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JUL 05 2013

Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chester County
Court of Common Pleas
Brooks P. Goldsmith, Circuit Court Judge

In the Matter of the Estate of Reba P.
Hinson, Probate # 2008-ES-12-297,
Circuit Court # 2010-CP-12-201,

Mell Woods Appellant,

v.

Robert H. Breakfield, as Personal Representative
of the Estate of Reba P. Hinson, Respondent.

Petition for Rehearing, Rule 221(a) SCACR

Court of Appeals Internal Tracking Number: 2011-201066

1. Appellant Mell Woods asks that the decision by the
Court of Appeals entered on June 19, 2013, be reheard
based on the following to wit:

2. The circuit court was never in possession of the
proper Record from the probate court when the circuit court

proceeded to hear the appeal, over objection, to start with.

3. This is a jurisdictional defect which may be raised at any time. SC Statute 62-1-308(d) requires that the circuit court not proceed until a proper return has been made by the probate court to the circuit court. And it is not the responsibility of appellant to gather the papers to make the return with. Howell v. Littlefield, 211 S.C. 462, 46 S.E.2d 47 (1947), please see also as to jurisdiction, Bunkum v. Manor Properties, 321 S.C. 95, 467 S.E.2d 758.

5. The actions by the circuit court were not merely a "procedural violation" but were in fact not legal under the SC Supreme Court decision in Howell, cited above.

4. Appellant cites and adopts by reference the entire Final Brief of Appellant as the memorandum with citation of authorities to support this petition.

Respectfully submitted,

This 04 day of July, 2013.



Mell Woods

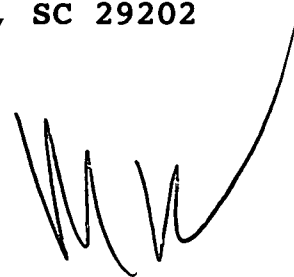
P.O. Box 2603
Lancaster, SC 29721

CERTIFICATE OF SERVICE

Robert H. Breakfield, respondent herein has been served with a true copy of the within and foregoing *Petition for Rehearing* by method of placing the above document in the U.S. Mail with sufficient postage addressed to the Counsel of Record for Respondent to wit:

B. Michael Brackett
Moses Koon & Brackett, PC
P.O. Box 100261
Columbia, SC 29202

This 04 day of July, 2013.



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