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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
In the Court of Common Pleas

Courtney Clyburn Pope, Circuit Court Judge
Civil Action No: 2021-CP-02-02457

Appellate Case No.: 2022-000685

Vance Mack FlemingAppellant,

v.

Glen Fleming.....Respondent

RESPONDENT'S AMENDED INITIAL BRIEF

By: 

Glen T. Fleming
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Pro se

June 16, 2023

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STATEMENT OF ISSUES ON APPEAL

- I) The circuit court judge did not err when she determined the magistrate court had subject matter jurisdiction and remanded Respondents' civil appeal.

- II) The circuit court judge, after consideration of the evidence and arguments by both Plaintiff and Defendant, the court found that the appeal is GRANTED and the matter REMANDED to the lower court for reconsideration.

STATEMENT OF THE FACTS

The facts of the matter are on January 26, 2003, the respondent (Glen T. Fleming) traveled from his home in Florida to Aiken, SC to be in Michael Farmer's office on January 27, 2003. On January 27, 2003, the Decedent (Leslie Dean Fleming) and the Respondent went to the office of Michael Farmer to execute a deed of survivorship, but were unable to do so, because the woman that had the paperwork was out sick. Respondent was supposed to come back the next week, but Decedent was in a motor vehicle accident on January 28, 2003. The Respondent went to Michael Farmer's office and got the Power of Attorney and Deed of Survivorship papers, at Decedent's request. Respondent had a notary and two witnesses, one of whom is still living (Jean Wilkins). She can testify that the Decedent was lucid and was not restrained to the point of being unable to execute the documents. The respondent did not in any way coerce the Decedent, as these were decedent's wishes prior to the accident.

The Appellant (Vance Mack Fleming) was living with the decedent at the time the Accident occurred and appellant was removed from the property soon after because Appellant was forging respondent's signature on Decedent's checks. Respondent moved his mother into the property in 2003 per decedent's instruction. A couple of years later, Respondent's mother let appellant move in with her because he wasn't working and had no place to live.

Respondent has paid taxes and insurance on the property since 2006, when the Decedent died. Respondent had to get a mortgage on the property 1/05/2017 in order to get a new roof and A/C on the property. Respondent bought materials so Appellant could make necessary repairs to the ceilings, since he lived there rent free, not working and draining his mother to the point of bankruptcy which the respondent had to pay for. Respondent's mother paid utilities until her death in 2021 with the exception of a few times that Respondent paid because she was months behind on the electric and gas bill. Appellant has been harassing Respondent for twenty years. Appellant even put respondent's full name and social security number on Facebook. Appellant finally removed it after respondent had to notify credit bureau's, banks, social security administration and the police.

ARGUMENTS

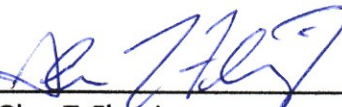
- I) THE CIRCUIT COURT JUDGE DID NOT ERR WHEN SHE DETERMINED THE MAGISTRATE COURT HAD SUBJECT MATTER JURISDICTION AND REMANDED TO THE LOWER COURT.

- 1) Respondent has shown this Court, he is the sole owner of the property which is the subject of this action.

CONCLUSION

For the preceding reasons, Respondent respectfully asks this Court to uphold the trial court's decision.

Respectfully submitted,

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