

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS

George M. McFadden, Jr., Circuit Court Judge

Estate Case No. 2020-ES-40-00392
Circuit Court Case No. 2023-CP-40-00573
Appellate Case No. 2024-000234

RECEIVED

Aug 29 2024

SC Court of Appeals

In the Matter of the Estate of Adell Thompson Adams:
Constance Washington,
Appellant,

v.

Adrian E. Adams, as Personal Representative for the Estate of Adell T. Adams,
Respondent.

RECORD ON APPEAL and TABLE OF CONTENTS

Dated this the 29th day of August, 2024

THE AUTONOMY GROUP, PC

By: /s/ Soraya Martial-Wright
Soraya Martial-Wright, Esq.
SC Bar #103340
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August 29th, 2024
Rock Hill, South Carolina

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1. Appellant's Magistrate Complaint October 31, 2012

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

2012 CV 401070927

CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

COMPLAINT

Constance C. Washington
5925 Letitia Street
Columbia, SC 29203

803-409-8898

PLAINTIFF(S)

Vs

Adella T. Adams
724 Martha Street
Columbia, SC 29203

DEFENDANT(S)

I, Constance C. Washington the plaintiff(s) in this civil action do make the following claims:

1. I believe that the defendant(s),

Adell T. Adams

is/are a resident(s) of Richland County, or this Complaint is properly filed in Richland County

2. I make this complaint on the following:

I would like to start off by saying that I have considered myself part of the Adams family for over 40 years. As a teenager I worked for Mrs. Adams. I cleaned her home every weekend for years. I also
(Attach supplement if necessary)

3. I believe, because of the above information, that I am entitled to and do request a judgment for \$ 7500.00 and/or relief as below requested:

including any costs resulting in this action.

I STATE UNDER PENALTY OF PERJURY THAT THE ABOVE STATED FACTS ARE TRUE EXCEPT THOSE BASED ON MY BEST INFORMATION THAT I BELIEVE TO BE TRUE.

Constance C. Washington
Signature of Plaintiff/Attorney

UPPER TOWNSHIP
2012 OCT 31 PM 4:26
MAGISTRATE'S OFFICE

baby sat for her two boys.

On May 18, 2009 Mrs. Adell Adams was discharged from Wildwood Downs. While she was in the rehabilitation facility I washed her clothes. I volunteered to do that for her. She gave me gas money a number of times due to how often I came back and forth. Once she got home I asked her if she wanted me to stay with her and she said no. When she got home the first thing she wanted to do was go get her nails done. Was not in the best mobility situation but she demanded to go. I took her. It was not the best situation. I stayed with her the rest of the day and left about 7:00 p.m. At 2:00 a.m. she called me and asked me to come up and change her and her linen. Went up to the house and washed her up and changed her and the linen. I returned home afterwards. I went up to her home again around 7:30 am when she called asked me to go get her breakfast from McDonalds. I went to McDonalds and got her breakfast. I got her paper out of the box, fixed her coffee and took her the breakfast and the paper while she was in bed. I then went and got her medication for her along with her water. At lunch time I fixed her lunch, got her meds, water, and phone. The same took place for dinner. This went on for about three days.

We were trying to get me employed with the company that was handling her physical therapy as a CNA. We found out through the physical therapist that I could not get employment just for her and if I did I would only come out twice a week.

The physical therapist left. I walked momma to the bath room. She started crying. I asked her why she was crying and she said because she could not pay me. I said momma I can't do this for free. She then told

me that she had a suit in on daddy and when she got that she would pay me. I agreed.

We did not agree to any amount so I called around to different places and found out they were charging \$15 to \$17.00 for home health care. I knew she was not going to pay me that much so I decided \$100.00 @ 36 days = \$3600.00, (Spent the night) \$25 @ 13 = \$325.00, (3 visits to get allergy shot, 3 visits to community meeting, 1 visit to Teachers' Association, 1 visit to a political luncheon, 1 visit to the doctor, 1 visit to the Rite Aid and Piggly Wiggly, 2 trips to Walmart and 1 visit to a 4th of July function) \$75.00 @ 32 days = \$2400 and \$50.00 @ 28 days = \$1400.00. Total \$7725.00 - \$100.00 = \$7625.00 I took care of Mrs. Adams over 96 days. If you divide 100 by 20 hours you get 5.00 an hour, 75 divided by 14 hours you get 5.35, 50 divided by 8 hours equals 6.25 an hour. It was difficult because she is very demanding and high maintenance. I checked on her more than that because when I stopped going to her house, I still checked to make sure she was getting breakfast, lunch and dinner. Numerous times I had to take her breakfast, lunch and dinner. Some of those times she ate out of my pot. I did not charge her for that.

She has in Columbia a son and a daughter- in- law and in Atlanta a son and a daughter-in-law. Neither of them assisted in her recovery. Her son Adrian gave me \$100.00 towards the care of his mother. That has been deducted from total.

Most of the time that I took care of her it went like this:

When I spent the night:

7:30 to 8:00 (McDonalds for breakfast)

8:00 to 9:00 (Breakfast, meds and reading paper)

9:00 to 10:00 (Shower, lotion and dressed)

10:00 to 12:00 (Sat in Den to watch tv with water, cell and house phone)

12:00 to 1:00 (Lunch either prepared or went out for)

1:00 (Bathroom run)

1:00 (Back to Den)

1:30 to 2:30 (Went home)

2:30 to 4:30 (At house with Mrs. Adams)

4:30 to 5:00 (Dinner)

5:00 to 6:00 (Wash and put up dishes)

6:00 (Bathroom run)

6:00 (Back to Den)

6:30 to 7:30 (Went home)

7:30 to 8:30 (At house with Mrs. Adams)

8:30 to 9:00 (Assisted to bed)

9:00 to 1:00 (Bed until 1st bathroom run)

1:00 to 3:00 (Bed until 2nd bathroom run)

Then up by 7:30 to start again. This went on for 36 days. After 36 days is when I no longer spent the night with her. She had improved to be able to sleep in her own bed. The days still went the same except I

would leave between 9:00 and 10: 00 for the night. Back to her home at 7:30 .

The schedule went the same during the week. On the week-end I washed clothes including linen, changed the linen and got clothes ready for her for church on Sunday.

Mrs. Adams called me in October to change a bandage on her. I went up and changed the bandage and sat on her bed when I finished. She asked me did I notice anything new? I said no. She said I got a new bed. You hit the lottery I asked? She said no I got my money from Ben. Alright I thought to myself I will get some money soon.

When she got her money I was not even on the list. Mrs. Adams got a new king size mattress and box spring, new carpet in her bedroom, new carpet in another bedroom, same bedroom painted, a day bed in that bedroom, aquarium with fish in that same bedroom, remodeled hall bathroom, new front door, new storm door for front door, new Buick LaCross, remodeled kitchen, new computer chair, new dish washer, new refrigerator, new computer and utility room wallpapered. That's all I know that was obvious. I did not receive any financial funds.

When I emailed her to let her know how much she owed me I got no response from the emailed. I called her and asked her had she read my email? She said no. I told her how much she owed me. She told me that she did not have it. I told her that she needed to pay me something. She said she would call me back. Never did. She called her son, Adrian, whom called me and cursed me out good fashion. I never felt so disrespected in my life. When I called her back she would never answer the phone. She ordered some fruit from me and when I made

the delivery to her she had someone new in her home cleaning for her and I know she was getting paid.

I tried to borrow some money from Senator Patterson whom is a close friend of hers. He was surprised that I was not being paid. He told me he would talk to her and call me and that did not happen.

After going over the fees of what I charged Mrs. Adams it comes to \$7625.00. $\$7725.00 - \$100.00 = \$7625.00$. I feel that Mrs. Adams feels like I owe her something. I know that I have been a part of Mrs. Adams' family over 40 years. I don't ever remember receiving money from her. I received clothes. She has done for my children in the past. She has not done anything for me where she should feel like I had 96 days to give her free healthcare. Time was taken away from my husband and children that were still in school. She is still getting a bargain.

UPPER TOWNSHIP
2012 OCT 31 PM 4: 26
MAGISTRATE'S OFFICE

2. Adell Adams' Answer to Magistrate Complaint
March 8, 2013

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
)
)

2012CV401070927
CIVIL CASE NUMBER
IN THE MAGISTRATE'S COURT
ANSWER

Constance C Washington
5925 Letitia Street
Columbia, SC 29203

PLAINTIFF(S)

Vs
Adell T Adams
724 Martha Street

Columbia, SC 29203

DEFENDANT(S)

DEFENDANT ATTORNEY(S)

UPPER TOWNSHIP
2013 MAR - 8 PM 2:22
MAGISTRATE'S OFFICE

On _____ I was served with a Complaint requiring me to answer within thirty days from the date of service. My Answer which is hereby filed with the **Richland COUNTY SUMMARY COURT**, is as follows:

CHECK ONE:

- A. I contest the jurisdiction of the court based on the following: (use additional pages if necessary) _____
- B. I admit everything in the complaint and do not want a trial.
- C. I admit that I am responsible, but not for the total amount claimed by the Plaintiff(s) because: (use additional pages if necessary) _____
- D. I deny that I am responsible at all because: (use additional pages if necessary) _____

YOU MUST FILE THIS DOCUMENT WITH THE COURT WITHIN THIRTY DAYS

THE DEFENDANT/PLAINTIFF STATES THAT THE INFORMATION CONTAINED IN THIS ANSWER IS TRUE AND CORRECT TO THE BEST OF HIS/HER KNOWLEDGE.

5/5/2013
DATED

Adell T Adams
SIGNATURE OF DEFENDANT(S) (OR ATTORNEY)

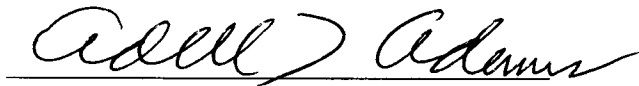
****IF MORE THAN ONE DEFENDANT, ALL MUST FILE ANSWER****

PLEASE RETURN TO: Richland County Upper Township Magistrate
Office/Mailing-4919 Rhett St, Trial Court-1400 Huger St Columbia, SC 29203
PHONE (803) 576-2570 FAX (803) 576-2579

To Whom It May Concern:

Re: Civil Case, 2012CV401070927, Constance Washington vs. Adell T. Adams

I am writing in response to Civil Case Number 2012CV401070927, Constance Washington vs. Adell T. Adams. I would first like to state that I am very appreciative of Mrs. Washington's services that she rendered to me during my rehabilitation from surgery. However, her services were not requested and I did not enter into a contract with her, legally binding me to allocate funds to her for her services. She volunteered to assist me, as she continues to refer to herself as a family member for over 40 years. Mrs. Washington did travel to the nursing home and also here to my home, to assist me and was paid gas money in appreciation for her services. However, I must reiterate, her services were not requested. My son, Adrian Eugene Adams, sent Mrs. Washington \$100 in appreciation for her rendering services to me. When I arrived home, my grandson, Adrian Jermaine Adams, was here to assist me with things that I needed. Mrs. Washington, again, volunteered her services. I was under the impression that since she referred to herself as a family member and that she is a neighbor; she had my best interest at hand and was offering to help as a sign of her generosity and friendliness.

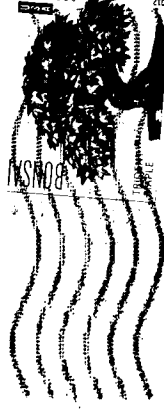


Signed, Adell T. Adams
March 5, 2013

724 Martha St.
Columbia, SC 29203

UPPER TOWNSHIP
2013 MAR - 8 PM 2: 22
MAGISTRATE'S OFFICE

Ms. Adell T. Adams
724 Martha St.
Columbia, SC 29203-5028



COLUMBIA, SC 29203
07 MAR 2013 PM 3 L

UPPER TOWNSHIP

2013 MAR -8 PM 1:51

MAGISTRATE'S OFFICE

Richland County

4919 Rhett St.

Columbia, SC 29203

Upper Township Magistrate

29203452619



3. Magistrate's Order of Judgment April 30, 2013

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
)
)
)

2012CV401070927
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

JUDGMENT

Constance C Washington
5925 Letitia Street
Columbia, SC 29203

PLAINTIFF(S)

Vs

Adell T Adams
724 Martha Street
Columbia, SC 29203

DEFENDANT(S)

The issues in this action were tried in the Richland County Magistrate's Court on April 1, 2013 at which time a Judgment for the Plaintiff, **Constance C Washington**, was rendered in the amount of **\$500.00**.

IT IS THEREFORE ORDERED that the Plaintiff recover from the Defendant(s):

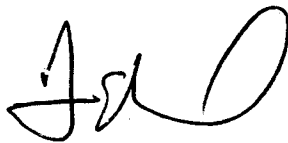
Adell T Adams

the total amount of **\$580.00** which includes other relief, if any, as stated below.

Court Costs / Filing Fees

80.00

4/30/13
DATE



Judge Tomothy Edmond

Upper Township Magistrate
Office/Mailing-4919 Rhett St Trial Court-1400 Huger St
Columbia, SC 29203
Phone: (803) 576-2570 Fax: (803) 576-2579

RICHLAND COUNTY MAGISTRATE COURT

Constance C Washington
5925 Letitia Street
Columbia, SC 29203

JUDGMENT INFORMATION FOR PLAINTIFF

Enclosed is your Judgment that was awarded to you. You may take this Judgment to the Richland County Clerk of Court's office located at 1701 Main Street, Room 205, Columbia, S.C. for filing. There will be an additional filing fee of ten dollars (\$10.00).

After you have done this, the Clerk of Court's office will file the judgment and assist you in the completion of an execution against property, if you so desire. If you do not want to execute against property, the judgment will remain at the Clerk's office accumulating interest at the legal rate compounded annually for a total of ten years.

If you choose to execute on property, you pay the twenty five dollar (\$25.00) filing fee and take your paperwork to the Sheriff's Department. A property search will be done and if the person(s) has any property in his/her name(s) the property will be seized and sold at public auction to satisfy the debt.

Should you receive a partial payment on this Judgment, please fill out and file MV67 Partial Satisfaction of Judgment with the Clerk of Court's office. This form can be found at <http://richlandonline.com/departments/magistrate/forms>.

If you have any question please contact the Clerk of Court at (803) 576-1999.

Judgment Interest Rates

January 1, 2000 – June 30, 2005 - 12% compounded annually

July 1, 2005 to present: Prime rate plus 4%

(Prime rate for the year is the rate published in the Wall Street Journal after January 1st of each year.)

Richland County Upper Township Magistrate
Office/Mailing-4919 Rhett St
Trial Court-1400 Huger St
Columbia, SC 29203
Phone: (803) 576-2570
Fax: (803) 576-2579

Enclosure

RICHLAND COUNTY MAGISTRATE COURT

**Adell T Adams
724 Martha Street
Columbia, SC 29203**

JUDGMENT INFORMATION FOR DEFENDANT

Enclosed is your copy of the judgment that was issued against you. Please note that this judgment can be filed against you in the Clerk of Court's office. If this is done, the judgment will accrue interest at the legal rate compounded annually for a total of ten years. The person holding the judgment can also file for an Execution of Judgment. This means they can get the Sheriff's Department to do a property search and if there is any property listed in your name, the Sheriff's Department can and will seize the property and sell it at public auction to satisfy the debt.

Should you have any questions about judgments, please contact your Clerk of Court.

Judgment Interest Rates

January 1, 2000 – June 30, 2005 - 12% compounded annually

July 1, 2005 to present: Prime rate plus 4%

(Prime rate for the year is the rate published in the Wall Street Journal after January 1st of each year.)

**Richland County Upper Township Magistrate
Office/Mailing-4919 Rhett St
Trial Court-1400 Huger St
Columbia, SC 29203
Phone: (803) 576-2570
Fax: (803) 576-2579**

Enclosure - Judgment

ORDER OF
DISPOSITION

Constance C Washington
5925 Letitia Street
Columbia, SC 29203

PLAINTIFF(S)

Vs

Adell T Adams
724 Martha Street
Columbia, SC 29203

DEFENDANT(S)

IT IS ORDERED that the above referenced civil case shall reflect a disposition of:

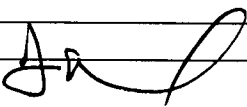
- Settled
- Dismissed
- Default Judgment
- Find for the Plaintiff for Summons and Complaint (Transcript of Judgment will be issued ten (10) days from the court date.)

On, April 1, 2013, the party/parties to this action presented testimony and arguments. Based on the above information and findings of fact, an award was made to the Plaintiff/Defendant in the amount of \$ 500.00, plus filing fees of \$ 80.00, for a total of \$ 580.00.

- Find for the Plaintiff for Claim and Delivery (Pick Up Order will be issued after a \$20.00 pick up fee is paid within 30 days of court date.)
In the event the property is not available, Judgment for the Plaintiff in the amount of \$ _____, plus filing fees of \$ _____, for a total of \$ _____.

- Find for Defendant
- Transferred to another Court
- Continued _____
- Motion Granted _____
- Motion Denied _____

IT SO ORDERED



Judge Tomothy Edmond

Richland County
Upper Township Magistrate
Office/Mailing-4919 Rhett St Trial Court-1400 Huger St
Columbia, SC 29203
Phone: (803) 576-2570 Fax: (803) 576-2579

April 1, 2013

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
)
)
)
)

2012CV401070927
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

NOTICE OF DEFAULT
JUDGMENT

Constance C Washington
5925 Letitia Street
Columbia, SC 29203

PLAINTIFF(S)

Vs
Adell T Adams
724 Martha Street
Columbia, SC 29203

DEFENDANT(S)

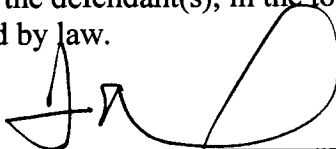
TO: Adell T Adams

IT APPEARING FROM the Affidavit of Default in the above entitled action that you were duly served with the **Summons and Complaint** of the plaintiff on **February 5, 2013** and that you were required to answer or appear on or before thirty (30) days from the date of service, and not having answered or appeared you are now in default.

IT FURTHER APPEARING:

- That the damages sought herein are liquidated. Therefore, **IT IS ORDERED** that the plaintiff, Constance C Washington have judgment against the defendant(s), in the total amount of \$ 580.00 which includes such costs and disbursements as allowed by law.
- That the damages sought herein are unliquidated; that the plaintiff, Constance C Washington itemized the claimed account and appended thereto an affidavit that the account is true and correct and no part has been paid and a copy of the account and affidavit was served with the Summons. Therefore, **IT IS ORDERED** that the plaintiff have judgment against the defendant(s), in the total amount of \$0.00 which includes such costs and disbursements as allowed by law.

Dated: April 1, 2013



Judge Tomothy Edmond
Upper Township Magistrate

4. Adell Adams' Judgment Payment of \$580 April 30 2013

Personal Money Order

PRINTED WITH A BLUE BACKGROUND ON WHITE PAPER • SECURITY FEATURES LISTED ON BACK



110 OAN01

BRANCH NO.

67-804
539

1788763

DATE April 30, 2013

PAY TO THE RICHLAND COUNTY UPPER TOWNSHIP
ORDER OF _____

\$ 580.00

FIRST CITIZENS BANK INC. 580 DOLS 00 CTS

DOLLARS

NOT GOOD OVER 1000 DOLLARS - INVALID AFTER 180 DAYS

FOR _____

REMITTER ADELL T ADAMS

⑈001788763⑈

Given by: *[Signature]*

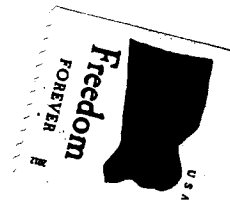
Adrian
Adams.

on: 4/30/13

Received by: *[Signature]*

on: 5/1/13

* Dependents
Pvt 1
on 4/30/13



5. Appellant's Judgment Payment Pick Up Form May 8, 2013

Upper Township Magistrate Office
Judgment Pick-Up Form

Civil Case Number: 2012CV401070927

I, Constance Washington, received a check from the Upper Township Magistrate Office in the amount of \$580.00. This amount was awarded to me in a civil case against Ms. Adell Adams.

Signature: *Constance Washington*
Clerk: *A. Adams*
Date: *5/8/13*

UPPER TOWNSHIP
2013 MAY -8 PM 2:54
MAGISTRATE'S OFFICE

6. Appellant's Notice of Appeal of Judgment April 30, 2013

STATE OF SOUTH CAROLINA

COUNTY OF Richland

Constance C. Washington

Plaintiff(s)

vs.

Adell T. Adams

Defendant(s)

(Please Print)

Submitted By: Constance C. Washington

Address: 5925 Letitia St
Colo, SC 29203

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2012 ^{CV} -CP- 40 - 1070927

2013CP400 2623

SC Bar #:

Telephone #: 803 409-8898

Fax #:

Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

Contracts

- Constructions (100)
- Debt Collection (110)
- Employment (120)
- General (130)
- Breach of Contract (140)
- Other (199)

Torts - Professional Malpractice

- Dental Malpractice (200)
- Legal Malpractice (210)
- Medical Malpractice (220)
- Previous Notice of Intent Case #
20____-CP-____
- Notice/ File Med Mal (230)
- Other (299)

Torts - Personal Injury

- Assault/Slander/Label (300)
- Conversion (310)
- Motor Vehicle Accident (320)
- Premises Liability (330)
- Products Liability (340)
- Personal Injury (350)
- Wrongful Death (360)
- Other (399)

Real Property

- Claim & Delivery (400)
- Condemnation (410)
- Foreclosure (420)
- Mechanic's Lien (430)
- Partition (440)
- Possession (450)
- Building Code Violation (460)
- Other (499)

Inmate Petitions

- PCR (500)
- Mandamus (520)
- Habeas Corpus (530)
- Other (599)

Administrative Law/Relief

- Reinstate Drv. License (800)
- Judicial Review (810)
- Relief (820)
- Permanent Injunction (830)
- Forfeiture-Petition (840)
- Forfeiture-Consent Order (850)
- Other (899)

Judgments/Settlements

- Death Settlement (700)
- Foreign Judgment (710)
- Magistrate's Judgment (720)
- Minor Settlement (730)
- Transcript of Judgment (740)
- Lis Pendens (750)
- Transfer of Structured Settlement Payment Rights Application (760)
- Confession of Judgment (770)
- Petition for Workers Compensation Settlement Approval (780)
- Other (799)

Appeals

- Arbitration (900)
- Magistrate-Civil (910)
- Magistrate-Criminal (920)
- Municipal (930)
- Probate Court (940)
- SCDOT (950)
- Worker's Comp (960)
- Zoning Board (970)
- Public Service Commission (990)
- Employment Security Commission (991)
- Other (999)

Special/Complex /Other

- Environmental (600)
- Automobile Arb. (610)
- Medical (620)
- Other (699)
- Sexual Predator (510)
- Pharmaceuticals (630)
- Unfair Trade Practices (640)
- Out-of State Depositions
- Motion to Quash Subpoena in Out-of-County Action (660)

Submitting Party Signature: C. Washington

Date: 4/30/13

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCF, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et seq.

JANETTE W. McBRIDE
C.C.P. & G.S.
2013 APR 30 PM 4:41
RICHLAND COUNTY
FILED

FOR MANDATED ADR COUNTIES ONLY

Allendale, Anderson, Beaufort, Clarendon, Colleton, Florence, Greenville, Hampton, Horry, Jasper, Lee, Lexington, Pickens (Family Court Only), Richland, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

Constance C. Washington,

Civil Action No. 2012 CV 40-1070927

Plaintiff,

vs.

Adell T. Adams,

Defendant.

**NOTICE OF APPEAL FROM
MAGISTRATE'S COURT**

**2013 APR 30 PM 4:41
KATHLEEN W. MCBRIDE
C.P. & G.S.
RICHLAND COUNTY
FILED**

COMES NOW, Plaintiff appeals the amount of the judgment entered in favor of Plaintiff by the Honorable Tomothy Edmond, on April 1, 2013. Written notice of the Order was received by the Appellant April 1, 2013. A copy of the Order is attached hereto. The grounds for the appeal relate only to the amount of the judgment.

Plaintiff alleged a contract existed between her and Defendant for home health care services between May and August of 2009. The Court held that Defendant was in default and as a result, the Defendant admitted all of the allegations in Plaintiff's Complaint. The Court held a hearing on damages April 1, 2013 and determined that the damages were liquidated, but erred in calculating the amount of the liquidated damages as being \$500 (plus court costs) instead of the amount admitted to in Plaintiff's Complaint of \$7,500.

Plaintiff will file a memorandum in further support of this appeal prior to the hearing.

Respectfully Submitted,

Constance C. Washington

Constance C. Washington

5925 Letitia Street

Columbia, SC 29203

(803) 409-8898

PLAINTIFF

Columbia, South Carolina
April 29, 2013

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

2012CV401070927
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

NOTICE OF DEFAULT
JUDGMENT

Constance C Washington
5925 Letitia Street
Columbia, SC 29203

PLAINTIFF(S)

Vs

Adell T Adams
724 Martha Street
Columbia, SC 29203

DEFENDANT(S)

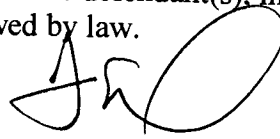
TO: Adell T Adams

IT APPEARING FROM the Affidavit of Default in the above entitled action that you were duly served with the **Summons and Complaint** of the plaintiff on **February 5, 2013** and that you were required to answer or appear on or before thirty (30) days from the date of service, and not having answered or appeared you are now in default.

IT FURTHER APPEARING:

- That the damages sought herein are liquidated. Therefore, **IT IS ORDERED** that the plaintiff, Constance C Washington have judgment against the defendant(s), in the total amount of \$ 580.00 which includes such costs and disbursements as allowed by law.
- That the damages sought herein are unliquidated; that the plaintiff, Constance C Washington itemized the claimed account and appended thereto an affidavit that the account is true and correct and no part has been paid and a copy of the account and affidavit was served with the Summons. Therefore, **IT IS ORDERED** that the plaintiff have judgment against the defendant(s), in the total amount of \$0.00 which includes such costs and disbursements as allowed by law.

Dated: April 1, 2013



Judge Tomothy Edmond
Upper Township Magistrate

7. Magistrate Judge Tomothy Edmund's Answer to Appeal
May 31, 2013

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 Constance C. Washington,)
)
 Plaintiff,)
)
 v.)
)
 Adell T. Adams,)
)
 Defendant.)
 _____)

IN THE MAGISTRATE’S COURT
 UPPER TOWNSHIP MAGISTRATE

Case No.: 2012CV401070927

Appeal No: 2013CP4002623

Answer to Appeal

RICHLAND COUNTY
 FILED
 2013 MAY 31 PM 4:36
 JEANETTE W. McBRIDE
 C.C.P. & G.S.

The above captioned case was filed at the Upper Township Magistrate’s Office on October 31, 2012. The Plaintiff, Constance C. Washington, Pro Se, hereinafter referred to as “Plaintiff”, filed a Summons and Complaint against the Defendant, Adell T Adams Pro Se, hereinafter referred to as “Defendant”.

At the initial filing, the Plaintiff requested the Richland County Sherriff’s Department to serve the pleadings on the Defendant. On November 27, 2012 and January 2, 2013, the pleadings were non-serviced. The plaintiff hired a private process server and the Defendant was served on February 5, 2013. An answer was filed with the court on March 8, 2013 after the prescribed thirty (30) day answer period.

Court was scheduled on April 1, 2013 at 9:00 am. All parties appeared. Before testimony began, the Plaintiff and Defendant were made aware that the Honorable Judge Edmond knew a relative of the Defendant but it would not affect his final decision. Parties were also made aware that if anyone was uncomfortable, the case could be transferred. Both parties agreed to move forward with the case.

Testimony began first from the Plaintiff. She stated she had been a family friend for 41 years and took care of the defendant from May 21, 2012 until August 24th 2012. According to the Plaintiff she is a Certified Nursing Assistant (CNA) and the cost for home health care is anywhere from \$16-\$17 dollars an hour. She then stated that she knew the Defendant was not going to pay her that much so she charged her by the day at \$5-\$6.25 an hour. Plaintiff alleged that she stayed with the Defendant overnight for thirty six (36) nights and sixty (60) days from the hours of 7:30am to 9:00pm and sometimes 10:00pm. The Plaintiff stated that she and the Defendant had an agreement that after the Defendant received settlement money from another pending case that she would be able to pay her but no amount was agreed upon. Plaintiff did admit the Defendant's son had given her one hundred (100) dollars which she deducted from the amount she feels is owed to her. Plaintiff called her first witness, Ms. Kayla Washington (Plaintiff's daughter) and then called her friend Essie Canty James as a second witness. Both witnesses testified that the Plaintiff was always away from home, missing school and other functions because she was working for the Defendant.

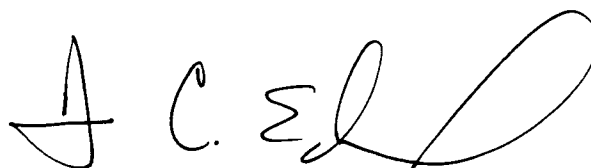
During the Defendant's testimony, she denied that the plaintiff took care of her for the amount of time that was previously stated. She said that when the Plaintiff did take care of her she volunteered. Defendant testified that she never agreed to pay the Plaintiff and also stated that she gave the plaintiff money to buy things for her daughter as well as herself. The Defendant's first witness was her grandson, Adrian J Adams, who testified that he was always there to help with his grandmother but the Plaintiff volunteered her services and would not allow him to do anything so he did not believe she deserved any money. The Defendant's second witness Adrian Adams (Defendant's son) testified that he helped his mother during her recovery. He said he gave the Plaintiff one hundred (100) dollars for helping the Defendant. The Defendant's third

witness was Sharon Adams (Defendant's daughter-in-law) testified that she caught the Plaintiff stealing groceries and toiletries from the Defendant. All of the Defendants witness felt that the amount the Plaintiff was asking for was not earned.

Conclusion

It appeared that there was no contract or amount agreed upon, and based on the testimonies of all parties involved a judgment amount of five hundred (500) dollars was granted in favor of the plaintiff plus the court costs of eighty (80) dollars for a total of five hundred eighty (580) dollars. The Defendant paid the \$500 in full and it was received by the plaintiff on May 8, 2013.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'T. C. Edmond', written over a horizontal line.

The Honorable Tomothy C. Edmond
Presiding Judge
Richland County Magistrate's Court

May 31, 2013

8. Appeals Court's Order of Judgment March 20, 2019

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)

Constance C. Washington,) Civil Action No. 2012 CV 40-1070927
)

Appellant,)

vs.)

Adell T. Adams,)

Respondent.)

ORDER

Presiding Judge:
Attorney for Appellant:
Attorney for Respondent:
Date of Hearing:

The Honorable Robert E. Hood
T. Jeff Goodwyn, Jr.
None, pro se
March 15, 2019

This is an appeal from Magistrate’s Court Order Dated April 1, 2013 from the Upper Township Magistrate, Timothy Edmond. This case involves allegations that Appellant had a contract between her and Defendant for home health care services between May and August of 2009. The Court held that Defendant was in default and as a result, the Defendant admitted all of the allegations in Plaintiff’s Complaint. The Court found that the damages were liquidated under the contract, this finding is unappealed, and is therefore law of the case. The Court held a hearing on damages April 1, 2013 and determined that the damages were not the liquidated amount alleged in the Complaint of \$7,500, but an amount less than that of \$500 plus court costs of \$80 for a total judgment of \$580. Appellant timely filed her Notice of Appeal and a hearing was held on this matter March 15, 2019 before the Honorable Robert E. Hood with all parties present.

STANDARD OF REVIEW

Section 18-7-170 of the South Carolina Code (1985) articulates the standard of review to be applied by the circuit court in an appeal of a magistrate's judgment:

Upon hearing the appeal, the appellate court shall give judgment according to the justice of the case, without regard to technical errors and defects which do not affect the merits. In giving judgment, the court may affirm or reverse the judgment of the court below, in whole or in part, as to any or all the parties and for errors of law or fact.

The Magistrate Court erred in determining the amount of liquidated damages as being \$500 instead of the liquidated amount admitted to in Plaintiff's Complaint of \$7,500. Black's Law Dictionary defines liquidated damages as "an amount contractually stipulated as a reasonable estimation of actual damages to be recovered by one party if the other party breaches. If the parties to a contract have properly agreed on liquidated damages, the sum fixed is the measure of damages for a breach, whether it exceeds or falls short of the actual damages." DAMAGES, Black's Law Dictionary (9th ed. 2009), damages. Further, in *Beckmann Concrete Contractors, Inc. v. United Fire and Cas. Co.*, the Court of Appeals of South Carolina held that "damages are unliquidated where they are an uncertain quantity, depending on no fixed standard" In the Notice of Default Judgment issued by Judge Timothy Edmond on April 1, 2013, it was ordered that the damages sought were liquidated. Thus the amount of liquidated damages were contractually stipulated at \$7,500 as stated in the Complaint and the Court erred as a matter of law when it determined the amount of liquidated damages to be \$580. This court finds that given the finding that damages were liquidated, the proper amount of damage is the liquidated amount of \$7,500.

THEREFORE, this Court hereby AFFIRMS the findings that Respondent was in default and that damages were liquidated, and REVERSES the amount of the judgment and orders Appellant be granted judgment in the amount of the liquidated damages of \$7,500.00.

AND IT IS SO ORDERED.

The Honorable Robert E. Hood
Judge, Fifth Judicial Circuit

_____, 2019
Columbia, South Carolina



Richland Common Pleas

Case Caption: Constance C Washington vs Adell T Adams

Case Number: 2013CP4002623

Type: Order/Damages

So Ordered

s/ R.E. Hood #2164

Electronically signed on 2019-03-20 09:59:47 page 4 of 4

9. Appeals Court's Execution Against Judgment
November 1, 2019

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)

Constance C. Washington,) Judgment Roll No. 2013-CP-40-02623
)

Plaintiff/Judgment Creditor,)

vs.)

Adell T. Adams,)

Defendant/Judgment Debtor.)

EXECUTION AGAINST JUDGMENT

TO: RICHLAND COUNTY SHERIFF'S DEPARTMENT

WHEREAS, the Plaintiff/Judgment Creditor, Constance C. Washington, obtained its Judgment against the Defendant/Judgment Debtor, Adell T. Adams, in the amount of Seven Thousand Five Hundred and 00/100 Dollars (\$7,500.00), as appears at Judgment Roll No. 2013-CP-40-02623, filed in the Office of the Clerk of Court for Richland County on March 20, 2019,

AND WHEREAS, the Judgment remains unpaid in its entirety,

Therefore, I request that you satisfy the Judgment out of the personal property of the Defendant/Judgment Debtor, Adell T. Adams, or if sufficient non-exempt personal property cannot be found, then out of the real property in your County belonging to such Judgment Debtor on the day when the Judgment was so docketed in your County or at any time thereafter in whose hands whomsoever this property may be, and return this Execution according to law to the Clerk of Court in this County.

NOW THEREFORE, we command that you satisfy this Judgment in the above amount.

WITNESS The Honorable Clerk of Court for Richland County, South Carolina, on this
____ day of _____, 2019.

Clerk of Court for Richland County

Submitted by:

T. Jeff Goodwyn, Jr., Esquire
GOODWYN LAW FIRM, LLC
2519 Devine Street
Suite A
Columbia, SC 29205
(803) 251-4517

Attorney for Plaintiff/Judgment Creditor
Constance C. Washington



Common Pleas

Case Caption: Constance C Washington vs Adell T Adams

Case Number: 2013CP4002623

Type: Execution/Issued

So Ordered

s/Jeanette W. McBride, Richland County Clerk of
Court by Alix Smith, Common Pleas Court Clerk

Electronically signed on 2019-11-01 12:05:22 page 3 of 3