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Nov 12 2025

SC Court of Appeals
Brief of Appellant

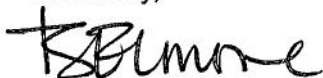
November 12, 2025

Case Number: ~~2025-001058~~

I Tomeka Elmore strongly believe after reviewing my case listed above and researching The Clementa Pinckney Act as it relates to the rights of the non-partitioning party in this case, happens to be me — gave me more than one reason to believe that there were more than one error made resulting in the judgement that lead to my Appeal; amongst other things I'll explain below. According to the Clementa Pinckney Act or Uniform Partition of Heirs Property Act (UPHPA), Gives a non-petitioning co-owner the right to prevent a forced sale by buying out the share of the party requesting the partition sale, but this was not allowed and a judgement was rendered for the opposing party who were the partitioning party and granted the ability to buy out my share and I am officially a co-owner. My right of first refusal was taken away as well when I was not granted the opportunity to buy out their share or interest as well. As this act relates to buy outs When a co-owner files for a partition by sale, the other co-owners (heirs) have a right of first refusal to buy the interest of the party seeking the sale at an appraised fair market value. I was not given the opportunity to exercise my liberty to buy out the interest of the co-owners seeking the sale. This law was created to empower me, the non-partitioning co-owner to buy out the co-owners share that's seeking the sale and preventing the partitioning party from unilaterally forcing a full, potentially undervalued, sale of the entire property, but this was also allowed in the ruling of this case adverse to this law. As it relates to this law 016 Act No. 153, SECTION 6 says "section 15-61-370 (tel:15-61-370)" If any cotenant requests partition by sale, after the determination of value pursuant to Section 15-61-360 (tel:15-61-360), the party filing the partition action, after receipt of the value information from the clerk's office, shall send notice to the parties that any cotenant, except a cotenant that requested partition by sale, may buy all of the interests of the cotenants that requested partition by sale. I believe it is fair to categorize the final ruling as Manifest Prejudice, because I've lived here, born and raised by my grandmother in this house on this property. I have tax papers filed by my grandmother to show my ties and sentimental value as it relates to this property. It is well known by the opposing party, who are my grand uncles and aunts the deep connection here for me and they know this is unfair and not right. I was there taking care of my grandmother Ella Walker when she informed all heirs involved that it was her will that I have her portion of everything and any possession she had belonging to her. Statutory factors like me living here for such a long time, qualifying as a candidate for squatters rights, paying the taxes since 2009, receiving a forever lease or permanent lease from Frederick Fields, and given permission on the up keeping of the property to my discretion was later acknowledged in court which is how I ultimately became a co-owner. Since 2009 my occupation of the property I've had Adverse possession, exclusive possession, continuous possession and shown open and notorious possession, and this led to me receiving a quitclaim deed September 9th 2022. My ownership duration, sentimental ties, my current use, along with my contributions are just a few statutory factors to list that should be noted why manifest prejudice is apparent here. I was acknowledged as an heir and co-owner with these liberties revoked when testimony by the opposing party spoke on issues with William Staley who isn't around anymore to cause anymore issues they claim they dealt with in him; not

any issues with me. After a misunderstanding between my ex boyfriend in, William Staley and Frederick Fields in company, "my grand uncle and grand aunts" this led to a restraining order on William Staley my ex boyfriend and retaliation by my grand aunts and uncles taking me to court for their differences with William Staley. William Staley has been long gone for years now. I believe after testimony on disagreements that happened with William Staley, a judgement in error was made when the final ruling suggested we all can't live on our land together. Despite everyone who testified was asked if they had any problems or issues with me in the last two and a half years and they all answered no. My receipts of repairs and maintenance done to the property were all taken by William Staley and even though Master-In-Equity Judge Scarborough acknowledged a lot of improvements that he's witnessed himself over the years according to his personal memory passing by my house, "that he stated". This was still not enough in my favor to highlight all the improvements I've made to the property. I'm an heir / co-owner and my grand aunts and uncles problems were with my ex boyfriend who hasn't been here in over 3 years. There was still a judgement rendered benefiting the opposing counsel as if he's still here. All pictures of parked equipment, documents, and instances where William Staley had differences with my Grand aunts and uncles were all taken out on me despite him not being around anymore and all the documented incidents were isolated events not involving me. Either I was at work or not at home when problems arose between William and my grand aunts and uncles. William Staley has been gone over 3 years and I've married my husband that I've been with the last 3 years and it was overlooked and ruled in error that we all can't coexist peacefully on our land with no evidence to support this ruling since the 3rd party in William Staley has been out of the picture for that reason for years. I don't wish no hurt, harm, pose danger, or insult on or to my grand aunts and uncles more importantly there has been peace and no issues to facilitate a ruling conveying no peace or our inability we can't coexist on our land together. All their issues were with my ex boyfriend and things he did to irritate them and that's not fair to me. I've spoke to every last one of my grand aunts and uncles since with nothing suggesting we can't live near each other or on the same land. I got in an unfortunate truck accident where a loaded dump truck rear ended me and I've been hospitalized since off and on because I was severely injured since this incident that led to orders and request by my counsel for the court to have consideration to my condition in more than one scheduled proceedings acknowledging my condition preventing an appearance and I was forced to show. At times if I couldn't make it from being hospitalized the case hearing was still heard unfairly. There was no consideration reflected in the courts records at times whether I had anywhere to go based upon the ruling made and this ruling posed significant endangerment to me and my two kids of ages 6 and 10. With the evidence and information I've provided I strongly believe that despite certain clauses of law highly benefiting my position in remaining a co-owner and sharing the rights other co-owners have here, there was still a ruling made that I believe was in error given all the facts here. All documents and laws I mentioned above share that there should have been yielded an adverse judgement in my favor. I'm confident when heard the errors made by the original judgement will be highlighted and the rightful judgment will be made to uplift the final ruling and restore me as rightfully being a co-owner / heir of our property.

Sincerely,



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SC Court of Appeals

**FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Master-In- Equity

Mikell R. Scarborough, Master -In- Equity

Case No. ~~2025-001058~~

TOMEKA SHAYRON ELMORE

Appellant,

v.

FREDERICK FIELDS, ET AL

Respondents

FILED
2025 NOV 12 PM 2:55
JULIE J. ARMSTRONG
CLERK OF COURT

PROOF OF SERVICE

I certify that I have served the Notice of Brief of Appellant Designation of Matter on Respondents' Attorney, Bruce E. Berlinsky, by hand delivering a copy to him on November 12, 2025 at his address, 1 Carriage Lane, Suite F, Charleston, SC 29407.

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