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SC Court of Appeals

FORM 13  
BRIEF OF APPELLANT\*

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In the Supreme Court]

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Daniel Coble, Circuit Court Judge

Case No. 2023-cp-400-6441

Tommy Truesdale, Maudy  
Truesdale, Representative of  
the Estate of Tommy Truesdale,

Respondent,

v.

Samuel C. Brown,

Appellant.

[INITIAL] BRIEF OF APPELLANT

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\* Under Rule 267(e), SCACR, the cover of the final briefs should be the following colors: brief of appellant - blue; brief of respondent - red; reply brief - gray; and amicus curiae or intervenor - green.

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## STATEMENT OF ISSUES ON APPEAL

1. DID THE TRIAL COURT ERR IN FAILING TO FIND THIS ACTION IS BARRED BY RES JUDICATA?
2. DID THE TRIAL COURT ERR IN CHARGING THE JURY THAT FRAUD MUST BE PROVED BY A PREPONDERANCE OF THE EVIDENCE?

## STATEMENT OF THE CASE

On November 17, 2023 and December 4, 2023, Samuel C Brown brought this action Lis Pendens on an unoccupied vacant, neglected estates claiming adverse possession in publication alleging default judgement against Tommy Truesdale and Heirs no answered alleging Brown claim was not in invalid precluded by judgment in an action between the parties. The action was tried on December 10, 2024, and default judgment was entered on December 19, 2024.

Brown enters a motion to amend or reconsider Judge Coble order January 7, 2025 I agree to the "default judgement", however appellant did prove his relevant facts and provides sworn testimony see transcript. Therefore, I was continuously, hostile, actually and notorious with providing convincing evidence at trial of presumption to statute of law action Section 15-67-210 and it says SECTION 15-67-210. Presumption of possession; when occupation deemed under legal title. SECTION 15-67-40. Service on unknown parties; notice of Lis pendens. SECTION 15-67-30. Propriety of service by publication; personal service out of State shall be sufficient. Brown did prove all actions at law. And there was no respondent and according to rule 55 typically appellant does received damages in the traditional sense as I am not requesting a relief for compensation for harm cause but rather seeking a court "judgement" but officially granting appellant ownership of the estate and have his written instrument recorded as it stands as truth, and be recorded in the Register of deed and no one should or interfere or deny his propose order.

## STANDARD OF REVIEW

[Set forth appropriate standard of review with citation(s) to authority if all issues are governed by the same standard of review; otherwise include a separate section with a heading of "Standard of Review" at the start of the argument on each issue.]

## FACTS

[Counsel may wish to set out the facts relevant to the arguments at this point in the brief. This, however, is optional, and the relevant facts may be included in the discussion of each argument. In either case, the brief must contain references to where the salient facts can be found in the Record on Appeal. In Initial Briefs, these references shall be made in the manner specified by Rule 208(b)(4), SCACR. In the Final Briefs, these references shall be to the page and line number of the Record on Appeal (i.e., R.p. 37, lines 7-8). Rules 211(b)(1), SCACR.]

## ARGUMENTS

- I. BECAUSE RESPONDENT COULD HAVE RAISED AN ARGUMENT IN A TIMELY MANOR ON MULTIPLE OCCASION AND FAIL TO DO SO APPELLANT TESTIMONY STANDS AS TRUTH AND HE DID PROVE ADVERSE POSSESSED RESPONDENT ESTATE.

[Set out discussion and citations of authority.]

- II. BECAUSE FRAUD MUST BE PROVED BY CLEAR AND CONVINCING EVIDENCE, THE TRIAL COURT ERRED WHEN IT DISMISSED APPELLANT CLAIM AND EVIDENCE.

[Set out discussion and citations of authority.]

## CONCLUSION

For the reasons stated, this Court should reverse the judgment of the circuit court and grant appellant motion to reconsider and amend Judge Coble order to the original proposed order maybe granted.

Respectfully submitted,

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