

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM LANCASTER COUNTY
COURT OF COMMON PLEAS

Robert W. Davis, Special Referee

Appellate Case No. 2012-212625

Mamie Sue Knight a/k/a Mamie
Sue Cauthen, Plaintiff and Warren
M. Knight, Third Party Defendant

Appellants,

v.

Charles R. Cauthen, Defendant
and Third Party Plaintiff

Respondent.

ORDER OF SPECIAL REFEREE

This matter came on before me for a hearing on July 22, 2013 to determine the most efficient and effective way to reconstruct the record of the trial of this case, in accordance with the directions of the Order of The South Carolina Court of Appeals filed November 30, 2012.

Present at the hearing were the Appellants and their attorney, the Respondent and his attorney, and attorney George W. Speedy who represented the Appellant Warren M. Knight at trial.

Following a discussion among all parties and their attorneys, the parties were

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able to stipulate that only two aspects of the Order dated June 28, 2012 will be issues on appeal. No other aspects of the Order will be appealed. Those two aspects are the following portions of the Order and the findings of fact and conclusions of law that support the following portions of the Order:

"4. That the Defendant Cauthen is granted a judgment against Plaintiff Knight in the sum of \$26,000.00 resulting from said sum of monies being proved as belonging to Defendant Cauthen from the sale of his personal property.

13. As to the mobile home park, Plaintiff and Third Party Defendant Knight are hereby ordered to deed their interest to Defendant Cauthen in the land and all other items as conveyed first to Plaintiff Knight and then subsequently to third Party Defendant Knight. Further, upon the signing of this Order, all net income from the operation of the mobile home park shall be held by Plaintiff and/or Third Party Defendant in Trust pending any final disposition of this case; said Plaintiff and Third Party Defendant shall keep detailed records of the gross income and expenditures for review by Defendant Cauthen until said property is transferred to Defendant Cauthen."

There seems to be no issue that the actual record of this trial cannot be reproduced by the court reporter because the record of the trial has been effectively lost or destroyed by the effects of the passage of time upon the recorded media.

The two options available to reconstruct the record are (1) the preparation of a return by me summarizing the trial testimony or (2) the reconvening of a hearing for the purpose of taking testimony from those witnesses who testified at trial on the two aspects of the Order that will be appealed.

These two options were discussed and arguments were made to me by the attorneys. I find that I cannot effective reconstruct the record by the preparation of a return that summarizes the trial testimony. I find, therefore, that this matter will be reconvened for the purpose of taking testimony from those witnesses who testified at

trial on the two aspects of the Order that will be appealed.

The attorneys for the parties have signed this Order to document their stipulation to the issues to be appealed.

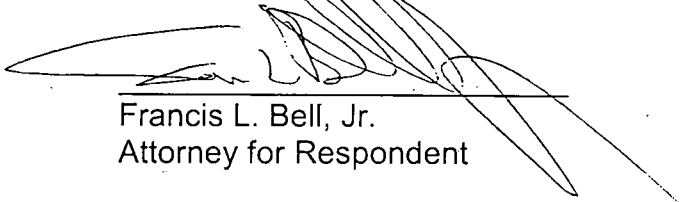
NOW, THEREFORE, it is Ordered that will case will be reconvened for the purpose of taking testimony from those witnesses who testified at trial on the two aspects of the Order that will be appealed.

AND IT IS SO ORDERED.

August ____, 2013

Robert W. Davis
Special Referee

Bruce M. Poore
Attorney for Appellants



Francis L. Bell, Jr.
Attorney for Respondent

George W. Speedy
Trial Attorney for Appellant
Warren M. Knight

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September 4, 2013

George W. Speedy
Speedy, Tanner Atkinson, LLC
Post Office Drawer 100
Camden, SC 29021

RE: Knight vs Cauthen
Case No.: 02-CP-29-113

Dear George:

I am enclosing an Order of Special Referee in the above mentioned case.

Please sign and forward to Bob Davis for his signature. I have enclosed an envelope addressed to him for your convenience and a return envelope to us for Bob.

Sincerely,



Bruce M. Poore

BMP/hp
Enclosure

cc: Mamie Sue Knight
Warren M. Knight
V. Claire Allen - Court of Appeals

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