

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

---

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

The Honorable C. Victor Pyle, Jr., Circuit Court Judge

---

Case Number: 2009-CP-23-5079

---

Martha Lynne Angradi and Donald Scott McLorie,  
individually and on behalf of their minor child,  
Jessie M., ..... Respondents,

v.

Edgar Jack Lail and Leola Lail, Sylvester Golden,  
Golden Property, LLC, Nationwide Homes and  
Fayssoux Real Estate ..... Defendants,

Of Whom Sylvester Golden and Golden Property, LLC are the ..... Petitioner.

---

**PETITION FOR WRIT OF CERTIORARI**

---

Jerry L. Finney, Esquire  
The Finney Law Firm, Inc.  
2117 Park Street  
Columbia, South Carolina 29201  
Phone: (803) 254-7408

Stephanie R. Fajardo, Esquire  
The Finney Law Firm, Inc.  
2117 Park Street  
Columbia, South Carolina 29201  
Phone: (803) 254-7408

Attorneys for Petitioner

June 5, 2013

**RECEIVED**

JUL 05 2013

**SC Court of Appeals**

**QUESTIONS PRESENTED**

1. **DID THE SOUTH CAROLINA COURT OF APPEALS ERR IN AFFIRMING THE TRIAL JUDGE'S ERRONEOUS DENIAL OF PETITIONER'S MOTION FOR DIRECTED VERDICT AND MOTION FOR JUDGMENT NOTWITHSTANDING THE VERDICT ON MARTHA LYNNE ANGRADI AND DONALD SCOTT MCLORIE'S (HEREINAFTER "RESPONDENTS") FRAUD CLAIM AT THE TRIAL OF THIS MATTER ?**
  
2. **DID THE SOUTH CAROLINA COURT OF APPEALS ERR IN AFFIRMING THE TRIAL JUDGE'S ERRONEOUS SUPPRESSION OF SYLVESTER GOLDEN'S TESTIMONY ON THE HOUSE IN ISSUE PASSING AN INSPECTION BY GREENVILLE COUNTY AUTHORITIES AT THE TRIAL OF THIS MATTER?**

## STATEMENT OF THE CASE

This is an appeal stems from multiple rulings made by The Honorable Victor C. Pyle, Jr. at the jury trial in this matter, which began on June 8, 2011 and concluded on June 9, 2011. At the close of the plaintiffs' presentation and at the close of the evidentiary phase of the trial, the Petitioner moved for directed verdicts as to all charges. However, the trial judge denied each such motion each time. At the conclusion of the trial, the Greenville County jury returned a verdict against the appellants in the amount of \$30,000.00 actual damages and in the amount of \$20,000.00 punitive damages on the breach of warranty and fraud actions. The trial judge denied the appellants' request for a judgment notwithstanding the verdict (JNOV) as to each charge. The respondents elected to enter a judgment on the fraud verdict only and withdrew the verdict on the warranty cause of action. Accordingly, the only judgment outstanding against the appellants is the fraud judgment.

A timely notice of appeal to the South Carolina Court of Appeals was filed on the Petitioner's behalf. However, the South Carolina Court of Appeals dismissed the appeal with a *per curiam* decision affirming the trial court's rulings on April 17, 2013, finding that many of Petitioner's arguments on appeal were not properly preserved at trial, and the arguments that were preserved did not demonstrate error on the part of the trial judge. *Angradi v. Lail*, Op. No. 2013-UP-162 (2013).

The Petitioner timely filed a petition for rehearing; however, this petition was dismissed via Order Denying Petition for Rehearing filed by the South Carolina Court of Appeals on June 5, 2013. This petition follows.

## FACTS

On August 31, 2006, the Respondents purchased a house located at 19 Glen Martin Lane, Piedmont, South Carolina 29673 from Edgar J. Lail<sup>1</sup> and Leola Lail, the owners of the house in question. (App. 90). Petitioner did not own this property in questions and did not sign the deed regarding this property. (App. 90). In approximately 2003, Petitioner customized the house in question for the actual owners, Edgar Lail and Leola Lail, who were real estate investors who purchased properties and resold them to other potential buyers. (App. 206-207). Prior to the closing, the respondents waived the right to a home inspection via waiver entitled "Joy Real Estate Waiver of Home Inspection" generated by the respondents' real estate agency, Joy Real Estate.<sup>2</sup> (App. 97). Although having waived the right to a home inspection, Respondent Angradi indicated at trial that Petitioner promised to fix certain items in the house that required attention. (App. 54). These items were purportedly included in an addendum to the contract for sale regarding the property. (App. 100). At trial, Respondent Martha Angradi testified that Petitioner did perform some of the items listed in the addendum to the contract for sale; however, Respondent Angradi indicated that the entire list was never completed. (App. 56).

After the closing and subsequent to the respondents taking physical possession of the house, Respondent Angradi testified that she began to discover problems and issues inside the house. (App. 62). Respondent Angradi testified that, after she noticed these issues, she contacted Petitioner in an attempt to get the issues fixed. (App. 66). Respondent Angradi also testified that Petitioner came to the house with his "flooring

---

<sup>1</sup> Mr. Edgar Jack Lail is referred to in testimony as both Edgar Lail and Jack Lail throughout the trial.

<sup>2</sup> The waiver was signed on or about August 21, 2006, which is approximately one week prior to the closing. (App. 97).

guy” to look at the issues and problems. (App. 66). Respondent Angradi testified that several conversations and communications took place between herself and Petitioner over the next few days and weeks. There was no testimony that Petitioner had no intention of performing the repairs, rather Respondent Angradi indicated that Petitioner “never seemed to be able to schedule time to come do it or send someone to come do any of these things[, the repairs,] and that the repairs were not completed.” (App. 70).

Ultimately, Respondent Angradi engaged an inspector named Mike Parker to come inspect the property in question. (App. 74). Both Respondent Angradi and Mr. Parker testified that Mr. Parker discovered numerous problems and issues with the house. (App. 73-74). It appears that all of the alleged issues were discoverable in an inspection. *Id.* After learning of the issues in the house, Respondent Martha Angradi testified that the respondents moved out of the home. (App. 75). Respondent Angradi also testified that the respondents incurred certain damages as a result of having to move from the house. (App. 77-80, 83-84). There were no problems with the title of the home and the issues were entirely alleged construction defects and alleged construction related issues.

#### **STANDARD OF REVIEW**

“The standard of review for an appeal of an action at law tried by a jury is restricted to corrections of errors of law. A factual finding of the jury will not be disturbed unless there is no evidence which reasonably supports the findings of the jury.” Pope v. Heritage Communities, Inc., 395 S.C. 404, 717 S.E.2d 765, 769 (Ct. App. 2011), reh'g denied (Dec. 12, 2011) *quoting* Felder v. K-Mart Corp., 297 S.C. 446, 448, 377 S.E.2d 332, 333 (1989).

“In ruling on directed verdict or JNOV motions, the trial court is required to view the evidence and the inferences that reasonably can be drawn therefrom in the light most favorable to the party opposing the motions.” Armstrong v. Collins, 366 S.C. 204, 217, 621 S.E.2d 368, 374 (Ct. App. 2005) *quoting* Sabb v. South Carolina State Univ., 350 S.C. 416, 427, 567 S.E.2d 231, 236 (2002). The trial court is only concerned with the “existence or nonexistence of evidence.” Armstrong v. Collins, 366 S.C. 204, 217, 621 S.E.2d 368, 374 (Ct. App. 2005) *quoting* Long v. Norris & Assocs., 342 S.C. 561, 568, 538 S.E.2d 5, 9 (Ct. App. 2000).

“When the evidence yields only one inference, a directed verdict in favor of the moving party is proper.” *Id.* However, “if more than one reasonable inference can be drawn from the evidence, the case must be submitted to the jury.” *Id.* On appeal from the denial of a motion for a directed verdict or JNOV, this court will reverse the trial court only when there is no evidence to support the ruling. Creech v. South Carolina Wildlife & Marine Res. Dep't, 328 S.C. 24, 29, 491 S.E.2d 571, 573 (1997).

“A court's ruling on the admissibility of evidence will not be reversed by this Court absent an abuse of discretion or the commission of legal error which results in prejudice to the defendant.” State v. Hamilton, 344 S.C. 344, 353, 543 S.E.2d 586, 591 (Ct. App. 2001), *overruled on other grounds by* State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005).

## ARGUMENTS

**I. THE SOUTH CAROLINA COURT OF APPEALS ERRED IN AFFIRMING THE TRIAL JUDGE'S ERRONEOUS DENIAL OF PETITIONER'S MOTION FOR DIRECTED VERDICT AND MOTION FOR JUDGMENT NOTWITHSTANDING THE VERDICT ON MARTHA LYNNE ANGRADI AND DONALD SCOTT MCLORIE'S (HEREINAFTER "RESPONDENTS") FRAUD CLAIM AT THE TRIAL OF THIS MATTER.**

The *per curiam* decision of the South Carolina Court of Appeals finding no reversible error in the trial court's denial of Petitioner's motion for directed verdict and motion for judgment notwithstanding the verdict on the fraud cause of action is a misapplication of South Carolina law and a reversal is warranted. In support of its finding of no reversible error in the trial court's denial of Petitioner's motions, the South Carolina Court of Appeals relied on two grounds; that all but one of Petitioner's arguments were not properly preserved on appeal, and that the argument preserved on appeal failed to demonstrate error on the part of the trial judge.

In support of the Court of Appeals' contention that all but one of Petitioner's arguments were not properly preserved on appeal, the Court relied on *Holly Woods Ass'n of Residence Owners v. Hiller*, 392 S.C. 172, 189, 708 S.E.2d 787, 796 (Ct. App. 2011) and Rule 50(a) SCRPC. Specifically, the Court points to the holding that a failure to raise a particular issue in a party's directed verdict motion precludes appellate review of that issue. No further explanation is given in support of application of this holding to the case at hand. This lack of explanation by the Court of Appeals in how this holding applies to Petitioner's motion for direct verdict and judgment notwithstanding the verdict is problematic in that while the holding of Holly Woods Ass'n of Residence Owners v. Hiller is undisputed, it is easily distinguishable from the case at hand. In Holly Woods

Ass'n of Residence Owners v. Hiller, the appellant did not raise a specific ground in his directed verdict motion and was raising the issue for the first time on appeal. *Holly Woods Ass'n of Residence Owners v. Hiller*, 392 S.C. 172, 189, 708 S.E.2d 787, 796 (Ct. App. 2011). However, in the case at bar, counsel for the Petitioner based his directed verdict motion on the Purchasers' failure to prove all elements of the fraud cause of action in that there was no testimony placing Petitioner in the position to defraud Purchasers. Petitioner's trial counsel articulated this argument through the theory that Petitioner's role in this transaction did not lend itself to liability on the part of the Petitioner for his statements, as well as that Purchasers had "no right to rely on [Petitioner] because he was not the owner. (App. 199, lns. 6-24). Directly after making this argument, and before being able to give further explanation, Petitioner's motion for directed verdict was denied by the trial judge without explanation. (App. 199, ln. 25, 200, ln.1). Petitioner's trial counsel argument at the trial of this matter, while brief, is identical to the arguments posited by Petitioner on appeal through the briefs filed as well as at oral arguments for this matter. Obviously with the benefit of case law citations and the ability to discuss in depth the minute details of the argument, Petitioner's argument on appeal is lengthier and further in depth, but nonetheless identical to the specific ground stated by Petitioner's trial counsel; that Respondents failed to meet their burden of proof on the fraud cause of action in proving each essential element. (App. 199, lns. 6-24). As occurs when trial counsel and appellate counsel differ in representing a Petitioner, the language used in order to effectuate and support an argument changes based on that attorney's linguistic style. In further support of Petitioner's contention that his arguments on the directed verdict motion remained unchanged and thus preserved, the

record reflects that Petitioner's trial counsel attempted to list all the ways in which Petitioner was not involved in the transaction that formed the basis of the lawsuit brought against Petitioner to demonstrate the Respondents' failure to prove all necessary elements of fraud, especially that the Respondents were, based on the evidence, unable to have relied on Petitioner's statements. (App. 199, Ins. 6-24). This further goes to demonstrate that every argument predicated by Petitioner's appellate counsel had basis not only in the record of the trial, but also in the grounds raised by Petitioner's trial counsel; Purchasers failed to prove all necessary elements of the fraud cause of action, and the trial court erred in denying Petitioner's motion for directed verdict and judgment notwithstanding the verdict. Forcing trial counsel to list every possible detail of an argument would be unduly burdensome, and would cause most trials to lag on for days and weeks longer than necessary. As South Carolina case law states, counsel is only required to preserve an issue for appeal by raising the issue and having the trial court rule on said issue in order for it to be properly raised and argued on appeal. *Pye v. Estate of Fox*, 369 S.C. 555, 564-65, 633 S.E.2d 505, 510 (2006). *State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 694 (2003). *Ulmer v. Ulmer*, 369 S.C. 486, 490, 632 S.E.2d 858, 861 (2006). Due to this erroneous application of the law has resulted in significant prejudice to the Petitioner and the South Carolina Court of Appeal's decision affirming the trial court's actions should be reversed.

Petitioner renewed his motion for a directed verdict at the close of the evidence which was again promptly denied by the trial judge without explanation, presumably on the same grounds as Petitioner's prior motion for directed verdict. (App. 274, Ins. 22-25, 275, In.1). Due to the quickness in which the trial judge denied Petitioner's motion for

judgment notwithstanding the verdict without argument from neither Petitioner's counsel nor Respondent's counsel, it would appear from reading the record as a whole that Petitioner relied on his previous arguments in support of his motion for directed verdict made earlier in the trial. (App. 330, lns. 17-21). As such, Petitioner would contend that his arguments on appeal regarding the trial court's erroneous denial of Petitioner's motion for directed verdict and motion for judgment notwithstanding the verdict all stem from the grounds stated by trial counsel and, as such, are properly preserved and should be considered in reversing the South Carolina Court of Appeal's decision affirming the trial court's actions.

Looking into the argument made by trial counsel as well as appellate counsel regarding the merits of the appeal it is clear that the South Carolina Court of Appeals erred in affirming the trial judge's denial of Petitioner's directed verdict motion on the grounds that the Petitioner failed to demonstrate error on the part of the trial judge. As this Court is aware, under South Carolina law,

[t]o constitute actionable fraud there must appear: (1) a representation; (2) its falsity; (3) its materiality; (4) the author's knowledge of its falsity or ignorance of its truth; (5) his intent that it should be acted upon by the person and in the manner reasonably contemplated; (6) the other party's ignorance of its falsity; (7) his reliance on its truth; (8) his right to rely thereon; and (9) his consequent and proximate injury thereby.

Woodward v. Todd, 270 S.C. 82, 240 S.E.2d 641 (1978). In addition, fraud is not presumed, but must be shown by clear, cogent, and convincing evidence. Ardis v. Cox, 314 S.C. 512, 516, 431 S.E.2d 267, 269 (Ct. App. 1993). The entirety of Respondents' fraud cause of action rested on "promises" made by Petitioner to fix items in the home and that the home was "custom built." (App. 284). As explained in Davis v. Upton, the

“general rule is that fraud must relate to a present or pre-existing fact, and cannot ordinarily be predicated on unfulfilled promises or statements as to future events.” 250 S.C. 288, 157 S.E.2d 567, 568 (1967) *also quoted in* Woodward v. Todd, 270 S.C. 82, 240 S.E.2d 641 (1978). In Woodward v. Todd, this Court goes further than the general rule in indicating that while a showing of broken promises may have entitled respondents to relief in a contract action, such a showing is simply not sufficient to demonstrate actionable fraud. *Id.* As such, based on all the evidence placed before the trial judge in this matter, Respondents failed to prove all elements of their fraud cause of action, causing it to fail as a matter of law and necessitating that the trial court judge grant Petitioner’s motion for directed verdict and judgment notwithstanding the verdict.

Further support demonstrating Respondents’ failure to prove all elements of their fraud cause of action can be found in the inability of Respondents’ to show “consequent and proximate injury” that could be recoverable from these alleged statements which is necessary in a fraud action. *See* Woodward v. Todd, 270 S.C. 82, 240 S.E.2d 641 (1978). There was no evidence whatsoever that any statements allegedly made by Petitioner caused damage to the Respondents. All damages claimed by Respondents stemmed from alleged defects in the property, not from any statements or promises allegedly made by Petitioner. As such, it was erroneous and prejudicial for the South Carolina Court of Appeals to affirm the trial court’s actions and said Order should be reversed.

While Petitioner would incorporate all previously made arguments regarding the trial court’s and Court of Appeals’ error in denying Petitioner’s motion for directed verdict and motion for judgment notwithstanding the verdict, since the Court of Appeals addressed the specific argument of Respondents’ right to rely on Petitioner’s statements,

Petitioner feels it is important to briefly address this issue. In their brief opinion, the Court of Appeals cites to *Armstrong v. Collins*, 366 S.C. 204, 219, 621 S.E.2d 368, 375 (Ct. App. 2005) and *Welch v. Epstein*, 342 S.C. 279, 300, 536 S.E.2d 408, 419 (Ct. App. 2000) as support for the contention that the Respondents could have reasonably relied upon Petitioner's representations regarding the condition of the house, and therefore the trial court did not err in denying Petitioner's motion for directed verdict and motion for judgment notwithstanding the verdict. The specific language of the holding in *Armstrong v. Collins* is essential to the case at hand in that it requires that the right to rely be balanced with a plaintiff's duty to use reasonable prudence and diligence under the circumstances. In the case at hand, there exists no evidence in the record, when balanced with reasonable prudence and diligence, which would support a finding that Purchasers reasonably relied on alleged statements made by Petitioner. Through her own testimony, Respondent Angradi admitted that prior to the sale of the house becoming final, she was in possession of several documents detailing that Petitioner was not the owner of the house. (App. 115). (App. 90). (App. 91). Armed with this knowledge, Respondents were not able to reasonably rely on statements made by Golden as coming from the owner of the house or as a partner of the owner of the house, but only as coming from the builder of this house over two years prior to the sale of the house. It is undisputed that as a builder, Petitioner's statements would not constitute fraud and Purchasers would have no right to rely on said statements. Even if Purchasers relied on Petitioner's statements regarding the quality of the house, the truth was clearly within their reach both through their personal real estate agent and through an offered inspection; options the Purchasers' refused. (App. 97, Ins. 14-25, 98, Ins. 1-22). This court has addressed situations in which

a person attempts to rely on an alleged misstatement when they have information that would clarify the statement by stating that, “a party may not rely upon a misstatement of fact when the truth is easily within his reach.” Armstrong v. Collins, 366 S.C. 204, 219, 621 S.E.2d 368, 375 (Ct. App. 2005) quoting King v. Oxford, 282 S.C. 307, 312, 318 S.E.2d 125, 128 (Ct. App. 1984). This case law bars the Respondents from any reliance on Petitioner’s alleged statements as Purchasers did not act reasonably in finding the truth, but instead acted spontaneously and to their own detriment. As such, it was erroneous and prejudicial for the South Carolina Court of Appeals to affirm the trial court’s actions and said Order should be reversed.

As the Court of Appeals based their decision to affirm the trial court’s denial of Petitioner’s motion for judgment notwithstanding the verdict on the same basis as their decision to affirm the trial court’s denial of Petitioner’s motion for directed verdict, Petitioner would crave reference to all above stated arguments as relating to Petitioner’s motion for judgment notwithstanding the verdict in support of said Order being reversed.

**II. DID THE SOUTH CAROLINA COURT OF APPEALS ERR IN AFFIRMING THE TRIAL JUDGE’S ERRONEOUS SUPPRESSION OF SYLVESTER GOLDEN’S TESTIMONY ON THE HOUSE IN ISSUE PASSING AN INSPECTION BY GREENVILLE COUNTY AUTHORITIES AT THE TRIAL OF THIS MATTER?**

The *per curiam* decision of the Court of Appeals finding no reversible error in the trial court’s suppression of Sylvester Golden’s testimony on the house in issue passing an inspection by Greenville County authorities is a misapplication of South Carolina law and a reversal is warranted. In support of its finding of no reversible error in the trial court’s suppression of Sylvester Golden’s testimony the Court of Appeals relied on the ground that Petitioner failed to preserve the issue for appellate review by proffering

testimony at trial.

In addressing the Court of Appeals' ground that Petitioner's testimony was not properly preserved for appeal, the appellate court relies on *S.C. Dep't of Highways & Pub. Transp. v. Galbreath*, in support of the contention that the granting of a motion in limine is not "a final ruling on the admissibility of the evidence," and that a proffer of the disputed evidence must occur to preserve the issue for appellate review. 315 S.C. 82, 83 n.2, 431 S.E.2d 625, 627 n.2 (Ct. App. 1993). In applying this holding to the facts and circumstances present in this matter, the record reflects that Petitioner did attempt on multiple occasions to proffer evidence of the house in question passing inspection and was denied each time by the trial judge. The first instance in which Petitioner attempted to proffer evidence regarding the house passing inspection, the subject of the pre-trial motion in limine, was on direct examination during which he testified that a seal would be present in a house to let people know that it was approved, and that this house in question had this particular seal. (App. 210, lns. 15-20). Following this testimony, opposing counsel objected on the grounds that this testimony went to his motion in limine. (App. 210, lns 24-25). The trial court sustained the objection and ordered Petitioner's trial counsel to move on. (App. 211, lns. 1-2). The second instance in which Petitioner attempted to proffer testimony regarding the house in question passing inspection came on cross-examination when he began to state that this house was inspected by Greenville County before being interrupted by opposing counsel. (App. 252, lns. 20-21). Opposing counsel stated in his objection that this testimony was against the motion in limine, and that Petitioner had just violated an Order of the Court. (App. 252, lns. 22-25). The trial court not only sustained the objection, but instructed the jury

to disregard the last answer by Petitioner. (App. 253, lns. 2-3). It is clear that these two instances were attempts by Petitioner to proffer testimony regarding the house passing inspection, the very nature of the motion in limine, and in both instances, the trial court sustained opposing counsel's objection, erroneously suppressing substantial evidence and denying Petitioner the opportunity to present all relevant evidence in defense of this matter. This constitutes clear and prejudicial error as well as an abuse of discretion. Accordingly, a reversal of the Court of Appeals Order affirming the trial court's decision is warranted.

The Court of Appeals additionally misapplied the above stated law to the facts and circumstances of the case at hand in their determination that Petitioner "solely relief upon the circuit court's in limine ruling in presenting their case." *Angradi v. Lail*, Op. No. 2013-UP-162 (2013). As detailed above, the record demonstrates that on several occasions, Petitioner refused to rely solely on the ruling of the motion in limine and attempted to proffer evidence discussed by the Respondents' pre-trial motion and each time was denied by the trial judge. Accordingly, a reversal of the Court of Appeals Order affirming the trial court's decision is warranted.

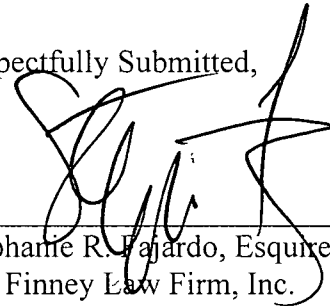
In their review of this argument, the Court of Appeals also did not consider South Carolina case law which has held that when prejudice is clear from the record, the issue is preserved on appeal despite the absence of a proffer. *State v. King*, 367 S.C. 131, 136-37, 623 S.E.2d 865, 868 (Ct. App. 2005), *See State v. Myers*, 301 S.C. 251, 391 S.E.2d 551 (1990). Upon review of the record in this matter, it is clearly prejudicial to Petitioner's entire defense that the jury failed to consider that the basis of Petitioner's opinion and knowledge of the structure and livability of the house in question involved the fact that

this same house passed inspection by Greenville County authorities prior to sale. This position rings especially true in a case in which the cause of action levied against a person is fraud, a cause of action that would force a jury to consider the person's frame of mind and knowledge at the time of the alleged defrauding. This information is highly relevant to the case and rationally based on Petitioner's perception, and should have been allowed into the record based on Rule 701, SCRE. This argument is further bolstered in light of the previous testimony of Respondent Angradi to the results of mold testing performed by other individuals. (App. 73). As such, the trial court's suppression of this testimony constitutes clear and prejudicial error as well as an abuse of discretion. Accordingly, a reversal of the Court of Appeals Order affirming the trial court's decision is warranted.

**CONCLUSION**

For the reasons stated above, the Petitioner respectfully requests that this Court grant the Petition for Writ of Certiorari.

Respectfully Submitted,



---

Stephanie R. Fajardo, Esquire  
The Finney Law Firm, Inc.  
2117 Park Street  
Columbia, South Carolina 29201  
Phone: (803) 254-7408

Jerry L. Finney, Esquire  
The Finney Law Firm, Inc.  
2117 Park Street  
Columbia, South Carolina 29201  
Phone: (803) 254-7408

Attorneys for Petitioner

June 5, 2013

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

The Honorable C. Victor Pyle, Jr., Circuit Court Judge

RECEIVED

JUL 05 2013

Case Number: 2009-CP-23-5079

SC Court of Appeals

Martha Lynne Angradi and Donald Scott McLorie,  
individually and on behalf of their minor child,  
Jessie M., ..... Respondents,

v.

Edgar Jack Lail and Leola Lail, Sylvester Golden,  
Golden Property, LLC, Nationwide Homes and  
Fayssoux Real Estate ..... Defendants,

Of Whom Sylvester Golden and Golden Property, LLC are the ..... Petitioner.

**CERTIFICATION BY COUNSEL**

The undersigned hereby certifies that a petition for rehearing was made and finally ruled upon by the South Carolina Court of Appeal.



Jerry L. Finney, Esquire  
The Finney Law Firm, Inc.  
2117 Park Street  
Columbia, South Carolina 29201  
Phone: (803) 254-7408

Stephanie R. Fajardo, Esquire  
The Finney Law Firm, Inc.  
2117 Park Street  
Columbia, South Carolina 29201  
Phone: (803) 254-7408

Attorneys for Petitioner

June 5, 2013

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

---

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

The Honorable C. Victor Pyle, Jr., Circuit Court Judge

---

Case Number: 2009-CP-23-5079

---

Martha Lynne Angradi and Donald Scott McLorie,  
individually and on behalf of their minor child,  
Jessie M., ..... Respondents,

v.

Edgar Jack Lail and Leola Lail, Sylvester Golden,  
Golden Property, LLC, Nationwide Homes and  
Fayssoux Real Estate ..... Defendants,

Of Whom Sylvester Golden and Golden Property, LLC are the ..... Petitioner.

---

PROOF OF SERVICE

---

I, the undersigned, Stephanie R. Fajardo, Esquire of The Finney Law Firm, Inc, attorney  
for the Petitioner, do hereby certify that I have served counsel of record with a copy of the  
**Petition for Writ of Certiorari** by causing a copy of the same to be placed in the United States  
Mail, first-class postage prepaid, addressed as follows, on June 5, 2013:

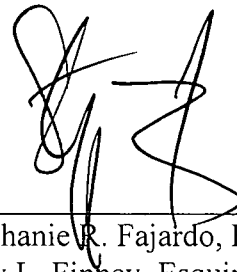
Richard S. Stewart, Esquire  
Richard S. Stewart, PA  
4115 East North Street, Suite 201  
Greenville, South Carolina 29615

RECEIVED

JUL 05 2013

SC Court of Appeals

William S. F. Freeman, Esquire  
Post Office Box 473  
Greenville, South Carolina 29602

A handwritten signature in black ink, appearing to be 'S. Fajardo', written over a horizontal line.

Stephanie R. Fajardo, Esquire  
Jerry L. Finney, Esquire  
The Finney Law Firm, Inc.  
2117 Park Street  
Columbia, South Carolina 29201  
Phone: (803) 254-7408

June 5, 2013