

No. 22-6950

IN THE  
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.  
FILED

FEB 27 2023

OFFICE OF THE CLERK

Beatrice W. Newsome -PETITIONER

(Your Name)

vs.

Festiva et al. -RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE FOURTH DISTRICT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

(Your Name) Beatrice W. Newsome (Date) 2/28/2023

(Address) 612 First Street

(City, State, Zip Code) Darlington, South Carolina, 29532

(Phone Number) 843 393 7450

Beatrice W. Newsome

Earl L. Newsome

THE QUESTIONS FOR REVIEW

Why didn't any of the previous courts made no mention our deeded property?.

The main issue is that Ellington @Wachesaw East Plantation sold our property without our consent and failed to compensate us with a fair and reasonable amount that could have settled this issue long ago. What makes this resort think that they can collect from us over 21 years of maintenance fees, renovation fees assessment fees, exchange fees etc. and when they decide to sell our property for 9million plus

we would accept this small check in return. We bought this property as a nest egg to turn to when we got older. We agreed to buy this property because of the statement it would last us for the rest of our life with a clause of "survivorship" as long as we kept up with all the dues and fees that the resort would request. This never happened

If our case is denied for its worth it would jeopardize all future owners of properties with legally certified deeds. It would set a precedent that any time any large resort or organization with prestige and money could come and take anyones property at any time without legally purchasing it from its original owner without their knowledge and consent.

Beatrice W. Newsome

Earl L. Newsome (Cont'd QUESTIONS FOR REVIEW)

Equally important for review is the Homeowners currently having a clause that as long as their workers with the resorts work with them in another state although they live in a different state they are exempt from not living in the state that the owners live. All of my respondents live in North Carolina and we live in South Carolina, Therefore I failed to prove that they live across state lines while doing business with us.

I am devastated that these presidents and CEO have everything figured out on how to get over on our every day citizens who are working every day to make ends meet. We are left with nothing of value to look forward to that we worked hard to preserve.

Please look into these Homeowners Association dealings with the public. Please help us with our case..Thanking you in advance.

Earl L. Newsome & Beatrice W. Newsome

#### LIST OF PARTIES

**[All] parties appear in the caption of the case on the cover page**

**[All] parties do not appear in the Cation of the case on the cover page. A list of all parties to the proceeding in the court whose judgement is the subject of this petition is as follows:**

Festiva Resorts Real Estate Holdings llc; Scott Styron, Director of Resorts Operations; Jeremy Moser, General Manager of Ellington & Manager of Festiva; Ellington @ Wachesaw Plantation East Homeowners Association, Inc; Latour Hotels & Résorts, Inc.; Kevin Blocker, Senior Vice President of Operations

#### RELATED CASES

Unknown

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APPENDIX B      Decision of United States District Court of South Carolina 6/16/2022

APPENDIX C      Decision of United State, District of South Carolina Charleston

Division 5/25/2022

*Barbie W. Newsome*

TABLES OF AUTHORITES CITED

CASES	PAGE NUMBER
Plainants under the impression termination did not apply to them (Dkt. 11-1 at 2-3, 18.)	
Plantation East & collect plaintiffs' periodic maintenance & installments towards their vacation interval. (See, e.g. Dkt No. 11-1 at 2, 16,21-22, 24, 33-34.)	
Although not entirely clear, Latour appears to be a management company assist Festiva with the Ellington properties (See Dkt. 11-1 at 2.)	
Diversity Jurisdiction statue 28 U.S.C. & 1332(a) requirers plaintiff to demonstrate complete diversity of parties and an amount in controversy in excess of 75,000.	
See Owen Equip. & Erection Co. v. Kroger, 437 U.S. 365, 372-74 (1978)	
See Peamon v. Verizon Cable Corp., No. 1:21-cv-1023-DKC,2021WL 1751129,at *2(D. Md. May 4, 2021 (for purposes of diversity, a corporation is deemed to be a citizen of any state by which it has been incorporated. Last visited May 18, 2022) (confirming that the Homeowners Association was incorporated under the South Carlina.)	
Wright & Arthur Miller, Federal Practice & Procedure & 3702 at 33-34 (3rd ed.2004).	
See Burdick, 2003 WL 1937118, at *1 (M.D.N.C. Apr. 22, 2003). allowing the "complaint to speak for itself," and finding no diversity jurisdiction where "the complaint fixe[d] the amount in controversy at an amount below the jurisdictional minimum").	
(Dkt. No 11-1 at Dkt No. 1 at 5).	

Beatrice W. Newsome

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

[ ] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

*Where are  
Court of Appeals  
Petition*

- [ ] reported at \_\_\_\_\_; or,
- [ ] has been designated for publication but is not yet reported; or,
- [ ] is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

- [ ] reported at \_\_\_\_\_; or,
- [ ] has been designated for publication but is not yet reported; or,
- [ ] is unpublished.

[ ] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

- [ ] reported at \_\_\_\_\_; or,
- [ ] has been designated for publication but is not yet reported; or,
- [ ] is unpublished.

The opinion of the United States District Court of South Carolina 71 court appears at Appendix C to the petition and is

*Charleston Division*

- [ ] reported at \_\_\_\_\_; or,
- [ ] has been designated for publication but is not yet reported; or,
- [ ] is unpublished.

*Bertrice W. Newsome*

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## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 12/13/2022.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 12/13/2022, and a copy of the order denying rehearing appears at Appendix A.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was June 16, 2022. A copy of that decision appears at Appendix B.

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

Beatrice W. Newsome

STATEMENT OF THE CASE

All of our previous cases in review were DISMISSED WITHOUT PREJUDICE due to the matter of not being able to establish jurisdiction and the minimum amount requested was under 75,000.28 U.S.C. & 1331, & 28U.S.C. & 1332... Our 5th Amendment of the United States were violated because "Nor shall private property be taken for public use, without just compensation". From day one the persons in my case lived in North Carolina, transacted business with me over state lines, from New York to Missouri and constantly ending up in Ashville, North Carolina with me living in South Carolina. All of the respondents played a part in requesting maintenance dues, renovation fees and my receiving annual meeting notices..We signed our deed in South Carolina. Styron, Moser & Blocker requested me to make payments and I have receipts of paying our mortgage to a company in New York until it was paid off in 2010. Most of the maintenance fees were requested and paid to them in Ashville, North Carolina, which also showed addresses to pay in Missouri and a website for the Homeowners Association to pay. Styron, Moser and Blocker held positions during this time in Ashville, North Carolina, confirming they resided across state lines while transacting business in South Carolina. Breach Of Contract-Our deed clearly states that as long as we kept up all fees & abided by all resort rules, the property remain ours until death claus "survivorship".

Beatrice W. Newsome Cont'd (STATEMENT OF CASE)

Styron, Blocker & Moser broke this contract when they sold our property and our dues were up to date. We found this out when we called the office requesting our maintenance fees for 2022 and was told that our property had been sold.

Unfair Trade Practices- They sold our property that was not theirs to another company without our knowledge and consent. ((Dkt. No. 1 at 5-6, 8).

Civil Conspiracy - Styron, Moser & Blocker conspired together in selling my land that caused great harm to the well being on me and my husband. 42 U.S.C. &1981.

We are seeking compensation for the money we spent over the years as follows 18,233.73 maintenance fees and property value 17995.00 equalling 36,228.73. Since initiating this case I have encurred great expenses, pain, suffering, hurt, dissapointment and most recently an operation on 9/8/23. Due to all these extenuating circumstances I am now requesting an additional fee of 39,971.27 equalling a total amount of 76,190.00. The addresses of these respondents and the increase in our compensation will show that 28 U.S.C. & 1331 (a) and 28 U.S.C. & 1332 (a) exceeds 75,000.

Beatrice W. Newsome

Earl L. Newsome

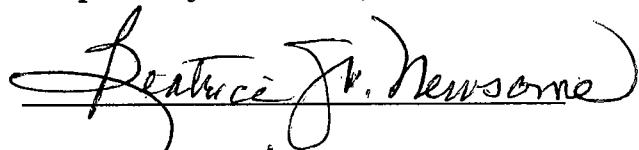
REASONS FOR THE WRIT

We have been treated very unfairly. We were falsely led to think that we would have this property forever leaving my children something to help them out in the future. I lost a lot of precious time and energy in my young years preparing to have wonderful Sun filled days on the beach with my loving husband. He always tried to give me most of the things I wanted this way I could return the goodness with making him feel better because he loves to be near the water and swim. I am really upset because I have gone to all the courts and they have denied me of what is legally mine nor do they want to compensate for all the money we have put into this property.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
Date: 2/28/23