

FORM 13
BRIEF OF APPELLANT*

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SC Court of Appeals

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

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

David P Caraker Jr., Circuit Court Judge

Case No. 2023-CP-4202-187

Appellate Case No. 2025-000173

Andrew R Hart, as Personal
Representative of the Estate of
Kevin Cameron, Respondent,

v.

John P. Tucker, Appellant.

[INITIAL] BRIEF OF APPELLANT

I, the Appellant, do not believe that I committed any type of fraudulent sale. The vessel was in working condition when the Respondent took possession. A period of five (5) days had passed before the Respondent attempted to reach me via text. I was concerned that it might be a scam, and did not respond. Nearly a full year passed before I was contacted concerning a court date. There were -0- attempts at mediation, whereas I would have been more than happy to reach a conclusion. I do not feel that I was treated fairly when judgement was passed on this case.

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1. Respondent had possession of the vessel after final purchase for five (5) days before stating via text messaging that there was an issue. Respondent never returned to the Appellants residence where the vessel was purchased to attempt contact in person.
2. Appellant never received / was served any notice of Court prior to the notice received for Court on January 15, 2025, when I learned that a “judgement of Default” was issued on October 10, 2024 for not responding to the summons I never received. No consideration was given to not receiving notice.

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STATEMENT OF ISSUES ON APPEAL

1. WAS CONSIDERATION GIVEN TO THE LENGTH OF TIME THAT THE RESPONDENT HAD THE VESSEL IN HIS POSSESSION?
2. DID THE COURT ERR IN FAILING TO VERIFY IF THE APPELLANT WAS LAWFULLY CONTACTED FOR ALL COURT DATES?

STATEMENT OF THE CASE

This case is concerning a boat that was sold in May of 2023. The Buyer had taken possession of the boat, and discovered an issue with the engine, five days after the purchase.

The Buyer is alleging that I committed fraud by concealing an issue. When the Buyer arrived to make the initial purchase, I was able to run the boat for 5-10 minutes so that he could see that it was in good condition. The Buyer at that time was satisfied after further inspection and we completed the purchase / sale.

The Buyer attempted to contact me via text, but I was fearful that he was in some way trying to scam me. I did not respond to the texts. We had no other correspondence. I attended court for this case on January 15, 2025 in Spartanburg County at the Common Pleas Court. I learned at that time that a summons for a hearing was served on me on May 13, 2024. I explained that I never received nor was served with any summons. Additionally, I learned that an entry of "default" was entered on 10/24/2024 for not responding to the summons.

I feel that the judgement in this case was based primarily on the previous entry of default, and no consideration was given in regards to not having received a notice of a hearing.

Respectfully, I advised the court that had the Buyer returned for a face to face conversation, I would have at least met him half way on the repair costs, etc. I would ask that consideration be made for the fact that I never knew about a prior summons for a hearing.

ARGUMENTS

1. Respondent had possession of the vessel after final purchase for five (5) days before stating via text messaging that there was an issue. Respondent never returned to the Appellants residence where the vessel was purchased to attempt contact in person.
2. Appellant never received / was served any notice of Court prior to the notice received for Court on January 15, 2025, when I learned that a “judgement of Default” was issued on October 10, 2024 for not responding to the summons I never received. No consideration was given to not receiving notice.

CONCLUSION

For the reasons stated, this Court should reverse the judgement of the Circuit Court.

Respectfully submitted,

May 5, 2025

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