

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

Case Number 2010-CP-12-00595

Mell Woods Appellant,

v.

John D. Hinson, Christine E. Jones,
John C. Hinson, Kathy Huffstickle,
Robert H. Hinson, Darrell W. Hinson,
Charles J. Hinson, William L. Hinson,
Elaine H. Hensley, William C. Hinson, Jr.,
John Does, (1-5), Jane Does, (1-2), Respondents.

Reply Brief

Court Of Appeals Internal Tracking Number: 2012 212429

Mell Woods
P.O. Box 2603
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JUN 19 2013

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The Record clearly shows (Hearing Transcript, pg. 42 lines 12-13), R.751 that the trial court relied only on what the Respondent Counsel Mr. Brackett's statements of fact of what was on file in the case instead of looking at the record; "and in making this ruling, the court adopts the arguments made by defendant on that motion."

Mr. Brackett tries to get around what the trial court actually stated on the record by trying to say the court meant something else, when it is obvious from the record that the trial court only relied on argument instead of evidence. *Statements of counsel* are not evidence, and where a trial court bases a decision on argument, instead of facts, reversible error occurs; Gilmore v. Ivey, 290 S.C. 53, 348 S. E.2d 180 and McManus v. Bank of Greenwood, 171 S.C. 84, 171 S.E. 473 (1933).

Respectfully submitted,

This 05 day of January, 2013.



Mell Woods

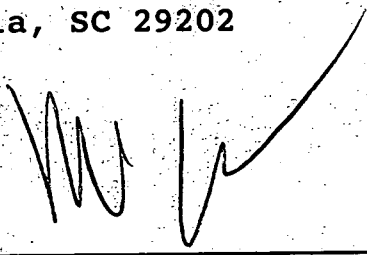
P.O. Box 2603
Lancaster, SC 29721

Certificate of Service:

I hereby that certify that I served the Respondents with a true copy of the within and foregoing Reply Brief by placing a copy of the Brief in the U.S. Mail with sufficient postage addressed to the counsel of record for respondents to wit:

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

This 05 day of January, 2013.



Mell Woods