th Day of
October 2021

By: 

Irene L. Myers
3150 Spencer Road
Rembert, South Carolina 29128
(803) 757-5155
rosesbyirene@hotmail.com



Sumter, South Carolina
Date: October 29, 2021

Exhibit ~~3~~

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT
2015-CP-43-1981

Edward Mays and Corrine Mays,
Plaintiffs,

**ORDER GRANTING PLAINTIFFS'
MOTION FOR RESTRAINING ORDER,
DENYING DEFENDANT'S POST-TRIAL
MOTIONS AND ESTABLISHING
SUSTAINING GROUNDS FOR THE
COURT'S DECISION ON THE MERITS**

vs.

Irene L. Myers,
Defendant.

MOTION FOR RESTRAINING ORDER

This matter came before me on Plaintiffs' Motion for Restraining Order filed on or about April 20, 2020 with the Sumter County Clerk of Court. A hearing in the matter was held on August 25, 2020 but was carried over to October 27, 2020, as the time allotted by the Court for August 25, 2020 expired. Present on both hearing dates were the Plaintiffs, their counsel, Patrick M. Killen of the Sumter County Bar, the Defendant, and the Defendant's son, Christopher Myers.

On the August 25, 2020 hearing date, the Plaintiffs testified at length into the reasons and grounds for the Motion for Restraining Order. The Plaintiffs testified to consistent adverse contact and harassment on the part of the Defendant and her son. On several occasions, Plaintiffs called law enforcement in response to what they described as harassing behavior by the Defendant and her son. They, the Plaintiffs, also testified regarding loud noises and smells coming and emanating from the adjacent property of the Defendant.

The Plaintiffs rested as to the Motion for Restraining Order upon the testimony of Co-Plaintiff Corine Mays. Thereafter, the Defendant testified at length in narrative form. It was after the Defendant testified at the August 25, 2020 hearing, that the court ran out

of time and indicated that the matter would be continued to the next available Master-In-Equity hearing date.

As stated *supra*, the continuation of the Motion for Restraining Order hearing was held on October 27, 2020 in Sumter. It was during that hearing that the Defendant presented her son, Christopher Myers, to provide direct testimony. During the testimony, Plaintiffs' counsel, Mr. Killen, made several objections, most of which were sustained by the Court. During Mr. Myers' direct testimony, mostly in response to the Court's sustaining of objections tendered by the Plaintiffs' counsel, the Defendant was argumentative and belligerent. The Court, in each case of inappropriate behavior on the part of the Defendant, instructed the Defendant on the reasons for calling her, the Defendant, down and/or instructed Defendant on proper direct examination. In response, the Defendant and/or her son became even more animated and belligerent. The Court, however, refrained from holding the Defendant or her son, Christopher Myers; in contempt.

After Christopher Myers' direct testimony, the Plaintiffs called Edward Mays in reply. Mr. Mays provided testimony in response to that of Ms. Myers and Christopher Myers. Ms. Myers, in response to the Plaintiffs' reply testimony, again seated Christopher Myers.

During Christopher Myers' reply testimony, the Defendant and he, Christopher Myers, again became belligerent in response to several of the Court's rulings on Plaintiffs' objections. Mr. Myers repeatedly acted out of order and the Court, in response, instructed Mr. Myers to leave the stand. At that point, Mr. Myers and Ms. Myers became extremely aggressive and made multiple inappropriate comments and ridiculed the Court. Suffice it to say, without citing each and every statement made by

the Myers, they, the comments, were inappropriate and warranted a finding of contempt by the Court. The Court, however, as stated *supra*, refrained, and simply ordered Ms. Myers and Mr. Myers to exit the courtroom and the courthouse. On their way out, the Myers' continued making inappropriate comments regarding the legitimacy of the Court and its rulings (the Court would note that a court reporter was present and transcribed, as best she could, the comments spoken and shouted out by Ms. Myers and her son.)

Based on the testimony presented by all parties on the two (2) hearing dates, I find that the Plaintiffs are entitled to a Restraining Order effective for twelve (12) months from the date of this Order. The Court further finds, based on testimony and the behavior exhibited by the Defendant and her son in the courtroom, that the Plaintiffs were victims of profanity and intimidation at the hands of Ms. Myers and her son. This ruling is made pursuant to the stalking and harassment statute found in Title 16 of the South Carolina Code of Laws. The Defendant, her friends, and family members are, therefore, restrained and enjoined from coming about, coming near, communicating with, directly or indirectly, harassing, speaking to, or shouting at, Plaintiffs. As stated *supra*, this Restraining Order is effective for twelve (12) months from the date affixed below.

SUSTAINING GROUNDS ON MERITS DECISION

As to the underlying case, the Court finds that, by balancing the equities, the value of the .21 acres subject to adverse possession (\$1,050.00 to be paid by the Plaintiffs to the Defendant) versus the cost of moving the Plaintiffs' mobile home and improvements, is a further, sustaining ground of granting the relief sought by the Plaintiffs.

The Court also finds as reasonable the appraisal value of the .21 acres, \$1,050.00, and same shall be, within thirty (30) days of the filing of this Order, paid by the Plaintiffs to the Defendant via certified funds. The Plaintiffs, however, shall be given credit for the costs of the court reporter for the August 25, 2020, and October 27, 2020 hearings, or \$275.00. Therefore, the amount owed to Defendant by Plaintiffs is \$775.00. The Plaintiffs shall mail said \$775.00 by first class mail to the Defendant at the following address said certified funds: Irene Myers, 3150 Spencer Road, Rembert, SC, 29128.

Further, the Court approves the plat of Lewis Tindal, dated April 13, 2020, which shall be recorded immediately. The Court reaffirms a ruling as set out in the Court's letter of March 26, 2020 and the proposed Order submitted by Plaintiffs' counsel (which will shortly be entered as the Court's Decree in this case) that the relief sought by the Plaintiffs is hereby granted.

DEFENDANT'S POST-TRIAL MOTIONS

Upon the issuance of my decision by letter on March 26, 2020 and the submission by Plaintiff's counsel of a Proposed Order (Plaintiff's counsel was instructed to prepare a Proposed Order consistent with my decision), the Defendant filed a packet which included, among other things, a "Motion to Determine Perjury and Fraud Upon the Court", a "Motion Pursuant to South Carolina Rules of Civil Procedure (SCRCP) (12)(b)(6)" and "Motion Pursuant to SCRCP Rule 56" (referred to collectively as "Post-Trial Motions). The Plaintiffs filed a Return to Defendant's Post-Trial Motions. In the Return, Plaintiffs pointed out that the Defendant had previously filed a motion pursuant to Rule 56 which was denied and the Rule (12)(b)(6) motion was untimely.

As to the "Motion to Determine Perjury and Fraud Upon the Court," the Court found no indication, upon a review of its notes and the procedural history of the matter,

that either the Plaintiffs, their attorney, Mr. Killen, or his staff, had committed fraud or perjury in any form, shape, or manner. Accordingly, the Defendant's Post-Trial Motions are all denied.

IT IS SO ORDERED!

Michael M. Jordan
Sumter County Master-In-Equity

Sumter, South Carolina
January____, 2021



Sumter Common Pleas

Case Caption: Edward Mays , plaintiff, et al VS Irene L Myers
Case Number: 2015CP4301981
Type: Master/Order/Other

And It Is So Ordered

S/ Michael M. Jordan - 3085

Exhibit 4

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

Edward Mays and Corine Mays,

Plaintiffs,

v.

Irene L. Meyers

Defendant.

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

C.A. NO.: 2015-CP-43-145

**AFFIDAVIT OF EDWARD MAYS
AND
CORINE MAYS**

We, Edward Mays and Corine Mays, on personal knowledge set forth below and affirmatively show as this is my sworn Affidavit as follows:

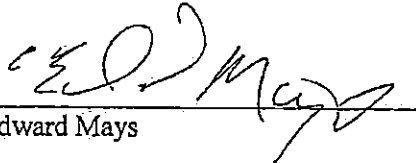
On or about May, 28, 1993 we purchased the property located at 3160 Spence Road in Sumter, South Carolina from Mark Meyers. Mr. Meyers is the brother of the Defendant. Defendant owns the property located at 3150 Spence Road in Sumter, South Carolina.

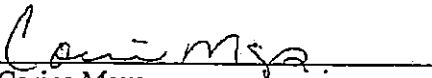
We added on to the property located at 3160 Spence Road in Sumter, South Carolina on in or about the year 2000. We built the new structure on the property based on the property lines told to us by Mark Meyers. It seems that we were given the incorrect property line causing the new addition to cross the property line onto Defendant's property for no more than 20 feet. This has existed since it was built in or about 2000. We have used this structure exclusively with no objection since it was built.

Also, there is a driveway on the edge of our property. We have used the driveway in question continuously since the year 2000. Any other possible driveway onto the property is wooded and inaccessible. We were aware that the driveway was not part of our property and belonged to the Defendant's property. The Defendant has made no objection to, and has been

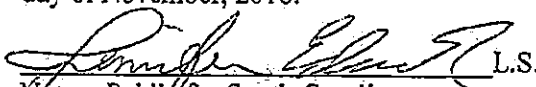
aware of, our usage of the easement the entire time we have owned the property. We continuously used the driveway as our own since the year 2000.

Beginning in 2009, we noticed that the county was posting signs on the Defendant's property located at 31^{cm}~~66~~^{SP ELM} Spence Road in Sumter, South Carolina signifying that a taxes were delinquent. On February 19, 2014 we purchased the property through the tax sale. The Defendant redeemed her property by paying the taxes on May 20, 2014.


Edward Mays


Corine Mays

SWORN to before me this 22nd
day of November, 2016.

 L.S.
Notary Public for South Carolina
My Commission Expires: 18 November 2020

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MASTER IN EQUITY

Case No. 2015-CP-43-1981

Appellate Case No. 2021-000230

Edward Mays and Corrine Mays.....

Respondents,

Irene L. Myers.....

Appellant.

PROOF OF SERVICE

I affirm, under the penalty of perjury, I have served a copy of my REPLY and RETURN, dated November 10th of 2021, in the above case to the Respondents via their counsel, Patrick M. Killen by depositing a copy of it in the United States Mail, postage prepaid, on November 10, 2021, addressed to Patrick M. Killen, 1 Law Range, Suite B, Sumter, South Carolina 29150.

Sworn to Before Me This 10th Day of
November 2021

ZH

By: *Irene L. Myers*

Irene L. Myers
3150 Spencer Road
Rembert, South Carolina 29128
(803) 757-5155
rosesbyirene@hotmail.com

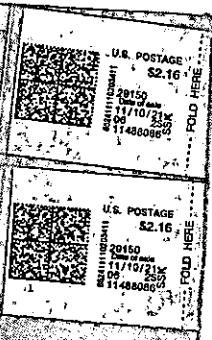
Zach Hornsby
Notary Public, State of South Carolina
My Commission Expires January 6, 2031



Sumter, South Carolina
Date: November 10, 2021

Irene L. Myers
3150 Spencer Road
Rembert, SC 29128

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South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

