

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

RECEIVED APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

MAR 24 2022

SC Court of Appeals
APPELLATE CASE NUMBER 2019-001516

The Honorable William P. Keesley
Dorchester County
Trial Court Case N. 2009CP1802200

Rene McMasters now known as Rene McMasters Ronaghan..... Respondent

vs.

H. Wayne Charpia a/k/a Howard W. Charpia and Jody E. Charpia..... Defendants

of whom H. Wayne Charpia a/k/a Howard W. Charpia is the Appellant

RESPONDENT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON
APPEAL

Respondent proposes the following to be included in the Record on Appeal:

- ✓ 1. Order of Judge William P. Keesley filed June 13, 2019, Administrative Order Of Dismissal Of Motion Re: Motion To Vacate Sale .
- ✓ 2. Order of Judge William P. Keesley filed July 25, 2019, Administrative Order Dismissing Rule To Show Cause.
- ✓ 3. Judge Edgar Warren Dickson's Order of Foreclosure and Sale filed November 27, 2012.
- ✓ 4. Unpublished opinion of the South Carolina Court of appeals filed October 5, 2016,

Unpublished opinion number 2016-UP-423

- ✓ 5. Order from the South Carolina Supreme Court dated February 8, 2017 which denied Appellants Petition for a Writ of Certiorari.
6. Amended Order of Judge William P. Keesley filed June 22, 2018, Amended Order On Motions To Vacate Sale And To Disburse Homestead Exemption Funds.
- ✓ 7. Form 4 Order of Judge William P. Keesley filed May 15, 2018, dismissing with prejudice, Jody B. Charpia's Motion To Assert Homestead Exemption.
- ✓ 8. Form 4 Order of Judge Keesley Dismissing Motion To Disburse Homestead Exemption filed January 23, 2010.
9. Filed copy of the Complaint.
10. A filed copy of Appellant's Motion To Vacate Sale filed November 16, 2017.
- ✓ 11. A filed copy of Appellant's Affidavit filed on November 16, 2017.
- ✓ 12. A filed copy of Appellant 's Motion To Vacate Sale filed on June 10, 2019.
- ✓ 13. A filed copy of Appellant's Motion To Disburse Homestead Exemption Funds filed on August 3, 2017.
- ✓ 14. A filed copy of Appellants Motion For Rule To Show Cause As To Petition The Court To Release Homestead Exemption filed July 25, 2019.
- ✓ 15. A filed copy of Appellant Jody Charpia's Motion to Assert Homestead Exemption filed July 3, 2017.
16. A filed copy of Appellant, Jody Charpia's Motion To Disburse Homestead Exemption filed Letter from Clerk Of Court Of the South Carolina Court of Appeals dated October 01, 2019 notifying the parties of the consolidation of the two appeals January 21, 2020.
17. Assignment of Bid filed August 1, 2017.
18. Letter from Clerk Of Court Of the South Carolina Court of Appeals dated October 01, 2019 notifying the parties of the consolidation of the two appeals of Appellant H. Wayne Charpia.
19. Letter from Clerk Of Court Of the South Carolina Court of Appeals dated April 16, 2020 notifying the parties of the consolidation of Appellant, Jody Charpia's appeal.

The South Carolina Court of Appeals

Rene McMasters, now known as Rene McMasters
Ronaghan, Respondent,

v.

H. Wayne Charpia a/k/a Howard W. Charpia and Jody E.
Charpia, Appellants.

Appellate Case No. 2019-001516

ORDER

After careful consideration, Respondent's motion to dismiss is denied. Respondent's motion to require Appellants to file and serve an amended record on appeal is granted. Within thirty days of the date of this order, Appellants shall serve and file an amended record on appeal which contains items 1-5, 7-8, and 11-15 designated in Respondent's amended designation of matters, filed on October 12, 2021. Failure to comply may result in dismissal of this appeal. Respondent shall file its final brief within thirty days of the filing of the amended record on appeal.


FOR THE COURT

Columbia, South Carolina

cc:
H. Wayne Charpia
Jody E. Charpia
Frank M. Cisa, Esquire

FILED
Mar 11 2022

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)
)
Rene McMasters, now)
Rene McMasters Ronaghan,)
)
Plaintiff,)
)
-vs-)
)
H. Wayne Charpia, et al.,)
)
Defendants.)

IN THE COURT OF COMMON PLEAS

Case Number 2009-CP-18-02200

ADMINISTRATIVE ORDER OF
DISMISSAL OF MOTION Re:
Motion to Vacate Sale

On June 10, 2019, Mr. H. Wayne Charpia submitted to the Clerk of Court a motion for a "Motion to Vacate Sale." On its face, the issues contained in the motion have been litigated and re-litigated to final judgment. The cases involving these matters were assigned to the undersigned judge by the Chief Justice of the Supreme Court of South Carolina, and the court has held extensive hearings and status conferences related to them. Mr. Charpia has a pattern of continuing to file seeking the same relief that was previously denied.

THEREFORE, IT IS ORDERED that the motion referenced above is administratively dismissed and the Clerk of Court is directed not to schedule a hearing on this motion.

AND IT IS SO ORDERED.

[Electronic signature follows on separate page.]



Dorchester Common Pleas

Case Caption: Rene McMasters VS H Wayne Charpia , defendant, et al

Case Number: 2009CP1802200

Type: Order/Dismissal

Circuit Judge (Code #2050)

s/ William P. Keesley

Electronically signed on 2019-06-13 13:37:45 page 2 of 2

~~Handwritten signature~~ |

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

Rene McMasters, now)
Rene McMasters Ronaghan,)
)
Plaintiff,)
)
-vs-)
)
H. Wayne Charpia, et al.,)
)
Defendants.)

IN THE COURT OF COMMON PLEAS

Case Number 2009-CP-18-02200

ADMINISTRATIVE ORDER
DISMISSING MOTION FOR
RULE TO SHOW CAUSE

The motion filed July 25, 2019 seeking a Rule to Show Cause is administratively dismissed. The court declines to issue a Rule to Show Cause.

By order of June 13, 2019, this court administratively dismissed a motion for a Rule to Show Cause submitted on June 10, 2019 by Mr. H. Wayne Charpia because he did not pay the filing fee. In addition, the order included language stating that, if the court were to consider the motion, the issues "have been litigated and re-litigated to final judgment." The prior order noted, that "[t]here is a pending appeal filed by the plaintiff. There is no basis for the court to issue a Rule to Show Cause." Today, the court was notified that Mr. Charpia paid the filing fee and resubmitted the motion. For the reasons stated above, the court declines to issue a Rule to Show Cause and dismisses this motion administratively, without a hearing.

AND IT IS SO ORDERED.

[Electronic signature follows on separate page.]



Dorchester Common Pleas

Case Caption: Rene Mcmasters VS H Wayne Charpia , defendant, et al

Case Number: 2009CP1802200

Type: Order/Dismissal

Circuit Judge (Code #2050)

s/ William P. Keesley

Electronically signed on 2019-07-25 15:13:41 page 2 of 2

#2

Present at the hearing was the Plaintiff, Rene McMaster Ronaghan and her attorney. The Defendant, H. Wayne Charpia a/k/a Howard W. Charpia and Jody E. Charpia appeared Pro Se. After careful consideration of the testimony and evidence presented I find and conclude as follows:

FINDINGS AND FACTS

1. The Summons, Complaint and Lis Pendens were filed in the Clerk of Court's office for Dorchester County on August 10, 2009.
2. The Defendant, H. Wayne Charpia, was served with the Civil Action Coversheet, Summons, Complaint and Lis Pendens on August 20, 2009, as shown by the Affidavit of Service from the Dorchester County's Sheriff's department filed herein on September 8, 2009. The Defendant, Jody E. Charpia, was served with the Civil Action Coversheet, Summons, Complaint and Lis Pendens on August 31, 2009, as shown by the Affidavit of Service from the Dorchester County's Sheriff's Office filed herein on September 8, 2009.
3. The Defendants timely filed their Answer on September 22, 2009.
4. The Defendants herein are not in the military service of the United States of America and, therefore, the Soldier's and Sailors Civil Relief Act of 1940, as amended, and Service Member Civil Relief Act of 2003 had no application in this matter.
5. The Administrative Order issued by the Honorable Jean H. Toal, Chief Justice of the Supreme Court of South Carolina, dated May 2, 2011, has no application to this action as it is not a mortgage foreclosure action but an action to foreclose a judgment lien.
6. On August 5, 2004, the Plaintiff secured and obtained a judgment against the Defendant, H. Wayne Charpia a/k/a Howard W. Charpia in the original sum of \$191,600.00.
7. The aforesaid judgment attaches to the following described property to wit:
ALL that piece, parcel or lot of land, together with the buildings and improvements

#3

[Signature]

on it, situated, lying and being in Dorchester County, South Carolina, Shown and designated as Lot 22-B, on a plat by Charleston Engineering, Co. dated April 21, 1958, entitled "Plat of Lot 22-B, Property of William A. Pouncey and Opal Pouncey, Dorchester County, S.C., Mario Louise Salisbury Subdivision," which is recorded in the office of the RMC for Dorchester County in Plat Cabinet A, slide 173. The Property has the location, dimensions, and butts and bounds shown on the plat. Lot 22-B being the southern half of Lot 22, which said Lot 22 is found on a plat made by Woodrow W. Leland, R.L.S. dated May 24, 1956, and recorded in the RMC Office for Dorchester County in Plat Book 11 at page 200.

SUBJECT to any covenants, conditions, restrictions, and easements now of record and to the lien of current year real property taxes.

TMS# 145-13-02-011.

8. The Defendants have made no payments to the Plaintiff towards satisfaction of the aforesaid judgment.
9. The aforesaid judgment bears interest at the rate of 12% per annum of and from August 5, 2004. Interest has accrued on the judgment in the amount of \$183,556.00 through July 30, 2012 and interest accrues thereafter at the per diem rate of \$62.99. The total amount of the outstanding judgment including principal and interest as of July 30, 2012 is \$375,156.00.
10. The Plaintiff's judgment is a first claim or lien upon the subject real property described in paragraph 7 above subject only to taxes and assessments.

CONCLUSIONS OF LAW

As of August 5, 2014
\$ 505,454.08

I, therefore conclude as follows:

1. That the Plaintiff should have judgment of foreclosure of her judgment lien attaching to the subject property described in the Complaint.
2. The Plaintiff is entitled to have the subject property sold at public auction after due advertisement.

It is, therefore

* 3

AUGUST 5, 2014
\$ 505,484.⁰⁰
↓

ORDERED, ADJUDGED AND DECREED as follows:

1. That there is due on the Judgment held by the Plaintiff the total sum of \$375,156.00 through July 30, 2012, together with interest thereafter at the per diem rate of 62.99.
2. That on default of payment at or before the time herein indicated, the subject property described in the Complaint ~~shall be sold by the Clerk of Court for Dorchester County, at public~~ auction, at the front entrance of the Dorchester County Courthouse, 5200 East Jim Bilton Blvd., St. George, SC on the following terms, that is to say:

The sale shall be for cash, and the highest bidder shall be required to make a cash deposit of five (5%) percent of the bid as earnest money and as evidence of good faith, provided, however, the Plaintiff shall be entitled to apply the debt or any portion of the debt due her against her bid in lieu of cash. Should the person making the highest bid at the sale fail to comply with the terms of its bid by depositing the said five (5%) percent cash, then the property shall be sold at the risk of such bidder on the same sales date or some subsequent date as the Clerk of Court may find convenient and advantageous. Should the last and highest bidder fail to comply with the terms of its bid within thirty (30) days of the final acceptance of this bid, then the Clerk of Court shall readvertise and resell the property on the same terms on a subsequent date at the risk of such bidder. Persons submitting additional bids after the initial sale shall deposit five (5%) percent of the bids in cash as prescribed above. The Clerk of Court shall return all deposits except the deposit securing the highest bid.
3. That the Clerk of Court, by advertisement according to law, shall give notice of the time and place of such sale, and the terms thereof; that the Clerk of Court shall convey to the purchaser, or purchasers, a deed to the property sold; and that the Plaintiff, or any other party to this action, may become a purchaser at such sale, and that if, upon such sale being made, the purchaser or purchasers, should fail to comply with the terms thereof, the Clerk of Court may advertise the said property for

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sale on the next, or some other subsequent sales day, at the risk of the former highest bidder, and so from time to time thereafter until a compliance shall be secured.

4. That the Clerk of Court shall apply the proceeds of the sale as follows:

FIRST: To payment of the amount of costs and expenses of this action, including the costs of advertising the Notice of Sale.

NEXT: To the payment to the Plaintiff or her attorney the amount of Plaintiff's total debt, as hereinabove set forth, or so much thereof as the purchase money will pay towards the same.

NEXT: Any surplus funds to be held subject to the further Order of this Court in accordance with the law and custom of this Court.

5. It is further ORDERED, ADJUDGED AND DECREED that upon the making of the sale of said property, as hereby ordered, and the execution and delivery to the purchaser of a deed to the premises, the said purchaser or purchasers be let into possession of the property on production of the deed; and the Sheriff of Dorchester County shall put the holder of the deed into possession of the property.

7. And it is further ORDERED, ADJUDGED AND DECREED that the parties hereto and all persons or entities whomsoever claiming under them, be forever barred and foreclosed of all right, title, interest, and equity of redemption in the below described mortgaged property so sold, or any part thereof, saving and excepting the statutory right of The United States of America.

ALL that piece, parcel or lot of land, together with the buildings and improvements on it, situated, lying and being in Dorchester County, South Carolina, Shown and designated as Lot 22-B, on a plat by Charleston Engineering, Co. dated April 21, 1958, entitled "Plat of Lot 22-B, Property of William A. Pouncey and Opal Pouncey, Dorchester County, S.C., Mario Louise Salisbury Subdivision," which is recorded in the office

#3



of the RMC for Dorchester County in Plat Cabinet A, slide 173. The Property has the location, dimensions, and butts and bounds shown on the plat. Lot 22-B being the southern half of Lot 22, which said Lot 22 is found on a plat made by Woodrow W. Leland, R.L.S. dated May 24, 1956, and recorded in the RMC Office for Dorchester County in Plat Book 11 at page 200.

SUBJECT to any covenants, conditions, restrictions, and easements now of record and to the lien of current year real property taxes.

TMS# 145-13-02-011

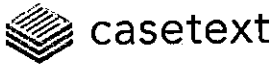
AND IT IS SO ORDERED!



Edgar Warren Dickson
Circuit Court Judge of First Judicial Circuit

Orangeburg, South Carolina
October 29, 2012.

#3



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Opinion Case details

From Casetext: Smarter Legal Research

McMasters v. Charpia

Court of Appeals of South Carolina

Oct 5, 2016

2016-UP-423 (S.C. Ct. App. Oct. 5, 2016)

Copy Citation

Download

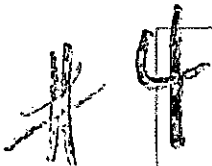
Treatment

2016-UP-423



Rene McMasters now known as Rene McMasters Ronaghan, Respondent, v. H. Wayne Charpia a/k/a Howard W. Charpia and Jody E. Charpia, Appellants. Appellate Case No. 2013-002311

Howard W. Charpia and Jody E. Charpia, of Summerville, pro se. Frank M. Cisa, of The Law Firm of Cisa & Dodds, LLP, of Mt. Pleasant, for Respondent.



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PER CURIAM

UNPUBLISHED OPINION

Submitted September 1, 2016

Appeal From Dorchester County Edgar W. Dickson, Circuit Court Judge

Howard W. Charpia and Jody E. Charpia, of Summerville, pro se.

Frank M. Cisa, of The Law Firm of Cisa & Dodds, LLP, of Mt. Pleasant, for Respondent.

PER CURIAM

Howard W. Charpia and Jody E. Charpia (the Charpias) appeal the denial of their motions to reconsider the granting of a foreclosure of a judgment lien and to vacate or void the compulsory order of reference. The Charpias argue (1) the judgment underlying the foreclosure is void because ten years has expired without execution of the judgment and (2) the circuit court lacked jurisdiction and violated the Due Process Clause because the Charpias were not properly notified of the hearings. We affirm.¹

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

1. We find the judgment underlying the foreclosure was not void because Rene McMasters Ronaghan sought to enforce it within the ten-year statutory period. See S.C. Code Ann. § 15-39-30 (2005) ("Executions may issue upon final judgments or decrees at any time within ten years from the date of the original entry thereof and shall have active energy during such period, without any renewal or renewals thereof . . ."); *Linda Mc Co., Inc. v. Shore*, 390 S.C. 543, 554, 703 S.E.2d 499, 505 (2010) ("[W]hen a party has complied with the applicable statutes . . . and is merely waiting on a court's order regarding execution and levy, the ten[-]year limitation found in section 15-39-30 is extended to when the court finally issues an order."); *id.* at 555, 703 S.E.2d at 505 ("[I]f a party takes action to enforce a judgment within the ten-year statutory period of active energy, the resulting order will be effective even if issued after the ten-year period has expired.").

2. We find the circuit court properly exercised jurisdiction. See *Milgroom v. McDaniel*, 308 S.C. 5, 8-9, 416 S.E.2d 626, 627-28 (1992) (finding the master-

inequity properly returned the matter to the circuit court because of a potential conflict and the circuit court "reached [its] own findings only after conducting an independent hearing and review of the record"). Additionally, the circuit court did not violate the Charpias' due process rights. Although the Charpias were not properly notified of the January 9, 2013 hearing, the circuit court had already held a July 30, 2012 hearing on the foreclosure action that the Charpias attended, and it issued a thorough order granting foreclosure. *See Murdock v. Murdock*, 338 S.C. 322, 334, 526 S.E.2d 241, 248 (Ct. App. 1999) ("It is a fundamental doctrine of the law that a party whose personal rights are to be affected by a personal judgment must have *a day in court, or opportunity to be heard*, and that without due notice and opportunity to be heard a court has no jurisdiction to adjudicate such personal rights." (emphasis added) (quoting *Webster v. Clanton*, 259 S.C. 387, 391, 192 S.E.2d 214, 216 (1972))). Further, the January 9, 2013 hearing consisted primarily of discussion about whether the Charpias received notice, and the circuit court's order did not indicate it considered anything presented at the hearing. Thus, we find the circuit court did not err in denying the Charpias' motion to reconsider. *See* Rule 59(f), SCRPC ("The motion [to alter or amend the judgment] may in the discretion of the court be determined on briefs filed by the parties without oral argument.").

AFFIRMED.

WILLIAMS, THOMAS, and GEATHERS, JJ., concur.

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The Supreme Court of South Carolina

Rene McMasters now known as Rene McMasters
Ronaghan, Respondent,

v.

✓ H. Wayne Charpia a/k/a Howard W. Charpia and Jody
Charpia,

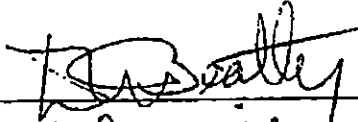
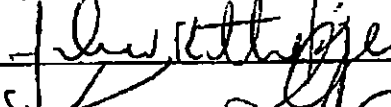

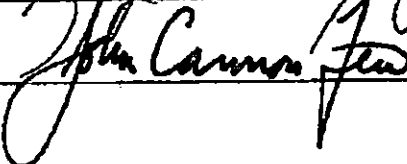
Of Whom Howard W. Charpia is Petitioner.

Appellate Case No. 2016-002522
Lower Court Case No. 2009-CP-18-02200

2017 FEB 10 AM 10:34
GENERAL CLERK OF COURT
HORCHESTER COUNTY

ORDER

This matter was dismissed because the petition for a writ of certiorari and appendix did not comply with Rule 242, SCACR. Petitioner moves to reinstate the matter and has filed a corrected petition and appendix. The motion to reinstate is granted and the amended petition and appendix are accepted as filed. The amended petition for a writ of certiorari is denied.


_____ C.J.

_____ J.

_____ J.

_____ J.

Columbia, South Carolina

February 8, 2017

5

cc:

Frank M. Cisa, Esquire

Howard W. Charpia

Jody E. Charpia

The Honorable Jenny Abbott Kitchings

The Honorable Cheryl L. Graham

A 5

FORM 4

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

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2009CP1802200

Rene Mcmasters	<input checked="" type="checkbox"/> H Wayne Charpia Jody E (indexed 8-20-09) Charpia	Howard W Charpia Maite D Murphy
----------------	--	------------------------------------

PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <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 4(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: _____

2009 MAY 15 AM 10:13
 CHERYL GRANATH
 CLERK OF COURT
 DORCHESTER COUNTY
 EN - RECORD

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:

Defendant Jody E. Charpia withdrew on the record, her Motion to Assert Homestead Exemption. *THE ORDER INFORMATION WITHDRAWAL IS WITH PREJUDICE.*

This order ends does not end the case.

Additional Information for the Clerk: _____

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)

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.

William P. Keesley
 William P. Keesley, Circuit Court Judge

2050
 Judge Code

4/27/2018
 Date

17

For Clerk of Court Office Use Only

This judgment was entered on 5/15/2018, and a copy mailed first class or placed in the appropriate attorney's box on 5/15/2018, to attorneys of record or to parties (when appearing pro se) as follows:

Frank M. Cisa 858 Lowcountry Blvd. Ste. 101 Mt. Pleasant,
SC 29464

H Wayne Charpia 717 Old Trolley Road, Ste. 6 #360
Summerville, SC 29485
Jody E Charpia 717 Old Trolley Road, Ste. 6 #360
Summerville, SC 29485
John G. Frampton 201 Johnston Street St. George, SC 29477
William Ernest McIntosh III PO Box 280 Summerville, SC
29484

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Cheryl Graham

Court Reporter

Cheryl Graham - Clerk of Court

Court Reporter; Brenda Sigwald

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Fileers or who are appearing pro se. See Rule 77(d), SCRPC.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

#7

Charpia, H Wayne	Notice/Notice	Filing	05/24/2012-11:53	11/27/2012-11:53	
Cisa, Frank M.	Notice of Case Publication Sent	Action	05/23/2012-10:36	11/27/2012-10:36	
Charpia, H Wayne	Notice of Case Publication Sent	Action	05/23/2012-10:36	11/27/2012-10:36	
Mcmasters, Rene	Order/Order of Recusal-Murphy	Order	04/11/2012-16:33	11/27/2012-16:33	
Mcmasters, Rene	Remittitur From Court Of Appeals	Filing	01/11/2012-15:26	11/27/2012-15:26	
Charpia, Howard W	Motion to set Aside Judgment	Motion	10/19/2011-13:13	10/19/2011-13:13	
Cisa, Frank M.	Notice of Case Publication Sent	Action	08/27/2010-12:32	11/27/2012-12:32	
Cisa, Frank M.	Notice of Case Publication Sent	Action	08/02/2010-15:44	11/27/2012-15:44	
Charpia, H Wayne	Notice of Case Publication Sent	Action	08/02/2010-15:44	11/27/2012-15:44	
Kelly, Bonnie	Letter/Letter from Ct. Reporter	Filing	06/08/2010-15:35	11/27/2012-15:35	
Kelly, Bonnie	Letter/Letter from Ct. Reporter	Filing	06/08/2010-15:34	11/27/2012-15:34	
Charpia, H Wayne	Letter/Letter to Wayne Charpia	Filing	06/03/2010-15:20	11/27/2012-15:20	
Charpia, H Wayne	Letter/Letter	Filing	06/03/2010-15:20	11/27/2012-15:20	
Mcmasters, Rene	Letter/Letter	Filing	05/19/2010-16:05	11/27/2012-16:05	
Mcmasters, Rene	Notice of Appeal	Filing	05/11/2010-16:37	11/27/2012-16:37	
Mcmasters, Rene	Notice/Notice of hearing	Filing	05/07/2010-09:51	11/27/2012-09:51	
Mcmasters, Rene	Motion Filing Fee Waived	Filing	04/30/2010-10:50	11/27/2012-10:50	
Mcmasters, Rene	Order/Referred to Master	Order	04/28/2010-10:50	11/27/2012-10:50	
Mcmasters, Rene	Motion/Refer to Master	Motion	04/28/2010-10:50	04/28/2010-10:50	
Mcmasters, Rene	Notice of Motion ot Quash Subpoenas	Motion	03/29/2010-15:04	04/28/2010-15:04	
Charpia, Howard W	Letter requesting Jury Trial	Filing	03/29/2010-08:53	11/27/2012-08:53	
Mcmasters, Rene	CP Motion Hearing	Event	03/23/2010-14:00	03/23/2010-12:01	
Mcmasters, Rene	CP Motion Hearing	Event	03/18/2010-10:00	03/23/2010-12:01	
Mcmasters, Rene	CP Motion Hearing	Event	01/21/2010-14:30	01/21/2010-12:01	
Mcmasters, Rene	CP Motion Hearing	Event	11/20/2009-14:00	11/24/2009-12:01	
Mcmasters, Rene	Notice of Motion for Compulsory order of Reference	Motion	09/24/2009-17:15	11/20/2009-17:15	
Charpia, H Wayne	Answer of Wayne & Jody Charpia	Filing	09/22/2009-17:21	11/27/2012-17:21	
Mcmasters, Rene	Affidavit Of Service on H Wayne Charpia	Filing	09/08/2009-13:11	11/27/2012-13:11	
Mcmasters, Rene	Affidavit Of Service on Jody E Charpia	Filing	09/08/2009-13:10	11/27/2012-13:10	
Mcmasters, Rene	Lis Pendens Filed	Filing	08/10/2009-15:41	11/27/2012-15:41	
Mcmasters, Rene	Summons & Complaint	Filing	08/10/2009-15:03	11/27/2012-15:03	

AD IS NO # 8 FILED 1-23 2010

STATE OF SOUTH CAROLINA)
)
 COUNTY OF DORCHESTER)
)
 RENE McMASTERS)
 Plaintiff,)
 vs.)
 HOWARD W. CHARPIA, ET AL)
 Defendants,)

COMMON PLEAS
 FIRST JUDICIAL CIRCUIT
 CASE # 2009-CP-18-2200

AFFIDAVIT

FILED-RECORDED
 2017 NOV 16 PM 12:36
 CHERYL GRAHAM
 CLERK OF COURT
 DORCHESTER COUNTY

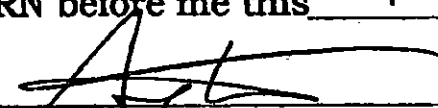
I, Howard W. Charpia, hereby certify and state the following:

1. I'm a resident of Dorchester County.
2. I am 21 years of age and older.
3. I attended a "foreclosure of a judgment lien" sale on July 5, 2017.
4. There are no "statutory" provisions to "foreclose on a judgment lien" in the state of South Carolina.
5. At the above-named sale, there were only two (2) bidders at this sale; Howard W. Charpia and Attorney Frank M. Cisa
6. At the above-named sale, Attorney Frank M. Cisa did stifle the competition by continuously raising his bid to \$ 374,000 .00.
7. Howard W. Charpia was the high bidder at \$ 375,000 .00, Attorney Cisa's volition is that the property is valued at \$ 374,000.00.
8. Attorney Cisa's was the high bidder at a "foreclosure of a judgment lien" sale on August 1, 2017; his bid was for \$ 59,100 .00.
9. That "execution" is the only process to enforce a judgment in the State of South Carolina, i.e. S.C. Code 15-39-20, et al.
10. A deficiency judgment was never waived in the Lis Pendens nor the Summons and Complaint, pursuant to 15-39-760, SC Code of Laws.
11. Pursuant to Rule 71, SCRCP; "unless the pleadings state that no personal or deficiency judgment is demanded or any right to such judgment is expressly waived in writing, the bidding shall not be closed upon the day of the sale but shall remain open until the 30th day after such sale exclusive of the day of the sale.
12. No "upset bid" sale was held pursuant to SC Code 15-39-720, et al.

#11

13. The sales officer , Cheryl Graham , did not advertise the sale , i.e. advertisement was submitted and paid for by Attorney Cisa , pursuant to SC Code 15-39-650 .
14. Said judgment was never entered , indexed nor recorded in the "book of abstracts" pursuant to Rule 78 (b) SCRPC , SC Code 15-35-510 , 15-35-520, 15-35-810 , et al .

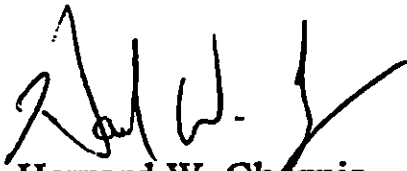
SWORN before me this 14 day of November , 2017



Notary Public For South Carolina

9/22/21

My Commission Expires


Howard W. Charpia
717 Old Trolley Road Suite 6 # 360
Summerville, SC 29485

11

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

RENE McMASTERS)
Plaintiff,)
vs.)
HOWARD W. CHARPIA and)
JODY E. CHARPIA)
Defendants,)

COURT OF COMMON PLEAS)
FIRST JUDICIAL CIRCUIT)
CASE # 2009-CP-18-2200)

MOTION TO VACATE SALE)

CLERK OF COURT
DORCHESTER COUNTY

2019 JUN 10 AM 8:49

FILED-RECORDED

TO THE ABOVE -NAMED PLAINTIFF AND THE COURT:

PLEASE take notice that the Defendants will , not sooner than 10 days from service hereof, or as soon thereafter move before this Court and Judge William Keesley for the purpose of conducting a hearing , making findings of fact and conclusions of law for an Order to Vacate the Sale of August 1, 2017 on said property at 1450 Jahnz Ave. Summerville , SC 29485.

This Motion is made pursuant to the SCRCP and the following :

- 1. There was no new "Notice of Sale" issued for the sale of August 1, 2017. (Westbury v. Dorchester County opinion # 2004-UP-100)**
- 2. The selling price from the sale of August 1, 2017 "shocks the conscience of the Court." (Bonney v. Granger , 300 S.C. 362 S.E. 2d Court of Appeals 1990)**
- 3. A fraudulent Affidavit was submitted to the Court and Dorchester County by the Plaintiff stating the "fair market value" is \$ 59,100.00 . (A person who willfully furnishes a false Affidavit is guilty of a misdemeanor . SC Code 12-24-70 (c))**

12

STATE OF SOUTH CAROLINA)

COUNTY OF DORCHESTER)

RENE McMASTERS
Plaintiff,

vs.)

HOWARD W. CHARPIA and
JODY E. CHARPIA
Defendants,)

FILED-RECORDED

2017 AUG -3) AM 8: 58

CLERK OF COURT
DORCHESTER COUNTY

COMMON PLEAS
FIRST JUDICIAL CIRCUIT
CASE # 2009-CP-18-2200

PETITION TO DISBURSE
HOMESTEAD EXEMPTION
FUNDS , 15-41-20

I, Howard W. Charpia , hereby Petition the Court and Judge Doyet Early to disburse said Homestead Exemption funds of \$ 59,100 .00 to Howard W. Charpia pursuant to S.C. Code 14-41-20 , et al and Judge Carmen Mullen's Order of March 30 , 2017 .

I, ~~Howard W. Charpia~~ certify that I do not need a personal hearing with the Court nor Judge Early for this disbursement.

S.C. Code 15-41-20 .

Any exempted amounts collected by the Sheriff or other officer pursuant to Section 15-41-30 must be deposited with the Clerk of court in the county where the amounts are collected . Any person requesting disbursement of these funds shall petition the Court of Common Pleas .

Howard W. Charpia prays that Judge Doyet Early grant his request for said Disbursement of \$ 59,100.00 without a personal or Court hearing . Clerk of Court Cheryl Graham has all the pertinent information on the above request .

Howard W. Charpia
Howard W. Charpia

13

8-3-17
HWC

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

RENE McMASTERS
Plaintiff,

vs.

HOWARD W. CHARPIA and

JODY E. CHARPIA
Defendants,

COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT
CASE # 2009-CP-18-2200

MOTION FOR A RULE TO SHOW CAUSE
AS TO PETITION THE COURT TO
RELEASE HOMESTEAD EXEMPTION

TO: FIRST JUDICIAL CIRCUIT / DORCHESTER COUNTY and TO WHOM IT
MAY CONCERN:

Defendants alleges as follows:

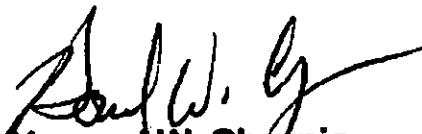
1. **Howard W. Charpia is entitled to a "Homestead Exemption" pursuant to SC Code 15-41-30 , et al. (\$59,100.00)**
2. **Jody E. Charpia is entitled to a "Homestead Exemption" pursuant to SC Code 15-41-30 (1) (a) , i.e. being a "multiple owner". (\$59,100.00)**
3. **Jody E. Charpia was conveyed a ½ interest in said property before any Lis Pendens was filed with Court.**
4. **Howard W. Charpia is entitled to a "Homestead Exemption" pursuant to Judge Carmen Mullen's Order signed on March 30, 2017.**
5. **Howard W. Charpia is entitled to a "Homestead Exemption" pursuant to SC Code 15-41-20.**

14

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WHEREFORE , the Defendants pray as follows :

- 1. For an Order from Judge William Keesley for the Defendants to be given notice and opportunity to be heard on the above issues and any issues that pertain to this motion.**


Howard W. Charpia
106 Axtell Drive
Summerville, SC 29485

cc: Attorney Frank M. Cisa
Attorney Demetri K. Koutrakos

14

STATE OF SOUTH CAROLINA

CLERK OF COURT

2017 JUL -3 AM 10:15

COUNTY OF DORCHESTER

CLERK OF COURT
DORCHESTER COUNTY

COMMON PLEAS
FIRST JUDICIAL CIRCUIT
CASE # 2009-CP-18-2200

RENE McMASTERS
Plaintiff,

Vs.

HOWARD W. CHARPIA and
JODY E. CHARPIA
Defendants,

MOTION TO ASSERT
HOMESTEAD EXEMPTION
15-41-30 (A)(1)

I, Jody E. Charpia, move before the Court and the Clerk of Court for
Dorchester County this Motion to Assert my Homestead Exemption, 15-41-30-(a)(1).
I am a multiple owner of said property to be sold on July 5, 2017 or at a later date.
TMS # 145-13-02-011.

Jody E. Charpia
Jody E. Charpia
1450 Jahnz Ave.
Summerville, SC 29485

cc: Attorney Frank M. Cisa
Judge Doyet Early
Cheryl Graham, Clerk of Court

A 15

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

MAR 24 2022

SC Court of Appeals

APPEAL FROM DORCHESTER COUNTY
COURT OF COMMON PLEAS
Judge William Keesley

Case # 2009-CP-18-2200

Howard W. Charpia and Jody E. Charpia.....Defendants
Whom :

Jody E. Charpia.....Appellant

vs.

Rene McMasters Ronaghan.....Respondent

PROOF OF SERVICE

I, Jody E. Charpia , hereby certify that I mailed the Respondents
Designation of Matter documents to :

Attorney Frank Cisa
858 Lowcountry Blvd. St. 101
Mt. Pleasant, SC 29464

SC Court of Appeals
1220 Senate Street
Columbia, SC 29201

Jody E. Charpia
Jody E. Charpia

3-23-2022
MAILED *CE*

Buzzy Charla
106 Astel Dr
Sommerville, SC 29485

 
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COLLEEN W. WILKIE, SC
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MAR 24 2022
SC Court of Appeals

Att:
2019 OOS/SLK
MAS STABBY

SC Court of Appeals
1220 SENATE STREET
COLUMBIA, SC
29201