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**Apr 13 2023**

**SC Court of Appeals**

**STATE OF SOUTH CAROLINA  
IN THE  
COURT OF APPEALS**

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Appeal from the Court of Common Pleas  
For Charleston County  
Honorable Mikell R. Scarborough, Master-In-Equity  
Civil Action No.: 2019-CP-26-05116  
***Appellate Case No.: 2023-000211***

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STANLEY WILLIAMS,

Appellant,

vs.

ALTON WILLIAMS,

Respondent.

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***MOTION TO DISMISS APPEAL***

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*Attorneys for the Respondent,  
Alton Williams*

**TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS:**

COMES NOW the Respondent, Alton Williams (“Alton”), pursuant to Rule 240, SCACR, and respectfully requests this Court of Appeals to issue an order dismissing the appeal filed by the Appellant, Stanley Williams (“Stanley”), in this matter.<sup>1</sup> The basis for this motion is that Alton failed to serve Stanley’s undersigned counsel of record with a copy of the *Notice of Appeal*, <sup>2</sup>within 30 days after receipt of written notice of entry of the appealed order.

**I. STATEMENT OF THE FACTS AND THE CASE**

Brothers Alton and Stanley “grew up in the . . . house located upon the one (1.0) acre [l]ot” (the “Williams’ Property”) located on Long Point Road in Mount Pleasant. . . and “[t]heir mother . . . lived in th[at] house until she died . . . .”<sup>3</sup> The house, designated as *933 Long Point Road* “was intermittently vacant and/or occupied . . . by members of [Alton’s and Stanley’s] extended family as needed, including [by Alton].”<sup>4</sup> In fact, after clearing the rear portion of the property, Alton and his family lived in a mobile home on the rear portion of the Williams’ Property from 1996, until they moved to Summerville in 2019.<sup>5</sup>

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<sup>1</sup> As this Court of Appeals is aware, Alton previously moved to dismiss this appeal which this Court of Appeals denied in an 11 April 2023 order. A rehearing request directed to the prior order is prohibited. See Rule 221(c), SCACR. In any case, this Motion to Dismiss contains additional information showing when Stanley likely actually received a copy of the order on appeal.

<sup>2</sup> See Rule 203(b)(1), SCACR.

<sup>3</sup> 11/02/2022 Master’s Order, p.2. See Master’s Order dated 1 November 2022, and filed in the Office of the Clerk of Court for the Charleston County Court of Common Pleas on 2 November 2022 (the “11/02/2022 Master’s Order”). A copy of the 11/02/2022 Master’s Order is attached hereto as hereto as **Exhibit “A”** and incorporated herein by reference as are all other subsequent attached exhibits.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* The authorities designated the mobile home as 935 Long Point Road. *Id.*

In June 2012, Alton acquired the Williams' Property from his aunt and, in 2013, he filed a civil action to clear the title to the land.<sup>6</sup> On 21 October 2014, Alton obtained a Master's Deed confirming his ownership of the Williams' Property, specifically including "the old stick-built house [situated] on the front portion of the [lot] near Long Point Road".<sup>7</sup> After Alton cleared the title to the Williams' Property, he allowed Stanley to stay there as needed and provided Stanley with an entry key.<sup>8</sup>

In March 2019, Alton advised Stanley he was considering razing the house to build a home for his sons on the same location.<sup>9</sup> Alton, however, offered Stanley the use of Alton's still-existing mobile home on the rear of the property.<sup>10</sup> Stanley was irate and threatened to kill Alton.<sup>11</sup>

Stanley brought this action on 4 October 2019, asserting claims for quiet title and adverse possession.<sup>12</sup> Alton denied the material allegations and counterclaimed for trespass. The matter was referred to the Honorable Mikell R. Scarborough, Master-In-Equity for Charleston County.<sup>13</sup> Judge Scarborough conducted a Bench Trial on 1

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**6** *Id.*

**7** *Id.* The 2014 Master's Deed was duly recorded with the Charleston County Register of Deeds on 10 November 2014. *Id.*

**8** *Id.*, at p.3. In 2016, when Alton discovered that the locks had been changed, he confronted Stanley and, upon explanation, Alton agreed to allow Stanley to retain all lock keys. *Id.*

**9** *Id.*

**10** *Id.*

**11** *Id.*

**12** After the heated confrontation with Stanley, Alton commenced an ejectment action in Magistrate's Court, but was advised Circuit Court was the proper forum as Stanley was challenging Alton's title to the Williams' Property. *Id.*, at pp.3-4.

**13** *Id.*, at p.1.

September 2022.<sup>14</sup> Stanley was represented by Shawn M. French, Jr. Esquire of the Charleston County Bar (“Attorney French”)<sup>15</sup> and Alton was represented by John J. Dodds, Esquire, also of the Charleston Bar (“Attorney Dodds”).<sup>16</sup>

By order dated 1 November 2022, and filed on 2 November 2022, Judge Scarborough denied all of Stanley’s claims and confirmed Alton’s title to the Williams’ Property.<sup>17</sup> Judge Scarborough also ordered Stanley to vacate the house, “together with any [of his] personal belongings . . . within thirty (30) days from the date of th[e] Order”.<sup>18</sup> The Charleston County Office of the Clerk of Court for the Court of Common Pleas filed a Certificated of Electronic Notification/Notice of Electronic Filing on 2 November 2022, at 08:43:48 a.m., advising that both Attorney French and Attorney Dodds were electronically served with copies of the 11/02/2002 Master’s Order.<sup>19</sup>

When Stanley refused to vacate the Williams’ Property as ordered, Alton filed a Petition for Rule to Show Cause on 12 December 2022.<sup>20</sup> Judge Scarborough issued a Rule to Show Cause on 15 December 2022, ordering Stanley to appear for a hearing on 12 January 2023, to show cause why he should not be held in contempt of court for

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**14** *Id.*

**15** See Letter from Stanley C. Williams to the South Carolina Court of Appeals filed on 16 March 2023 (the “Stanley 03/16/2023 Letter”). A copy of the Stanley 03/16/2023 Letter is attached hereto as **Exhibit “B”**.

**16** *Id.*

**17** *Id.*, at pp.1-8.

**18** *Id.*, at p.6

**19** NEF, pp.1-2. See Certificate of Electronic Notification/Notice of Electronic Filing dated 2 November 2022 (the “NEF”). A copy of the NEF is attached hereto as **Exhibit “C”**.

**20** RTSC Petition, pp.1-2. See Petition for Rule to Show Cause dated and filed 12 December 2022 (the “RTSC Petition”). A copy of the RTSC Petition is attached hereto as **Exhibit “D”**.

ignoring the order to vacate the William's Property.<sup>21</sup> The Charleston County Office of the Clerk of Court for the Court of Common Pleas filed another Certificated of Electronic Notification/Notice of Electronic Filing on 15 December 2022, advising that both Attorney French and Attorney Dodds were electronically served with copies of the RTSC.<sup>22</sup>

Judge Scarborough held the RTSC hearing on 12 January 2023, with Stanley appearing alone<sup>23</sup> and unilaterally determined that Stanley's "first notice" of the 11/02/2022 Master's Order "[w]ould be considered to be January 12, 2023" as Stanley asserted Attorney French had never given him a copy of the 11/02/2022 Master's Order.<sup>24</sup>

Stanley filed his Notice of Appeal herein on 12 February 2023.<sup>25</sup> Alton now moves to have the appeal dismissed as untimely since Attorney French remains counsel of record and needed to file the Notice of Appeal no later than 1 December 2022. Moreover, absent Attorney French being relived as counsel, Stanley cannot proceed *pro se*. Furthermore, Stanley's own filings show that he actually obtained a copy of Judge Scarborough's order much earlier than during the 12 January 2023 hearing on the RTSC petition.

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<sup>21</sup> RTSC, pp.1-3. See Rule to Show Cause dated and filed 15 December 2022 (the "RTSC"). A copy of the RTSC is attached hereto as **Exhibit "E"**.

<sup>22</sup> NEF II, pp.1-2. See Certificate of Electronic Notification/Notice of Electronic Filing dated 15 December 2022 (the "NEF II"). A copy of the NEF II is attached hereto as **Exhibit "F"**.

<sup>23</sup> 01/12/2023 Form 4 Order, p.1. See Form 4 Order Judgment In A Civil Case dated and filed 12 January 2023 (the "01/12/2023 Form 4 Order"). A copy of the 01/12/2023 Form 4 Order is attached hereto as **Exhibit "G"**.

<sup>24</sup> *Id.*

<sup>25</sup> NOA, pp.1-6. See Notice of Appeal dated 12 February 2023, and filed 13 February 2023 (the "NOA"). A copy of the NOA is attached hereto as **Exhibit "H"**. Stanley had earlier filed a *different* Notice of Appeal with the Clerk of Court for the Charleston County Court of Common Pleas on 9 February 2023. See Notice of Appeal dated 9 February 2023, and filed 10 February 2023 with the Charleston County Court of Common Pleas (the "NOA II"). A copy of the NOA II is attached hereto as **Exhibit "I"**.

## II. ARGUMENT AND CITATION OF AUTHORITY

In South Carolina, an “[a]ppeal may be taken, as provided by law, from any final judgment, appealable order or decision.”<sup>26</sup> Consequently, “[a] party intending to appeal must **serve and file** a notice of appeal and otherwise comply with these [South Carolina Appellate Court] Rules.”<sup>27</sup> Importantly, “[a] notice of appeal [from the Court of Common Pleas] shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment.”<sup>28</sup> “Whenever . . . service is required or permitted to be made upon a party represented by an attorney the service shall be made upon the attorney [by] [d]elivering a copy to him [or by] [d]epositing it in the U.S. Mail properly addressed to the person . . . with sufficient first class postage attached [or] [s]erving a copy on the person by [an approved] electronic means . . .”<sup>29</sup> Additionally, “[t]he [N]otice of [A]ppeal shall be filed with the clerk of the lower court and the clerk of the appellate court within ten (10) days after the [N]otice of [A]ppeal is served.”<sup>30</sup> Finally, the “[N]otice [of Appeal] filed with the appellate court shall be accompanied by . . . Proof of [S]ervice showing that the [N]otice [of Appeal] has been served on all respondents . . .”<sup>31</sup>

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<sup>26</sup> Rule 201(a), SCACR. Brunson v. Amer. Koyo Bearings, 367 S.C. 161, 165, 623 S.E.2d 870, 872 (Ct.App. 2005), *abrogated in part on other grounds by Bone v. U.S. Food Service*, 404 S.C. 67, 744 S.E.2d 552 (2013)) (*citing Hagood v. Sommerville*, 362 S.C. 191, 194–195, 607 S.E.2d 707, 708 (2005); S.C. Code Ann. § 14–3–330(1) (1976 and Supp.2004); Rule 72, SCRCivP; Rule 201(a), SCACR).

<sup>27</sup> Rule 203(a), SCACR. (Emphasis added).

<sup>28</sup> See Rule 203(b)(1), SCACR. See generally Wells Fargo Bank, N.A. v. Fallon Properties South Carolina, LLC, 422 S.C. 211, 810 S.E.2d 856 (2018), *affirmed on remand*, 2019 WL 581287 (S.C.App., filed 13 Feb. 2019) (*per curiam*).

<sup>29</sup> Rule 262(c)(1)-(3), SCACR.

<sup>30</sup> Rule 203(d)(1)(B), SCACR.

<sup>31</sup> Rule 203(d)(1)(B)(i), SCACR.

The overriding principal in an appeal from a lower court's decision is to provide timely notice of an appeal to the responding party/parties within the designated 30-day time period and an appellant's "failure to do so divests th[e] [appellate] court of subject matter jurisdiction and results in dismissal of the appeal." <sup>32</sup> Moreover, "[t]he requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice." <sup>33</sup>

Our appellate rules support and, in fact, emphasize the importance of timely serving the responding party with notice that the appellant has filed an appeal. While the appellate rules explicitly require the appellant to serve the Notice of Appeal within the 30-day time frame, <sup>34</sup> the rules also afford the appellant an *additional* ten (10) days in which to file the Notice of Appeal with both the applicable appellate court and the lower court from which the appeal has been taken. <sup>35</sup>

Stanley's legal counsel, Attorney French, <sup>36</sup> received written notice on 2 November 2022, that the 11/02/2022 Master's Order had been filed with the Charleston County Court

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<sup>32</sup> USAA Prop. & Cas. Ins. Co. v. Clegg, 377 S.C. 643, 651, 661 S.E.2d 791, 795 (2008) (*quoting Canal Ins. Co. v. Caldwell*, 338 S.C. 1, 4, 524 S.E.2d 416, 418 (Ct.App. 1999)).

<sup>33</sup> USAA Prop. & Cas. Ins. Co. v. Clegg, 377 S.C. 643, 651, 661 S.E.2d 791, 795 (*quoting Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14–15, 602 S.E.2d 772, 775 (2004)). *See also Mason v. Mason*, 412 S.C. 28, 59, 770 S.E.2d 405, 421 (2015) (*citing Conner v. City of Forest Acres*, 348 S.C. 454, 461, 560 S.E.2d 606, 609 (2002)). *See also State v. Devore*, 416 S.C. 115,, 119, 784 S.E.2d 690, 692 (Ct.App. 2016).

<sup>34</sup> Rule 203(b)(1), SCACR.

<sup>35</sup> Rule 203(d)(1)(B), SCACR.

<sup>36</sup> As of the date of this motion Attorney French has yet to seek to be relieved as Stanley's counsel – either in the Circuit Court or in this Court of Appeals. *See* Rule 264, SCACR; Rule 407, SCACR (Rules 1.16(b)-(c), RPC).

of Common Pleas.<sup>37</sup> The NEF notified Attorney French that the 11/02/2022 Master's Order had been filed.<sup>38</sup> Stanley, apparently appearing *pro se*, submitted his NOA to this Court of Appeals on 12 January 2023,<sup>39</sup> albeit well beyond the mandatory 30-day time limit.<sup>40</sup> Stanley has re-filed his "Notice of Appeal" on 16 March 2023.<sup>41</sup>

In his latest filing, Stanley conceded that he actually received a copy of Judge Scarborough's order well before the 12 January 2023, hearing on Alton's RTSC. When Stanley filed NOA III on 16 March 2023, he also attached the Stanley 03/16/2023 Letter in which he admitted that he first found out about Judge Scarborough's Order "when the sheriff's office served [him] a notice of eviction."<sup>42</sup> What Stanley mistakenly characterized as an "eviction notice" was actually the Tuesday, 20 December 2022, personal service upon him of the RTSC Petition and the RTSC.<sup>43</sup> Both the RTSC Petition and the RTSC specifically referred to Judge Scarborough's order and the specific date - 2 November 2022 - when the order was issued.<sup>44</sup> Stanley further stated to this Court of Appeals that

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<sup>37</sup> NEF, pp.1-2.

<sup>38</sup> *Id.*

<sup>39</sup> NOA, pp.1-6.

<sup>40</sup> See Rule 203(b)(1), SCACR.

<sup>41</sup> See Notice of Appeal dated 9 February 2023, and re-filed 16 March 2023 (the "NOA III"). A copy of the NOA III is attached hereto as **Exhibit "J"**.

<sup>42</sup> Stanley 03/16/2023 Letter, p.1, para. 2.

<sup>43</sup> See Affidavit of Service on Stanley Williams dated 21 December 2022 (the "Stanley Service Affidavit"). A copy of the Stanley Service Affidavit is attached hereto as **Exhibit "K"**. An application for ejectment (i.e.; eviction) is generally processed through the local Magistrate's Office. In fact, Alton initially sought relief from the local Magistrate, but was advised that the Circuit Court was the proper forum since Stanley was challenging Alton's very title to the Williams Property. See 11/02/2022 Master's Order, pp.3-4. There are no records showing that Stanley was served with an "eviction notice." Stanley has not submitted any such documentation.

<sup>44</sup> See RTSC, p.1; RTSC Petition, paras. 1-2,

“[o]n that occasion, [he] **went to the clerk of court’s office in Charleston County and received a copy of the order.**”<sup>45</sup> Consequently, absent definitive proof otherwise, Stanley would obtained a copy of Judge Scarborough’s order in December, well before the 12 January 2023 RTSC hearing.<sup>46</sup> Even if Stanley obtained a copy of Judge Scarborough’s order as late as 30 December 2022, he still filed his NOA beyond time since his first NOA was filed on 12 February 2023.

Our appellate rules required Stanley to serve Alton with the NOA within 30 days after Stanley had first received written notice of the order under appeal.<sup>47</sup> It is clear from Stanley’s own admissions that he obtained a copy of Judge Scarborough’s order no later than 30 December 2022 (most likely earlier). Moreover, Stanley’s lawyer – Attorney French - first received written notice of the *11/02/2022 Master’s Order* on 2 November 2022, when the *11/02/2022 Master’s Order* was filed with the Circuit Court and Clerk of Court’s Office sent out the NEF advising all counsel of record of that particular court filing.<sup>48</sup>

Regardless of whether Stanley himself obtained a copy of Judge Scarborough’s order sometime in late December 2022, or the order was deemed sent to and received by Attorney French on 2 November 2022, it is absolutely undisputed that the **first notice** Stanley ever provided to Alton showing that Stanley had appealed the 11/02/2022

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<sup>45</sup> Stanley 03/16/2023 Letter, para. 2 (Emphasis added)

<sup>46</sup> Stanley was served at 10:49 a.m. on Tuesday, 20 December 2022. The Charleston County Clerk of Court’s Office was open on 21 and 22 December 2022 (Wednesday and Thursday) and then closed on 23, 26-27 December 2022, for the Christmas holidays (Friday, Monday and Tuesday). The clerk’s office was then open for the remainder of the last week in December 2022.

<sup>47</sup> Rule 203(b)(1), SCACR. See Wells Fargo Bank, N.A. v. Fallon Properties South Carolina, LLC, 422 S.C. 211, 215-216, 810 S.E.2d 856, 858.

<sup>48</sup> NEF, pp.1-2.

Master's Order was on **10 February 2023**, when Attorney Dodds was reportedly served with NOA and NOA II.<sup>49</sup> Stanley, whether in his improper *pro se* status, or by and through Attorney French, as Stanley's still-as-yet counsel of record,<sup>50</sup> admittedly received a copy of Judge Scarborough's order no later than 30 December 2022, and, in turn, did not serve Alton (through Attorney Dodds) with a copy of the NOA or NOA II or NOA II timely as required by the appellate rules.

Our courts do not recognize nor permit a “ ‘right to ‘hybrid representation’ that is partially *pro se* and partially by counsel . . . .’ ”<sup>51</sup> The only person who could have properly filed either the NOA or the NOA II was Attorney French, and he did not do so. In fact, it is likely that neither the Charleston County Court of Common Pleas nor this Court of Appeals should have entertained receipt of the NOA or the NOA II. Under South Carolina law, “substantive documents, with the exception of motions to relieve counsel, filed *pro se* by a person represented by counsel **are not to be accepted unless submitted by counsel.**”<sup>52</sup> Even taking Stanley's filing of the NOA and the NOA II as somehow proper, he still missed the filing deadline to appeal Judge Scarborough's order.<sup>53</sup>

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<sup>49</sup> NOA, pp.1-2; NOA II, pp.1-2.

<sup>50</sup> Attorney French was and still remains Stanley's counsel of record. Attorney French has not moved to be relieved as counsel nor has Stanley filed any motion to have Attorney French removed. See generally Rule 264(b), SCACR. Our appellate court rules specifically provide that “[t]he attorneys . . . of the respective parties in the court below shall be deemed the attorneys . . . of the same parties in the appellate court until withdrawal is approved and notice is given as provided [here]in . . . .” Rule 264(a), SCACR.

<sup>51</sup> See State v. Devore, 416 S.C. 115, 121, 784 S.E.2d 690, 693 (Ct.App. 2016) (quoting Miller v. State, 388 S.C. 347, 347, 697 S.E.2d 527, 527 (2010) (memorandum)).

<sup>52</sup> *Id.* (Emphasis added).

<sup>53</sup> IN light of Stanley's own admissions, Judge Scarborough was incorrect to unilaterally conclude that the date of service of the 11/02/2022 Master's Order on Stanley was deemed to be 12 January 2023. Stanley already had a copy of the order by that date.

In this case, Stanley undisputedly served his *pro se* NOA and NOA II on both 10 February 2023, and 12 February 2023, respectively,<sup>54</sup> beyond the 30-day appeal time after he personally received the 11/02/2022 Master's Order not later than 30 December 2022. Nevertheless, since Stanley's *pro se* NOA and NOA II can only reasonably be considered to be "substantive documents filed while [Stanley] was represented by counsel, such that his representation [at present] is partially *pro se* and partially by counsel, [both the NOA and the NOA II] would be improper and could not be accepted. Rather, [both the NOA and the NOA II] would be [and, indeed, must be] considered a nullity."<sup>55</sup> Again, even if his filing were considered proper, Stanley still missed the deadline by his own admission.

In USAA Propp. & Cas. Ins. Co. v. Clegg, the South Carolina Supreme Court stated that " [t]he requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice." <sup>56</sup> In South Carolina State Highway Department v. Spann, the Supreme Court recognized and acknowledged that

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<sup>54</sup> NOA, pp.1-6; NOA II, pp.1-6.

<sup>55</sup> State v. Devore, 416 S.C. 115, 120, 784 S.E.2d 690, 692. *See also* State v. Stuckey, 333 S.C. 56, 508 S.E.2d 564 (1998); Foster v. State, 298 S.C. 306, 306, 379 S.E.2d 907, 907 (1989).

<sup>56</sup> USAA Propp. & Cas. Ins. Co. v. Clegg, 377 S.C. 643, 651, 661 S.E.2d 791, 795 (2008) (*quoting* Elam v. South Carolina Department of Transportation, 361 S.C. 9, 14–15, 602 S.E.2d 772, 775 (2004)). *See also generally* Wells Fargo Bank, N.A. v. Fallon Properties South Carolina, LLC, 422 S.C. 211, 220–221, 810 S.E.2d 856, 861(2018) (Keesley, A.J., *concurring in part and dissenting in part*); Lake Marion Regional Water Agency v. Goodwin, 2013 WL 8482382, at \*1 (S.C.App., filed 27 Feb. 2013) (*quoting* Camp v. Camp, 386 S.C. 571, 574, 689 S.E.2d 634, 636 (2010) (stating courts have "no authority to extend or expand the time" for serving a notice of appeal)) (*per curiam*).

[A] trial court has no inherent power to extend the time for taking an appeal or error proceeding, either directly or indirectly. Thus, where an appeal has not been taken within the required time, the court has no power indirectly to extend the time for appealing by vacating, for such purpose, the judgment, order, or decree, and entering it as of a later date, by a repetition or renewal of an order or judgment, a *nunc pro tunc* order, an amendment of judgment, notice of appeal, or assignment of errors, a resettle order, a writ of error, or a motion for reargument. Nor can the period be shortened by any rule or practice of court.’<sup>57</sup>

The Supreme Court also recognized that “ [i]t appears to be a well settled rule that a trial court may not permit, in any indirect manner, an extension of time for taking an appeal, particularly after the time for taking it has already elapsed, so as to evade an express statutory requirement that the appeal must be taken within a certain time.’ ”<sup>58</sup>

Consequently, Judge Scarborough’s decision that Stanley’s first notice of the 11/02/2022 Master’s Order was deemed to be 12 January 2023, was improper and without effect. Stanley was then and still remains represented by Attorney French. The Master-In-Equity had no authority to unilaterally extend the time for appeal for one day, much less the 70+ days done herein. Appellate jurisdiction cannot be extended

Stanley, whether acting incorrectly and improperly as a pro se appellant or as still represented by Attorney French,<sup>59</sup> did not serve Alton with either the NOA or the NOA II

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<sup>57</sup> South Carolina State Highway Department v. Spann, 239 S.C. 437, 443, 123 S.E.2d 648, 651 (1962) (quoting 3 Am.Jur., Appeal & Error, §. 418, p.141 (West 1959)).

<sup>58</sup> *Id.* (quoting, Anno., Power Of Trial Court Indirectly To Extend Time For Appeal, 89 A.L.R.941 (1934)). See also 149 A.L.R. 740 (1944).

<sup>59</sup> See Motley v. Williams, 374 S.C. 107, 112, 647 S.E.2d 244, 247 (Ct.App. 2007) (quoting Shelton v. Bressant, 312 S.C. 183, 184, 439 S.E.2d 833, 834 (1993) (quoting Arnold v. Yarborough, 281 S.C. 570, 572, 316 S.E.2d 416, 417 (Ct.App. 1984))) (“Acts of an attorney are directly attributable to and binding upon the client . . . .”). If Attorney French did not provide a copy of the 11/02/2022 Master’s Order to Stanley, that is a matter to be addressed directly between Stanley and his attorney. It is not, however, a consideration of this Court of Appeals and any justification to resurrect an untimely appeal.

within the applicable 30-day time limit after receiving a copy of the 11/02/2022 Master's Order on 2 December 2022. This failure is a fatal flaw and eliminates this Court of Appeals' appellate jurisdiction. Furthermore, this Court of Appeals is not permitted to "rescue" Stanley from this mistake and resurrect a non-existent appeal. This appeal must be dismissed.

### III. CONCLUSION

Based upon the foregoing arguments and citation of authority the Respondent, Alton Williams, respectfully requests this Court of Appeals to dismiss the appeal of the Appellant, Stanley Williams, since Stanley failed to timely serve Alton with a copy of the Notice of Appeal as required by the South Carolina Appellate Court Rules.

Respectfully submitted:

Signed: **Stephen P. Groves., Sr.**

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Charleston, South Carolina

13 April 2023

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STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )  
  
STANLEY WILLIAMS, )  
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Plaintiff, )  
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vs. )  
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ALTON WILLIAMS, )  
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Defendant. )

IN THE COURT OF COMMON PLEAS  
OF THE NINTH JUDICIAL CIRCUIT  
CASE NO.: 2019-CP-10-5116

**RECEIVED**  
**Feb 13 2023**  
SC Court of Appeals

**MASTER'S ORDER**

This matter came to be heard by me on September 1, 2022 at Charleston, South Carolina pursuant to a Consent Order of Reference filed herein on October 25, 2021, which Order authorized this Court to render a Final Decree. Present at the Hearing were the Plaintiff, Stanley Williams, along with his attorney, Shawn M. French, Sr, of the Charleston County Bar and one (1) witness, Donna Newton, both parties' sister. Also present was the Defendant, Alton Williams, along with his attorney, John J. Dodds, III, Esquire, of the Charleston County Bar.

Plaintiff seeks a judicial declaration that he is the lawful owner of a portion of an approximate one (1.0) acre Lot located on Long Point Road, Mount Pleasant, Charleston County, SC. Plaintiff also seeks title to an old stick-built house located on the Lot, which is titled in the name of his brother, the Defendant, Alton Williams, on the grounds of adverse possession. Defendant timely filed an Answer and Counterclaim denying the material allegations of the Complaint, asserting various affirmative defenses and asserting by way of Counterclaim that Plaintiff is trespassing and should be ordered by this Court to vacate the Lot immediately.

After careful consideration of the testimony and evidence presented, I find and conclude as follows:

**FINDINGS OF FACT**

**ONE:** Plaintiff is the older brother of the Defendant. The parties grew up in the stick-built house located upon the one (1.0) acre Lot. Their Mother, Lydia Williams, lived in this house until her death in September, 1999. After their Mother's death, the house was intermittently vacant and/or occupied from time to time by members of the parties' extended family as needed, including Plaintiff. Defendant acquired the (1.0) acre Lot located on Long Point Road, Mount Pleasant, Charleston County, SC, together with the old stick-built house located at the front portion of the Lot near Long Point Road ("Subject Property"), from his aunt, Loretta Brown, in June, 2012. In 2013, Defendant initiated a civil action in the Court of Common Pleas for Charleston County, Case No. 2013-CP10-4058, to clear title to the Subject Property due to the deaths of certain predecessors-in-title and the absence of any probate of such deceased persons. Plaintiff was not named as a Defendant in the action, however, he was aware of the action and was present in the Courtroom at the time of the Final Hearing before this Court. A Master's Deed was issued to the Defendant on October 21, 2014 confirming title to the Subject Property in the name of Defendant. The Master's Deed was recorded in the Charleston County ROD on November 10, 2014, in Book 0440, at Page 008;

**TWO:** In 1996, Defendant cleared the rear portion of the Subject Property and moved a mobile home onto the property where Defendant, his wife and three (3) sons lived as their primary residence until 2019, when they relocated to Summerville, SC. The area where Defendant's mobile home was located was assigned an address of 935 Long Point Road, Mount Pleasant, SC, while the old stick-built house was assigned an address of 933 Long Point Road, Mount Pleasant, SC;

THREE: After acquiring the Subject Property in 2012, Defendant offered to allow Plaintiff to stay in the stick-built house located upon the Subject Property and provided Plaintiff a key to the house. Over the next few years Plaintiff mostly stayed at the house located upon the Subject Property although Plaintiff would go back and forth to his girlfriends' homes where he would stay for a few weeks at a time and was also intermittently incarcerated on driving related offenses. In Plaintiff's absence from the home, Defendant would use his key to gain entry to the home to make sure everything was in order. Although Plaintiff occasionally gave Defendant money for a portion of the real property taxes for the Subject Property, Defendant has primarily paid the real property taxes on the Subject Property since 2012. Plaintiff purchased a single-family residence in Camden County, Georgia in 2019 and occasionally stays in this home;

FOUR: In 2016, Defendant sought entry into the house located upon the Subject Property and discovered that Plaintiff had changed the locks. When Defendant inquired of Plaintiff as to why he had changed the locks, Plaintiff advised Defendant that his girlfriend was occasionally staying at the home and Plaintiff didn't want Defendant accidentally walking in on them or her in the event she was not properly clothed. Defendant accepted Plaintiff's explanation and did not insist on having a key to the house;

FIVE: On or about March, 2019, Defendant advised Plaintiff that he was contemplating razing the house where Plaintiff was staying to build a home for Defendant's sons to live and offered Plaintiff the opportunity to stay in Defendant's mobile home located at the rear portion of the Subject Property. Plaintiff angrily objected and stated to Defendant that "I'll kill you". Defendant promptly initiated an ejectment action in the local Magistrate's Court to have Plaintiff ejected from the stick-built house, however, Plaintiff retained an attorney and Defendant was

advised by the Magistrate that the matter needed to be heard in Circuit Court due to Plaintiff's challenge to defendant's title to the Property. Plaintiff initiated this action soon after the ejectment action was dismissed by the Magistrate.

### CONCLUSIONS OF LAW

ONE: This Court has jurisdiction over the subject matter of this action and the parties hereto and venue is proper in Charleston County, SC;

TWO: To constitute adverse possession, which results in obtaining title to the disputed property, the possession must be continuous, hostile, open, actual, notorious, and exclusive for the requisite period. Getsinger v. Midlands Orthopaedic Profit Sharing Plan, 489 S.E.2d 223 (Ct. App. 1997). Possession is presumed to follow title and the burden is on the party alleging adverse possession to prove all facts necessary to establish that allegation. Stokes v. Murray, 87 S.E. 71 (1915). The claimant's possession must be hostile to not only the true owner, but also to the rest of the world so as to indicate his exclusive ownership of the property. Getsinger, supra at Page 226. Occasional and temporary use or occupation does not constitute adverse possession. Weston v. Morgan, 160 S.E. 436 (1931). Moreover, the mere possession of land does not, in and of itself, show hostility to the owner. Knight v. Hilton, 79 S.E.2d 871 (1954). In determining what amounts to hostility within the rule requiring adverse possession to be hostile from its inception, the relation which the party claiming adverse possession occupies with reference to the owner is determinative, as generally law presumes that exclusive possession of land by one who is a stranger to the holder of the legal title is adverse, but family or other relationship may be such as not to create such presumption. Knight, supra at Page 456. One claiming title to land

by adverse possession has the burden of proving adverse possession by clear and convincing evidence. Davis v. Monteith, 345 S.E.2d 724 (1986);

THREE: In South Carolina, adverse possession may be established under a ten (10) year statute of limitation with the necessary elements of adverse possession. Johnson v. Pritchard, 395 S.E.2d 191 (Ct. App. 1990). See Sections 15-3-340, 15-67-210 and 15-67-220, Code of Laws of South Carolina, 1976, as amended. The person claiming adverse possession under these statutes must have personally held the property for ten (10) years. Terwilliger v. White, 72 S.E.2d 169 (1952). In addition to the ten (10) year statute of limitations for adverse possession, South Carolina common law recognizes the twenty (20) year presumption of grant which is occupancy of the subject property continually, hostilely, openly, adversely, notoriously and exclusively for a period of twenty (20) years. Johnson v. Pritchard, 395 S.E.2d 191 (Ct. App. 1990);

FOUR: Plaintiff has failed to prove by clear and convincing evidence that his possession of the stick-built house located upon the front portion of the Subject Property was hostile, adverse, exclusive and continuous for a period of ten (10) years. After the death of the parties' Mother in 1999, the house was intermittently vacant and/or occupied from time to time by members of the parties' extended family, including Plaintiff. While Plaintiff intermittently stayed in the stick-built house, so did other members of Plaintiff's extended family when the need arose. Plaintiff presented no evidence that he occupied the stick-built house to the exclusion of these family members after his Mother's death until Defendant secured title in 2012, nor that his possession was hostile, open, adverse and notorious to the true owner of the Subject Property. After Defendant acquired legal title to the Subject Property in 2012, Plaintiff's occupancy of the stick-built house was not hostile, but was permissive with Defendant providing Plaintiff a key to

the stick-built house. It wasn't until 2016 when Plaintiff changed the locks to the stick-built house that there was any indication of hostility or that Plaintiff sought to occupy the house adverse to the legal title of Defendant. Even then, Plaintiff sought to justify changing the locks by telling Defendant that his girlfriend was occasionally staying at the home and Plaintiff didn't want Defendant accidentally walking in on them or her in the event she was not properly clothed. At no time in 2016 did Plaintiff tell or otherwise suggest to Defendant that Plaintiff was claiming the stick-built house adverse to the legal title of Defendant. It wasn't until 2019 when Defendant advised Plaintiff that he was contemplating razing the house where Plaintiff was staying to build a home for Defendant's sons to live and offered Plaintiff the opportunity to stay in Defendant's mobile home located at the rear portion of the Subject Property that Plaintiff's occupancy became hostile and adverse to Defendant's legal title to the Subject Property. This was confirmed by Defendant's action in Magistrate's Court to eject Plaintiff from the stick-built house shortly after the 2019 conversation between the parties.

NOW, THEREFORE, it is

ORDERED, ADJUDGED and DECREED as follows:

ONE: That Defendant's legal title to the Subject Property, including the stick-built house located at the front portion of the Subject Property near Long Point Road, shall be, and is hereby, confirmed by this Court free of any claims whatsoever of the Plaintiff; and

TWO: That the Plaintiff shall vacate the stick-built house, together with any personal belongings of Plaintiff located within or about the stick-built house, within thirty (30) days from the date of this Order.

AND IT IS SO ORDERED at Charleston, South Carolina.

**SIGNATURE PAGE TO FOLLOW**



Charleston Common Pleas

**Case Caption:** Stanley Williams VS Alton Williams  
**Case Number:** 2019CP1005116  
**Type:** Master/Order/Other

So Ordered

s/Mikell R. Scarborough 3062

Electronically signed on 2022-11-01 17:32:45 page 8 of 8

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**From:** [Donna Newton](#)  
**To:** [Court Of Appeals Filings](#)  
**Subject:** Fwd: Appeal for Stanley Williams  
**Date:** Thursday, March 16, 2023 4:02:08 PM  
**Attachments:** [Court order S. Williams.pdf](#)  
[Service of appeal S. Williams.docx](#)  
[Appeal Papers S. Williams.pdf](#)  
[Letter of explanation.docx](#)

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\*\*\* **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

**I am refiling my appeal along with a letter of explanation regarding my delay in filing the appeal.**

**I am filing an appeal for Stanley Williams case # 2019-CP-10-5116.**

**Let me know if I need to mail another \$250 filing fee, and I will send it immediately via US mail.**

**Respectfully,**

**Stanley Williams**

--  
*Donna Brown Newton*  
843-442-3637  
[dlbnnewton@gmail.com](mailto:dlbnnewton@gmail.com)

RECEIVED

Mar 16 2023

SC Court of Appeals

In the case involving me and my brother, Alton Williams, I was represented by Shawn French, my attorney of record. Mr. French has represented me since the beginning of my case and my attorney during my September 1, 2022, hearing. At that hearing, Judge Scarborough requested both attorneys to submit a brief regarding their respective clients' behalf, and he would decide on the case in 30 to 60 days.

During that time, my attorney, Shawn French, dismissed himself from my case without notifying me or the court. Therefore, Mr. French didn't inform me of the judge's decision of November 2, 2023. I only learned of the judge's decision when the sheriff's office served me a notice of eviction. On that occasion, I went to the clerk of court's office in Charleston County and received a copy of the order. I requested another hearing at that time, and the judge granted it.

A hearing date has been set for January 12, 2023, with Judge Scarborough, The Master in Equity, court. At that hearing, I explained to the judge that my attorney, Shawn French, had not told me of his decision. The judge then suggested that we try and come to an equitable compromise. However, without a settlement being reached, the judge stated that his original order would stand, and he gave me 60 days to leave the property.

I did not appeal the first order because I never received the information from my attorney of record at the time, Shawn French. Therefore, when I did not hear anything regarding my case, I assumed the judge had not made a decision.

Respectfully,

Stanley C. Williams

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## Certificate of Electronic Notification

### Recipients

**John Dodds** - Notification transmitted on 11-02-2022 08:43:48 AM.

**Shawn French** - Notification transmitted on 11-02-2022 08:43:48 AM.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2019CP1005116

**Official File Stamp:** 11-02-2022 08:43:36 AM  
**Court:** CIRCUIT COURT  
Common Pleas  
Charleston  
**Case Caption:** Stanley Williams VS Alton Williams  
**Document(s) Submitted:** Master/Order/Pltff shall Vacate Stick Built House  
Master/Order/Other  
**Filed by or on behalf of:** Mikell Scarborough

This notice was automatically generated by the Court's auto-notification system.

**The following people were served electronically:**

John Joseph Dodds, III for Alton Williams  
Shawn Micheal French, Sr. for Stanley Williams

**The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:**

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STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON ) IN THE COURT OF COMMON PLEAS  
 ) NINTH JUDICIAL CIRCUIT  
 ) CASE NO.: 2019-CP-10-5116

STANLEY WILLIAMS )  
 )  
Plaintiff, ) **PETITION FOR**  
 ) **RULE TO SHOW CAUSE**  
 )  
vs. )  
 )  
ALTON WILLIAMS )  
 )  
Defendant. )  
\_\_\_\_\_ )

Alton Williams, the Defendant herein, would show unto this honorable Court as follows:

**ONE:** On November 2, 2022, The Honorable Mikell R. Scarborough, Master-In-Equity for Charleston County, executed a Master’s Order requiring Plaintiff, Stanley Williams, to vacate the stick-built house located at 933 Long Point Road, Mount Pleasant, South Carolina (“Subject Property”), together with any personal belongings of Plaintiff located within or about the Subject Property, within thirty (30) days from the date of the Order.

**TWO:** That a certified copy of the Master’s Order was served upon Plaintiff’s legal counsel, Shawn M. French, Sr, on November 2, 2022 by Electronic Notification.

**THREE:** That notwithstanding this Court’s Order as referenced above, Plaintiff, Stanley Williams, has willfully failed and refused to vacate the stick-built house located at 933 Long Point Road, Mount Pleasant, South Carolina (“Subject Property”), together with any personal belongings of Plaintiff located within or about the Subject Property, within thirty (30) days from the date of the Order.

**FOUR:** In light of the intentional behavior of the Plaintiff, Stanley Williams, in refusing to abide by this Court's Order, Plaintiff is entitled to the issuance of a Rule to Show Cause by this honorable Court requiring Plaintiff, Stanley Williams, to show cause, if any he can, why Plaintiff, Stanley Williams, should not be held in contempt of court for failing to abide by this Court's Order.

**FIVE:** Defendant, Alton Williams, is further entitled to the issuance of a Rule to Show Cause by this honorable Court requiring Plaintiff, Stanley Williams, to show cause, if any he can, why Plaintiff, Stanley Williams, should not be sanctioned to the fullest extent allowable under the law, including but not limited to, an award of all attorney fees and costs incurred by Defendant, Alton Williams, and such other sanctions as are appropriate.

WHEREFORE, the Defendant, Alton Williams, would request unto this honorable Court that a Rule to Show Cause be issued requiring the Plaintiff, Stanley Williams, to show cause, if any, why Plaintiff, Stanley Williams, should not be held in contempt of court for violating the terms of this Court's Order as referenced above, for reasonable attorney fees and costs incurred by Defendant, Alton Williams, and for such other and further relief as to this Court is fair and proper.

CISA & DODDS, LLP

By: s/John J. Dodds, III  
858 Lowcountry Blvd., Suite 101  
Mt. Pleasant, SC 29464  
(P) (843) 881-6530  
(F) (843) 881-5433  
SC Bar No.: 1707  
john@cisadodds.com  
**ATTORNEYS FOR DEFENDANT**

Mt. Pleasant, South Carolina

December 12, 2022

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STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON ) IN THE COURT OF COMMON PLEAS  
 ) NINTH JUDICIAL CIRCUIT  
 ) CASE NO.: 2019-CP-10-5116

STANLEY WILLIAMS )  
 )  
Plaintiff, ) **RULE TO SHOW CAUSE**  
 )  
vs. )  
 )  
ALTON WILLIAMS )  
 )  
Defendant. )  
\_\_\_\_\_ )

**UPON READING AND CONSIDERING** the attached Petition for Rule to Show Cause, it appears proper that this Court have a hearing to determine whether Plaintiff, Stanley Williams, should be held in contempt of Court as to this Court’s Master’s Order filed on November 2, 2022, requiring Plaintiff, Stanley Williams, to vacate the stick-built house located at 933 Long Point Road, Mount Pleasant, South Carolina (“Subject Property”), together with any personal belongings of Plaintiff located within or about the Subject Property, within thirty (30) days from the date of the Order.

**NOW, THEREFORE,** it is hereby

**ORDERED, ADJUDGED AND DECREED** that Plaintiff, Stanley Williams, appear before the undersigned Honorable Mikell R. Scarborough on the **12th day of January 2023, at 2:00 P.M.** at the Charleston County Judicial Center, 100 Broad Street, Charleston, South Carolina, in Courtroom 2A then and there prepared to show **WHY PLAINTIFF, STANLEY WILLIAMS, SHOULD NOT BE HELD IN CONTEMPT FOR FAILING TO VACATE THE SUBJECT PROPERTY, TOGETHER WITH ANY PERSONAL BELONGINGS OF PLAINTIFF LOCATED WITHIN OR ABOUT THE SUBJECT PROPERTY, WITHIN THIRTY (30) DAYS OF NOVEMBER 2, 2022.**

**LET A CERTIFIED COPY OF THE WITHIN RULE TO SHOW CAUSE BE FORTHWITH SERVED UPON THE PLAINTIFF, STANLEY WILLIAMS.**

**A FINDING OF CONTEMPT OF COURT MAY RESULT IN A FINE OF \$1,500.00 OR INCARCERATION AT THE CHARLESTON COUNTY DETENTION CENTER FOR A PERIOD OF UP TO ONE (1) YEAR.**

**AND IT IS SO ORDERED.**

---

Mikell R. Scarborough  
Charleston County Master-in-Equity

Charleston, South Carolina



Charleston Common Pleas

**Case Caption:** Stanley Williams VS Alton Williams  
**Case Number:** 2019CP1005116  
**Type:** Order/Rule To Show Cause

So Ordered

s/Mikell R. Scarborough 3062

Electronically signed on 2022-12-15 11:51:10 page 3 of 3

ELECTRONICALLY FILED - 2022 Dec 15 1:22 PM - CHARLESTON - COMMON PLEAS - CASE#2019CP1005116

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## Certificate of Electronic Notification

### Recipients

**John Dodds** - Notification transmitted on 12-15-2022 01:23:40 PM.

**Shawn French** - Notification transmitted on 12-15-2022 01:23:26 PM.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*

NOTICE OF ELECTRONIC FILING [NEF]

-

**A filing has been submitted to the court RE: 2019CP1005116**

**Official File Stamp:** 12-15-2022 01:22:58 PM

**Court:** CIRCUIT COURT

Common Pleas

Charleston

**Case Caption:** Stanley Williams VS Alton Williams

**Document(s) Submitted:** Order/Rule To Show Cause Order/Rule To Show Cause

**Filed by or on behalf of:** Mikell Scarborough

This notice was automatically generated by the Court's auto-notification system.

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**The following people were served electronically:**

John Joseph Dodds, III for Alton Williams

Shawn Micheal French, Sr. for Stanley Williams

**The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:**

ELECTRONICALLY FILED - 2022 Dec 15 1:26 PM - CHARLESTON - COMMON PLEAS - CASE#2019CP1005116

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2019CP1005116

Stanley Williams  
PLAINTIFF(S)

Alton Williams  
DEFENDANT(S)

**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.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(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

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:

This matter came before the Court on a Rule to Show Cause hearing. Plaintiff received a copy of the November 2, 2022 Order at the hearing as he contends that Plaintiff's counsel, Shawn French, Esq., did not provide him with a copy of the Order. Mr. French was not present for the hearing. Plaintiff has until March 10, 2023 to vacate the property. Plaintiff's notice of the entry of the Order will be considered to be January 12, 2023; however, the Court informed Plaintiff that any appeal would require the posting of a bond to stay the Order. The Rule to Show Cause is held in abeyance pending vacating the property.

**ORDER INFORMATION**

This order  ends  does not end the case.  See Page 2 for additional information.

**For Clerk of Court Office Use Only**

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/12/2023 .

**NAMES OF TRADITIONAL FILERS SERVED BY MAIL**

**Court Reporter:**

**E-Filing Note:** 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 judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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**Charleston Common Pleas**

**Case Caption:** Stanley Williams VS Alton Williams

**Case Number:** 2019CP1005116

**Type:** Order/Electronic Form 4

**So Ordered**

**s/Mikell R. Scarborough 3062**

Electronically signed on 2023-01-12 15:50:38 page 3 of 3

ELECTRONICALLY FILED - 2023 Jan 12 4:01 PM - CHARLESTON - COMMON PLEAS - CASE#2019CP1005116

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**FORM 1  
NOTICE OF APPEAL IN A CIVIL CASE**

**RECEIVED**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

**Feb 13 2023**  
SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas George E. Brown,

Circuit Court Judge

Case No. 2019-CP-10-5116

ALTON WILLIAMS,

Respondent,

v.

STANLEY WILLIAMS,

Appellant.

**NOTICE OF APPEAL**

Stanley Williams appeals the Master's Order of the Honorable Mikell R. Scarborough dated November 2, 2022. Judge Scarborough issued a subsequent order dated January 12, 2023 finding that for purpose of any appeal. Appellant was deemed to have notice of the November 2, 2022, as of January 12, 2023. This appeal to Court of Appeals from an order of the Master in Equity is proper pursuant to S.C. Code §14-11-85.

February 12, 2023

Stanley Williams  
933 Long Point Rd.  
Mount Pleasant, SC 29464  
843-568-1836  
[Highdrtvtime9@yahoo.com](mailto:Highdrtvtime9@yahoo.com)  
Appellant

Other Counsel of Record: John J. Dodds, III  
858 Lowcountry Blvd.  
Mt. Pleasant, SC 29464  
843-881-6530  
[john@cisadodds.com](mailto:john@cisadodds.com)  
Attorney for Respondent

**PROOF OF SERVICE OF A NOTICE OF APPEAL**

**RECEIVED**

**Feb 13 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Circuit Court Judge

Case No. 2019-CP-10-5116

Alton Williams,

Respondent,

v.

Stanley Williams,

Appellant.

**PROOF OF SERVICE**

I certify that I have served the Notice of Appeal on Alton Williams by depositing a copy of it in the United States Mail, certified, on February 10, 2023, addressed to his attorney of record, John J. Dodds, III, 858 Lowcountry Blvd., Mt. Pleasant, SC 29464 [by mailing a certified copy of it to his attorney of record].

February 10, 2023

Stanley Williams  
933 Long Point Rd.  
Mt. Pleasant, SC 29464  
(843) 568-1836  
Appellant

STATE OF SOUTH CAROLINA )

BEFORE THE ARBITRATION PANEL OF  
CHARLESTON COUNTY

In the matter of Arbitration between )

Case number 2019-CP-10-5116

Stanley Williams )  
Claimant(s) )

vs. )

AFFIDAVIT OF SERVICE  
(Claim Served Herewith)

Alton Williams )  
Defendant(s) )

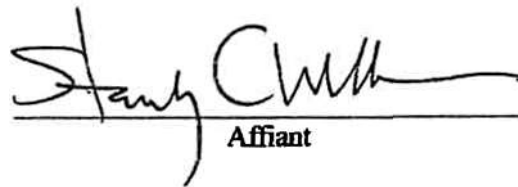
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**Feb 13 2023**

**SC Court of Appeals**

The undersigned, Stanley Williams, being duly sworn, states that he served the Summons for Arbitration and the Claim for Property Damage in this action on the Defendant(s), Alton Williams, by delivering a copy (or copies) of the same to Alton Williams, the Defendant(s) personally, or to Attorney, John J. Dodds, the 10 day of February, 2023, that affiant knows the person(s) so served to be the Defendant(s) or persons mentioned and described above, and that affiant is not a party to, nor interested in, the action.

Sworn to before me this 10  
day of February, 2023.

  
Affiant

  
NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission expires: 4/10/23

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

The Honorable Mikell Scarborough, Master in Equity

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Case No. 2019-CP-10-5116

Stanley Williams

Appellant,

v.

Alton Williams,

Respondent.

FILED  
2023 FEB 10 PM 1:00  
JULIE J. ARMSTRONG  
CLERK OF COURT  
BY DCA

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NOTICE OF APPEAL

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Stanley Williams appeals the Master's Order of the Honorable Mikell Scarborough dated November 2, 2022. Judge Scarborough issued a subsequent order dated January 12, 2022 finding that for purpose of any appeal, Appellant was deemed to have notice of the November 22, 2022 order as of January 12, 2023. This appeal to Court of Appeals from an order of the Master in Equity is proper pursuant to S.C. Code §14-11-85.

February 9, 2023



Stanley Williams  
933 Long Point Road  
Mount Pleasant, SC 29464  
(843) 568-1836  
Highdrytime9@yahoo.com  
*Appellant*

Other Counsel of Record:

John J. Dodds, III  
858 Lowcountry Boulevard  
Mount Pleasant, SC 29464  
(843) 881-6530  
john@cisadodds.com  
*Attorney for Respondent*

**POSTAL SERVICE.**

PINEHAVEN  
2180 McMILLAN AVE  
NORTH CHARLESTON, SC 29405-5723  
(800)275-8777

02/09/2023 02:29 PM

Product	Qty	Unit Price	Price
Priority Mail® Window FR Env Mount Pleasant, SC 29464 Flat Rate Expected Delivery Date Sat 02/11/2023 Tracking #: 9505 5102 6343 3040 3998 67	1		\$9.65
Insurance Up to \$100.00 included			\$0.00
<b>Total</b>			<b>\$9.65</b>

Grand Total: \$9.65

Debit Card Remit \$9.65

Card Name: VISA  
Account #: XXXXXXXXXX6389  
Approval #: 031206  
Transaction #: 411  
Receipt #: 042762  
Debit Card Purchase: \$9.65  
AID: A0000000980840  
AL: US DEBIT  
PIN: Verified

BY: [Signature]

JULE J. ARMS  
CLERK OF COURT

2023 FEB 10 PM 1:00

FILED

Text your tracking number to 28777 (SMS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-222-1811.

Save this receipt as evidence of insurance. For information on filing an insurance claim go to <https://www.usps.com/retail/claims.htm> or call 1-800-222-1811.

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All sales final on stamps and postage.  
Refunds for guaranteed services only.  
Thank you for your business.

Tell us about your experience.  
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or scan this code with your mobile device.



or call 1-800-410-7420.

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**Feb 13 2023**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA**

**In The Court of Appeals**

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**APPEAL FROM CHARLESTON COUNTY**

**Court of Common Pleas**

**The Honorable Mikell Scarborough, Master in Equity**

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FILED  
2023 FEB 10 PM 1:00  
JULIE J. ARMSTRONG  
CLERK OF COURT  
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**Case No. 2019-CP-10-5116**

**Stanley Williams**

**Appellant,**

**v.**

**Alton Williams,**

**Respondent.**

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NOTICE OF APPEAL

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Stanley Williams appeals the Master's Order of the Honorable Mikell Scarborough dated November 2, 2022. Judge Scarborough issued a subsequent order dated January 12, 2022 finding that for purpose of any appeal, Appellant was deemed to have notice of the November 22, 2022 order as of January 12, 2023. This appeal to Court of Appeals from an order of the Master in Equity is proper pursuant to S.C. Code §14-11-85.

February 9, 2023



Stanley Williams  
933 Long Point Road  
Mount Pleasant, SC 29464  
(843) 568-1836  
Highdrytime9@yahoo.com  
*Appellant*

Other Counsel of Record:

John J. Dodds, III  
858 Lowcountry Boulevard  
Mount Pleasant, SC 29464  
(843) 881-6530  
john@cisadodds.com  
*Attorney for Respondent*

**PROOF OF SERVICE OF A NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

**RECEIVED**

**Feb 13 2023**

**SC Court of Appeals**

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Circuit Court Judge

Case No. 2019-CP-10-5116

Alton Williams,

Respondent,

v.

Stanley Williams,

Appellant.

**PROOF OF SERVICE**

I certify that I have served the Notice of Appeal on Alton Williams by depositing a copy of it in the United States Mail, certified, on February 10, 2023, addressed to his attorney of record, John J. Dodds, III, 858 Lowcountry Blvd., Mt. Pleasant, SC 29464 [by mailing a certified copy of it to his attorney of record].

February 10, 2023

Stanley Williams  
933 Long Point Rd.  
Mt. Pleasant, SC 29464  
(843) 568-1836  
Appellant

STATE OF SOUTH CAROLINA )

BEFORE THE ARBITRATION PANEL OF  
CHARLESTON COUNTY

In the matter of Arbitration between )

Case number 2019-CP-10-5116

Stanley Williams )  
Claimant(s) )

vs. )

AFFIDAVIT OF SERVICE  
(Claim Served Herewith)

**RECEIVED**

Alton Williams )  
Defendant(s) )


**Feb 13 2023**

**SC Court of Appeals**

The undersigned, Stanley Williams, being duly sworn, states that he served the Summons for Arbitration and the Claim for Property Damage in this action on the Defendant(s), Alton Williams, by delivering a copy (or copies) of the same to Alton Williams, the Defendant(s) personally, or to Attorney, John J. Dodds, the 10 day of February, 2023, that affiant knows the person(s) so served to be the Defendant(s) or persons mentioned and described above, and that affiant is not a party to, nor interested in, the action.

Sworn to before me this 10  
day of February, 2023.

  
Affiant

  
NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission expires: 4/10/23



PINEHAVEN  
 2180 McMILLAN AVE  
 NORTH CHARLESTON, SC 29405-5723  
 (800)275-8777

02/09/2023 02:29 PM

Product	Qty	Unit Price	Price
Priority Mail® Window FR Env	1		\$9.65
Mount Pleasant, SC 29464			
Flat Rate			
Expected Delivery Date			
Sat 02/11/2023			
Tracking #:			
9505 5102 6343 3040 3998 67			
Insurance			\$0.00
Up to \$100.00 included			
<b>Total</b>			<b>\$9.65</b>

Grand Total: \$9.65

Debit Card Remit \$9.65  
 Card Name: VISA  
 Account #: XXXXXXXXXXXXX6389  
 Approval #: 031206  
 Transaction #: 411  
 Receipt #: 042762  
 Debit Card Purchase: \$9.65  
 AID: A00000003980640  
 AL: US DEBIT  
 PIN: Verified

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Text your tracking number to 26777 (USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-222-1811.

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UFN: 451486-0244  
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 Clerk: 12

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**From:** [Donna Newton](#)  
**To:** [Court Of Appeals Filings](#)  
**Subject:** Fwd: Appeal for Stanley Williams  
**Date:** Thursday, March 16, 2023 4:02:08 PM  
**Attachments:** [Court order S. Williams.pdf](#)  
[Service of appeal S. Williams.docx](#)  
[Appeal Papers S. Williams.pdf](#)  
[Letter of explanation.docx](#)

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\*\*\* **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

**I am refiling my appeal along with a letter of explanation regarding my delay in filing the appeal.**

**I am filing an appeal for Stanley Williams case # 2019-CP-10-5116.**

**Let me know if I need to mail another \$250 filing fee, and I will send it immediately via US mail.**

**Respectfully,**

**Stanley Williams**

--  
*Donna Brown Newton*  
843-442-3637  
[dlbnnewton@gmail.com](mailto:dlbnnewton@gmail.com)

RECEIVED

Mar 16 2023

SC Court of Appeals

In the case involving me and my brother, Alton Williams, I was represented by Shawn French, my attorney of record. Mr. French has represented me since the beginning of my case and my attorney during my September 1, 2022, hearing. At that hearing, Judge Scarborough requested both attorneys to submit a brief regarding their respective clients' behalf, and he would decide on the case in 30 to 60 days.

During that time, my attorney, Shawn French, dismissed himself from my case without notifying me or the court. Therefore, Mr. French didn't inform me of the judge's decision of November 2, 2023. I only learned of the judge's decision when the sheriff's office served me a notice of eviction. On that occasion, I went to the clerk of court's office in Charleston County and received a copy of the order. I requested another hearing at that time, and the judge granted it.

A hearing date has been set for January 12, 2023, with Judge Scarborough, The Master in Equity, court. At that hearing, I explained to the judge that my attorney, Shawn French, had not told me of his decision. The judge then suggested that we try and come to an equitable compromise. However, without a settlement being reached, the judge stated that his original order would stand, and he gave me 60 days to leave the property.

I did not appeal the first order because I never received the information from my attorney of record at the time, Shawn French. Therefore, when I did not hear anything regarding my case, I assumed the judge had not made a decision.

Respectfully,

Stanley C. Williams

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Mar 16 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

---

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

The Honorable Mikell Scarborough, Master in Equity

---

Case No. 2019-CP-10-5116

Stanley Williams

Appellant,

v.

Alton Williams,

Respondent.

BY DCR

JULIE J. ARMSTRONG  
CLERK OF COURT

2023 FEB 10 PM 1:00

FILED

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NOTICE OF APPEAL

---

Stanley Williams appeals the Master's Order of the Honorable Mikell Scarborough dated November 2, 2022. Judge Scarborough issued a subsequent order dated January 12, 2022 finding that for purpose of any appeal, Appellant was deemed to have notice of the November 22, 2022 order as of January 12, 2023. This appeal to Court of Appeals from an order of the Master in Equity is proper pursuant to S.C. Code §14-11-85.

February 9, 2023



Stanley Williams  
933 Long Point Road  
Mount Pleasant, SC 29464  
(843) 568-1836  
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*Appellant*

Other Counsel of Record:

John J. Dodds, III  
858 Lowcountry Boulevard  
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(843) 881-6530  
john@cisadodds.com  
*Attorney for Respondent*



RECEIVED

Mar 16 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
OF THE NINTH JUDICIAL CIRCUIT  
CASE NO.: 2019-CP-10-5116

STANLEY WILLIAMS, )  
Plaintiff, )  
vs. )  
ALTON WILLIAMS, )  
Defendant. )

**MASTER'S ORDER**

This matter came to be heard by me on September 1, 2022 at Charleston, South Carolina pursuant to a Consent Order of Reference filed herein on October 25, 2021, which Order authorized this Court to render a Final Decree. Present at the Hearing were the Plaintiff, Stanley Williams, along with his attorney, Shawn M. French, Sr, of the Charleston County Bar and one (1) witness, Donna Newton, both parties' sister. Also present was the Defendant, Alton Williams, along with his attorney, John J. Dodds, III, Esquire, of the Charleston County Bar.

Plaintiff seeks a judicial declaration that he is the lawful owner of a portion of an approximate one (1.0) acre Lot located on Long Point Road, Mount Pleasant, Charleston County, SC. Plaintiff also seeks title to an old stick-built house located on the Lot, which is titled in the name of his brother, the Defendant, Alton Williams, on the grounds of adverse possession. Defendant timely filed an Answer and Counterclaim denying the material allegations of the Complaint, asserting various affirmative defenses and asserting by way of Counterclaim that Plaintiff is trespassing and should be ordered by this Court to vacate the Lot immediately.

After careful consideration of the testimony and evidence presented, I find and conclude as follows:

ELECTRONICALLY FILED - 2022 Nov 02 8:43 AM - CHARLESTON - COMMON PLEAS - CASE#2019CP1005116

**FINDINGS OF FACT**

ONE: Plaintiff is the older brother of the Defendant. The parties grew up in the stick-built house located upon the one (1.0) acre Lot. Their Mother, Lydia Williams, lived in this house until her death in September, 1999. After their Mother's death, the house was intermittently vacant and/or occupied from time to time by members of the parties' extended family as needed, including Plaintiff. Defendant acquired the (1.0) acre Lot located on Long Point Road, Mount Pleasant, Charleston County, SC, together with the old stick-built house located at the front portion of the Lot near Long Point Road ("Subject Property"), from his aunt, Loretta Brown, in June, 2012. In 2013, Defendant initiated a civil action in the Court of Common Pleas for Charleston County, Case No. 2013-CP10-4058, to clear title to the Subject Property due to the deaths of certain predecessors-in-title and the absence of any probate of such deceased persons. Plaintiff was not named as a Defendant in the action, however, he was aware of the action and was present in the Courtroom at the time of the Final Hearing before this Court. A Master's Deed was issued to the Defendant on October 21, 2014 confirming title to the Subject Property in the name of Defendant. The Master's Deed was recorded in the Charleston County ROD on November 10, 2014, in Book 0440, at Page 008;

TWO: In 1996, Defendant cleared the rear portion of the Subject Property and moved a mobile home onto the property where Defendant, his wife and three (3) sons lived as their primary residence until 2019, when they relocated to Summerville, SC. The area where Defendant's mobile home was located was assigned an address of 935 Long Point Road, Mount Pleasant, SC, while the old stick-built house was assigned an address of 933 Long Point Road, Mount Pleasant, SC;

THREE: After acquiring the Subject Property in 2012, Defendant offered to allow Plaintiff to stay in the stick-built house located upon the Subject Property and provided Plaintiff a key to the house. Over the next few years Plaintiff mostly stayed at the house located upon the Subject Property although Plaintiff would go back and forth to his girlfriends' homes where he would stay for a few weeks at a time and was also intermittently incarcerated on driving related offenses. In Plaintiff's absence from the home, Defendant would use his key to gain entry to the home to make sure everything was in order. Although Plaintiff occasionally gave Defendant money for a portion of the real property taxes for the Subject Property, Defendant has primarily paid the real property taxes on the Subject Property since 2012. Plaintiff purchased a single-family residence in Camden County, Georgia in 2019 and occasionally stays in this home;

FOUR: In 2016, Defendant sought entry into the house located upon the Subject Property and discovered that Plaintiff had changed the locks. When Defendant inquired of Plaintiff as to why he had changed the locks, Plaintiff advised Defendant that his girlfriend was occasionally staying at the home and Plaintiff didn't want Defendant accidentally walking in on them or her in the event she was not properly clothed. Defendant accepted Plaintiff's explanation and did not insist on having a key to the house;

FIVE: On or about March, 2019, Defendant advised Plaintiff that he was contemplating razing the house where Plaintiff was staying to build a home for Defendant's sons to live and offered Plaintiff the opportunity to stay in Defendant's mobile home located at the rear portion of the Subject Property. Plaintiff angrily objected and stated to Defendant that "I'll kill you". Defendant promptly initiated an ejectment action in the local Magistrate's Court to have Plaintiff ejected from the stick-built house, however, Plaintiff retained an attorney and Defendant was

advised by the Magistrate that the matter needed to be heard in Circuit Court due to Plaintiff's challenge to defendant's title to the Property. Plaintiff initiated this action soon after the ejectment action was dismissed by the Magistrate.

**CONCLUSIONS OF LAW**

ONE: This Court has jurisdiction over the subject matter of this action and the parties hereto and venue is proper in Charleston County, SC;

TWO: To constitute adverse possession, which results in obtaining title to the disputed property, the possession must be continuous, hostile, open, actual, notorious, and exclusive for the requisite period. Getsinger v. Midlands Orthopaedic Profit Sharing Plan, 489 S.E.2d 223 (Ct. App. 1997). Possession is presumed to follow title and the burden is on the party alleging adverse possession to prove all facts necessary to establish that allegation. Stokes v. Murray, 87 S.E. 71 (1915). The claimant's possession must be hostile to not only the true owner, but also to the rest of the world so as to indicate his exclusive ownership of the property. Getsinger, supra at Page 226. Occasional and temporary use or occupation does not constitute adverse possession. Weston v. Morgan, 160 S.E. 436 (1931). Moreover, the mere possession of land does not, in and of itself, show hostility to the owner. Knight v. Hilton, 79 S.E.2d 871 (1954). In determining what amounts to hostility within the rule requiring adverse possession to be hostile from its inception, the relation which the party claiming adverse possession occupies with reference to the owner is determinative, as generally law presumes that exclusive possession of land by one who is a stranger to the holder of the legal title is adverse, but family or other relationship may be such as not to create such presumption. Knight, supra at Page 456. One claiming title to land

by adverse possession has the burden of proving adverse possession by clear and convincing evidence. Davis v. Monteith, 345 S.E.2d 724 (1986);

THREE: In South Carolina, adverse possession may be established under a ten (10) year statute of limitation with the necessary elements of adverse possession. Johnson v. Pritchard, 395 S.E.2d 191 (Ct. App. 1990). See Sections 15-3-340, 15-67-210 and 15-67-220, Code of Laws of South Carolina, 1976, as amended. The person claiming adverse possession under these statutes must have personally held the property for ten (10) years. Terwilliger v. White, 72 S.E.2d 169 (1952). In addition to the ten (10) year statute of limitations for adverse possession, South Carolina common law recognizes the twenty (20) year presumption of grant which is occupancy of the subject property continually, hostilely, openly, adversely, notoriously and exclusively for a period of twenty (20) years. Johnson v. Pritchard, 395 S.E.2d 191 (Ct. App. 1990):

FOUR: Plaintiff has failed to prove by clear and convincing evidence that his possession of the stick-built house located upon the front portion of the Subject Property was hostile, adverse, exclusive and continuous for a period of ten (10) years. After the death of the parties' Mother in 1999, the house was intermittently vacant and/or occupied from time to time by members of the parties' extended family, including Plaintiff. While Plaintiff intermittently stayed in the stick-built house, so did other members of Plaintiff's extended family when the need arose. Plaintiff presented no evidence that he occupied the stick-built house to the exclusion of these family members after his Mother's death until Defendant secured title in 2012, nor that his possession was hostile, open, adverse and notorious to the true owner of the Subject Property. After Defendant acquired legal title to the Subject Property in 2012, Plaintiff's occupancy of the stick-built house was not hostile, but was permissive with Defendant providing Plaintiff a key to

the stick-built house. It wasn't until 2016 when Plaintiff changed the locks to the stick-built house that there was any indication of hostility or that Plaintiff sought to occupy the house adverse to the legal title of Defendant. Even then, Plaintiff sought to justify changing the locks by telling Defendant that his girlfriend was occasionally staying at the home and Plaintiff didn't want Defendant accidentally walking in on them or her in the event she was not properly clothed. At no time in 2016 did Plaintiff tell or otherwise suggest to Defendant that Plaintiff was claiming the stick-built house adverse to the legal title of Defendant. It wasn't until 2019 when Defendant advised Plaintiff that he was contemplating razing the house where Plaintiff was staying to build a home for Defendant's sons to live and offered Plaintiff the opportunity to stay in Defendant's mobile home located at the rear portion of the Subject Property that Plaintiff's occupancy became hostile and adverse to Defendant's legal title to the Subject Property. This was confirmed by Defendant's action in Magistrate's Court to eject Plaintiff from the stick-built house shortly after the 2019 conversation between the parties.

NOW, THEREFORE, it is

ORDERED, ADJUDGED and DECREED as follows:

ONE: That Defendant's legal title to the Subject Property, including the stick-built house located at the front portion of the Subject Property near Long Point Road, shall be, and is hereby, confirmed by this Court free of any claims whatsoever of the Plaintiff; and

TWO: That the Plaintiff shall vacate the stick-built house, together with any personal belongings of Plaintiff located within or about the stick-built house, within thirty (30) days from the date of this Order.

AND IT IS SO ORDERED at Charleston, South Carolina.

**SIGNATURE PAGE TO FOLLOW**



Charleston Common Pleas

**Case Caption:** Stanley Williams VS Alton Williams

**Case Number:** 2019CP1005116

**Type:** Master/Order/Other

So Ordered

s/Mikell R. Scarborough 3062

STATE OF SOUTH CAROLINA )

BEFORE THE ARBITRATION PANEL OF  
CHARLESTON COUNTY

In the matter of Arbitration between )

Case number 2019-CP-10-5116

Stanley Williams )  
Claimant(s) )

vs. )

AFFIDAVIT OF SERVICE  
(Claim Served Herewith)

Alton Williams )  
Defendant(s) )

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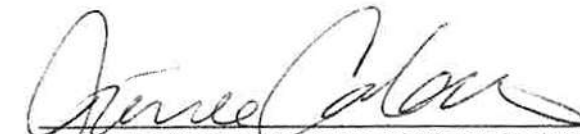
**Mar 16 2023**

**SC Court of Appeals**

The undersigned, Stanley Williams, being duly sworn, states that he served the Summons for Arbitration and the Claim for Property Damage in this action on the Defendant(s), Alton Williams, by delivering a copy (or copies) of the same to Alton Williams, the Defendant(s) personally, or to Attorney, John J. Dodds, the 10 day of February, 2023, that affiant knows the person(s) so served to be the Defendant(s) or persons mentioned and described above, and that affiant is not a party to, nor interested in, the action.

Sworn to before me this 10  
day of February, 2023.

  
\_\_\_\_\_  
Affiant

  
\_\_\_\_\_  
NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission expires: 4/10/23

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**AFFIDAVIT OF SERVICE**

**State of South Carolina**

**County of Charleston**

**Common Pleas Court**

Case Number: 2019-CP-10-05116

Plaintiff:  
**Stanley Williams**

vs.

Defendant:  
**Alton Williams**

Received by FALCON EXPRESS SERVICES, LLC to be served on Stanley Williams, 933 Long Point Road, Mount Pleasant, SC 29464.

I, Margaret B. Buchanan, being duly sworn, depose and say that on the **20th day of December, 2022 at 10:49 am, I:**

**INDIVIDUALLY/PERSONALLY** served by delivering a true copy of the **RULE TO SHOW CAUSE and PETITION FOR RULE TO SHOW CAUSE** to: **Stanley Williams** at the address of: **933 Long Point Road, Mount Pleasant, SC 29464**, in compliance with state statutes.

**Military Status:** Based upon inquiry of party served, Defendant is not in the military service of the United States of America.

**Description of Person Served:** Age: 50, Sex: M, Race/Skin Color: Black, Height: 5'11", Weight: 200, Hair: Bald, Glasses: N

Is the place of service the dwelling / usual place of abode for the party served?  Yes ( ) No ( ) Unknown

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

Subscribed and Sworn to before me on the 21 day of December, 2022 by the affiant who is personally known to me.

  
NOTARY PUBLIC  
My Commission Expires: 11/29/23

  
Margaret B. Buchanan  
Process Server

**FALCON EXPRESS SERVICES, LLC**  
P.O. Box 874  
Charleston, SC 29402-0874  
(843) 577-9696

Our Job Serial Number: FES-2022007676



**STATE OF SOUTH CAROLINA  
IN THE  
COURT OF APPEALS**

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**Apr 13 2023**

**SC Court of Appeals**

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Appeal from the Court of Common Pleas  
For Charleston County  
Honorable Mikell R. Scarborough, Master-In-Equity  
Civil Action No.: 2019-CP-26-05116  
***Appellate Case No.: 2023-000211***

---

STANLEY WILLIAMS,

Appellant,

vs.

ALTON WILLIAMS,

Respondent.

---

***PROOF OF SERVICE***

---

Stephen P. Groves, Sr., Esquire  
SC Bar No.: 7854  
*BUTLER SNOW LLP*  
25 Calhoun Street, Suite 250  
Charleston, South Carolina 29401  
Telephone: 843.277.3704  
Telecopier: 843.277.3701  
E-Mail: [Stephen.Groves@butlersnow.com](mailto:Stephen.Groves@butlersnow.com)

John J. Dodds, III, Esquire  
S.C. Bar No.: 1707  
*CISA & DODDS*  
858 Lowcountry Blvd., Suite 101  
Mount Pleasant, South Carolina 29464  
Telephone: 843.881.6530  
E-Mail: [john@cisadodds.com](mailto:john@cisadodds.com)

*Attorneys for the Respondent,  
Alton Williams*

I, Stephen P. Groves, Sr., Esquire, hereby certify that on **13 April 2023**, I electronically served a copy of the **MOTION TO DISMISS APPEAL** (including all attachments) submitted by the Respondent, Alton Williams, on counsel for the Appellant, Stanley Williams, via e-mail to the addresses noted, as well as a copy of the same on Stanley Williams via the U.S. Mail, postage pre-paid, and addressed as follows (as well as via e-mail):

**Shawn M. French, Sr., Esquire**

*THE FRENCH LAW FIRM, LLC*  
1476 Ben Sawyer Blvd.,  
Suite 3

Mount Pleasant, South Carolina 29464

Telephone: 843.606.6440

Telecopier: 888.850.0948

E-Mail: [shawn@thefrenchlawfirm.com](mailto:shawn@thefrenchlawfirm.com)

*Attorneys for the Appellant*

**Jeffrey W. Kuykendall, Esquire**

127 King Street, Suite 208

Charleston, South Carolina 29401

E-Mail: [Jwkuykwdall@jwklegal.com](mailto:Jwkuykwdall@jwklegal.com)

**Mr. Stanley Williams**

933 Long Point Road

Mount Pleasant, South Carolina 29464

E-Mail: [highdrytime9@yahoo.com](mailto:highdrytime9@yahoo.com)

*Appellant*

Signed: *s/Stephen P. Groves, Sr.*  
Stephen P. Groves, Sr., Esquire

Charleston, South Carolina

13 April 2023