

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED

FEB 17 2026

SC Court of Appeals

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APPEAL FROM RICHLAND

Court of Common Pleas  
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Jocelyn Newman, Circuit Court Judge  
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Case No: 2022-CP-400-1906

Appellate case no: 2026-000276  
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Thurmond Guess Sr.-----Appellant,

v.

Pastor Darrell Jackson Sr, Marshall Green, Rosa A. English, Alfred t. Guess, Marjorie Guess,  
of Whom Marshall Green, Alfred T. Guess, and Marjorie Guess are the -----Respondents.

-----  
MOTION ON LACK OF SUBJECT MATTER JURSDICTION

To Rule on 12(b) 6 by Judge Jocelyn Newman  
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INTRODUCTION

This matter came upon the Lower Court on April 13, 2022, all of the Defendants was served on April 15, 28, 2022 copy of the Summon and Complaint by the Richland County Shariff's Department. The Defendant Marshall Green never filed any answer to the Summon and Complaint. Default motion was filed on June 7, 2022. The Defendants Alfred T. Guess and Marjorie Guess filed an Answer on April 28, 2022, but didn't complied with Rule 8. Several hearings were held but the defendants never show up, the case were continuing many times no show from the Defendants. On July 3, 2025 the case was call to trial by Honorable judge Daniel Coble Roster ID: July 3, 2025, July trial term July 14, 2025 no show by the defendants, see plaintiff exhibit (a). the judge Daniel Coble Instruction was to file default judgment again against Marshall Green, and Alfred T. Guess, Marjorie Guess, 7-10-25, for no show. A hearing was held on October 6, 2025 hearing was held before the Honorable judge Thomas McGee, judge McGee heard argument by the Defendant Marshall Green attorney Abigail Rogers for the first time in this matter for Marshall Green, judge McGee ruled that Marshall Green was deceased on September 7,

2024, and Alfred T. Guess was deceased July 25, 2025, judge McGee continue the case so the plaintiff can substitute of party. Judge McGee ruled that the Plaintiff have standing. because the defendant Marshall Green appeared to be in default was deceased on September 7, 2024, but was in default on June 2022, no answer to date. Also, the judge McGee ruled that Alfred T. Guess or Marjorie Guess, didn't appear at hearing on October 6, 2025. Alfred T. Guess was Deceased on July 25, 2025, judge McGee rule that the Plaintiff can file substitute of party. See exhibit (b), On December 10, 2025 a Motion was filed by George Johnson 12(b) 6 for Marjorie Guess, and Motion by filed by Abigail Rogers for Marshall Green, 12(B) 6. December 28, 2025, these Motions was filed five Months after the No show July 3, 2025, and July 14, 2025, hearing for on trial by jury trial came up. Marshall Green never file any Answer or appear in court. On January 6, 2026 a hearing came before judge Newman (Granted) the Plaintiff Motion for Substitution of party, but Dismiss the Plaintiff case against Marjorie Guess, and Alfred T. Guess, and Marshall Green. on the 12 (b) 6 motions for the defendants that was (Granted). The Plaintiff filed motion to alter or amend the judgment ON 59 E AND 60(B) but judge Newman Refuse to hold hearing and denied that motion. that this follow these appeals. honorable judge Jocelyn Newman lack subject matters of jurisdiction on Rule 12 (b)6 motion by the defendants because two Circuit Court Judge had already ruled that the Plaintiff have standing because of the defendant's action. Judge Newman cannot over another circuit court judge. ROBERT BADDORF ET AL V. D.R. HORTON INC, ONLY BY A HIGHER COURT.

#### Statement of facts

1. On and about March 10 1990 Pastor Darrell Jackson Sr, Marshall Green, Rosa A. English. File a false affidavit concerning my mother and father property at 3004 dell drive Columbia SC 29209. See exhibit C.
2. The Defendants stated that they saw Arthur Guess, Lillie Mae Guess sign seal and delivered an Easement right Of Way Deed to Richland County, which are false, and all ways will be false. See exhibit C.
3. My father Arthur Guess was Deceased on November 20, 1976. See exhibit (D). (Bombshell SEE Exhibit C, D).
4. My mother name is not Lillie Mae Guess, Lila Mae Guess.
5. Pastor Jackson, English, Green, are the main player in this matter.
6. Alfred T. Guess, Marjorie Guess, has unclean hands because they attempted use my Mother and father party to refinance their personal home.

#### Arguments

Judge Newman is not an appellate court so she can not over rule a judge of the same circuit or violate state statute of Rule SCRPC 55. Judge should not make rules from the bench.

For all of the reason above the Appellate court should Reverse and Remanded the order of judge Jocelyn Newman.

Respectfully Submitted

Thurmond Guess Sr.

1115 carter street apt. 224

Columbia, SC 29204  
(803) 862-8042

21

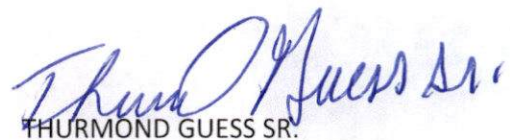
PROOF OF SERVICE

I, THURMOND GUESS DO HEREBY CERTIFY THAT TRUE COPY OF THE MOTION ON LACK OF JURISDICTION TO HEAR A 12(B) 6, MOTION HAS BEEN SERVED ON THE RESPONDENT BY PLACING A PREPAID STAMP IN THE U.S. MAIL AT THE ADDRESS BELOW ON FEBUARY 17, 2026.

GEORGE C. JOHNSON  
1615 BARNWELL STREET  
COLUMBIA, SC 29202  
(803) 252-9700

ABIGAIL ROGERS  
21 BLACK GUM ROAD  
COLUMBIA, S.C. 29209  
(803) 237-7526

**RECEIVED**  
FEB 17 2026  
SC Court of Appeals

  
THURMOND GUESS SR.

1115 CARTER STREET APT. 224  
COLUMBIA, SC 29204  
(803) 862-8042

STATE OF  
SOUTH CAROLINA



## NOTICE OF CASE SCHEDULING

June 10, 2025

Case 2022CP4001906 - Thurmond Guess Sr vs Darrell Jackson Sr, defendant, et al has been added to the following Court Roster:

Roster ID: 1471 - JULY 14, 2025 Jury Trial Roster meeting Thursday July 3, 2025 9 am

This case has been assigned as priority 7 of 78 cases scheduled for the court period of 7/14/2025 through 7/18/2025

The Roster Meeting for the term of JULY 14, 2025 will be held on THURSDAY July 3, 2025 at 9 am via WebEx. TO ACCESS THE ROSTER MEETING, go to SCCOURT.org, select courts, circuit court, judges and then select Judge Daniel Coble Virtual Courtroom. ATTENDANCE IS MANDATORY. Any request for a Continuance should be filed along with the required filing fee. ALL proposed orders of continuance must be accompanied by a motion. If you have any questions or concerns please contact Judge Daniel Coble's law clerk at DCobleLC@SCCourts.org and/or Paul Gunter at Gunter.Paul@RichlandCountySC.Gov.DCobleLC@SCCourts.org and/or Paul Gunter at Gunter.Paul@RichlandCountySC.Gov.

Client Name
Thurmond Guess 8 Moodyview Ct.  Columbia, SC 29223

Court Name
Richland County Common Pleas Richland County Judicial Center 1701 Main Street Columbia, SC 29201-9201

If you have any questions regarding the scheduling of this case, please contact the courts at:

(803)576-1999

Respectfully,

Jeanette W. McBride  
Clerk of Court

Exhibit A

FILED

Thurmond Guess, Sr  
PLAINTIFF(S)

Marshall Green et al  
DEFENDANT(S) 2025 OCT 28 PM 1:00

AMY W. McCULLOSH  
PROBATE JUDGE  
RICHLAND COUNTY, S.C.

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

The Motion for Default Judgment and the Motion to Quash Subpoena of Non-Party were heard on October 6, 2025.

Plaintiff's Motion for Default Judgment is continued to allow Plaintiff time to substitute the proper estates of the deceased Defendants as parties.

The Motion to Quash is dismissed as moot.

ORDER INFORMATION

This order  ends  does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 10/06/2025 .

Alfred T. Guess for Alfred T. Guess  
 Marjorie Guess for Marjorie Guess.  
 Alfred T. Guess for Alfred T. Guess  
 Thurmond Guess, Sr for Thurmond Guess, Sr  
 Thurmond Guess, Sr for Thurmond Guess, Sr  
 Marjorie Guess for Marjorie Guess

**NAMES OF TRADITIONAL FILERS SERVED BY MAIL**

*Appellate Exhibit B*

ELECTRONICALLY FILED - 2025 Oct 07 9:53 AM - RICHLAND - COMMON PLEAS - CASE#2022CP4001906

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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FILED

2026 FEB -9 PM 12: 25

AMY W. McCULLOCH  
PROBATE JUDGE  
RICHLAND COUNTY, S.C.



Richland Common Pleas

**Case Caption:** Thurmond Guess Sr vs Darrell Jackson Sr , defendant, et al  
**Case Number:** 2022CP4001906  
**Type:** Order/Electronic Form 4

So Ordered

s/ Thomas W. McGee III, Judge Code 2786

Exhibit 1 of the Plaintiff C.

VOL D1023 PAGE 762

THE STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND.

EASEMENT AND RIGHT-OF-WAY DEED  
(Drainage)

MAR 10 2 21 PM '91

THIS INDENTURE made this the 10 day of MAR 1991  
by and between Arthur B. Little Mae Guess of the County of Richland, the governing body of Richland County, of the County and State aforesaid, Party of the First Part, and the County Council of Richland County, the governing body of Richland County, of the County and State aforesaid, Party of the Second Part. WITNESSETH:

That the said Parties hereto, for and in consideration of the sum of one (\$1.00) dollar each to the other paid, the receipt whereof is hereby acknowledged, and in further consideration of the agreements and conditions hereinafter contained do mutually agree as follows:

That the Party of the First Part does hereby grant, bargain, sell, release and convey unto Richland County, hereinafter called "Grantee", its successors and assigns, an easement and right-of-way, 15 feet in width, together with the right during the course of construction to use such additional width as may be necessary, not to exceed 100 feet on either side of the aforesaid right-of-way herein granted, for the purpose of laying and constructing, underground storm drains for the purpose of transporting or conveying surface water run off across, through and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the construction of said storm drains, and the further right to remove trees, bushes, undergrowth, crops and/or other obstructions interfering with the location and construction of said storm drains, said easements and right-of-way being more particularly described as follows:

All that certain piece, parcel or strip of land situate, lying and being near Columbia, in the County of Richland, State of South Carolina, containing the below described portion of that lot designated on the Richland County Tax Maps as PMS 13415-1-14, also known as 3004 Dell Dr.

Commencing at the rear property corner of lot, adjacent to lot 13, thence running in a southwestern direction for a distance of 90 (feet), more or less, to a point of ending.

This easement follows the existing storm drainage system and is for the purpose of maintaining the storm drainage system. Also, the right of ingress and egress across said property for construction equipment.

Together with all and singular the rights, members, hereditaments and appurtenances thereto belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD the said easements and rights-of-way unto the said Party of the Second Part, their successors and assigns, upon the following conditions:

Party of the First Part understands that said drainage ways are located by the Party of the First Part; that the construction of said storm drains will tend to collect surface waters into artificial channels and cast same on the lands adjoining said right-of-way in concentrated form, through interference with the natural flow of such surface waters; that the Party of the Second Part do not hold themselves out to perform, nor do they have equipment and material or appropriations of money to purchase equipment and material necessary to adequately pipe and ditch the lands adjoining said right-of-way for the purpose of removing the surface waters or to provide means so that the natural flow of water shall not be impounded or interfered with to the damage of adjoining lands; and it is therefore agreed as one of the material considerations and inducements for constructing said drainage by the Party of the Second Part, that the Party of the First Part does, hereby release the Party of the Second Part, and their successors in office and Richland County, to the State aforesaid, from, and does hereby assume all risks of loss, damage, destruction or claims, of every kind or description, present or future, caused to, or suffered by Party of the First Part, therein heirs, assigns or successors in title to property adjoining said right-of-way resulting from the collection of, or interference with, the natural flow of surface water, due to the construction of said drainage creating or resulting in a nuisance or of the taking of property without due process of law. It is further understood and agreed that the Party of the Second Part assumes no responsibility for maintenance of said drainage.

And the said Party of the First Part for them and for their heirs, assigns or successors to title does hereby further agree to save and hold harmless the Party of the Second Part, their successors in office, and Richland County, from all such losses, damages, destruction and claims hereinabove specified.

It is understood and agreed that the property affected will be restored as near as practicable to its prior condition after constructive of the drainage.

It is further understood and agreed by the Party of the First Part that the person securing this grant is without authority to make any agreement in regard to the subject matter hereof which is not approved herein and that any such agreement will not be binding on the Party of the Second Part.

And the Party of the Second Part, their successors in office, agree to construct the said drainage in a reasonably good and workmanlike manner.

IN WITNESS WHEREOF the Parties hereto have herunto set their hands and seals the day and year first hereinabove written.

Little Mae Guess (REAL)  
PARTY OF THE FIRST PART

COUNTY COUNCIL OF RICHLAND COUNTY

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:  
Donald Jackson  
Marshall Green  
As to Party of the First Part

By Bernie G. Scott Chairman  
Attest: Brenda Fuller (REAL)  
Clerk of Council

W. Anthony McDowell  
Janet H. ...  
As to Party of the Second Part

VOL D1023 PAGE 762

Form No. 100-10

Exhibit A of the Plaintiff

THE STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

VOL D1023 PAGE 763

PROBATE NO. 1  
As to Party of the First Part

PERSONALLY appeared before me Darrell Jackson  
who being duly sworn says that he saw the within named Arthur + Lillie Ann Guess  
Party of the First Part, sign, seal and as They act and deed deliver the within written instrument for the use  
and purpose therein mentioned, and that he with MARSHALL GREEN  
witnessed the execution thereof.

SWORN to before me this 10 day of March 1890  
Rose Anna English  
Notary Public for South Carolina 11/9/92

THE STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

PROBATE NO. 2  
As to Party of the Second Part

PERSONALLY appeared before me JAMES F. MEARS, JR.  
who being duly sworn says that he saw the County Council of Richland County by its Chairman and Secretary sign, seal,  
and as the act and deed of the County Council of Richland County deliver the within written instrument for the use and  
purpose therein mentioned and that he with W. ANTHONY McDONALD  
witnessed the execution thereof.

SWORN to before me this 7th day of MARCH 1891  
Orville W. Cannon  
Notary Public for South Carolina

My Commission Expires April 17, 1899

VOL D1023 PAGE 763

THE STATE OF SOUTH CAROLINA  
RICHLAND COUNTY

TO --  
COUNTY COUNCIL  
RICHLAND COUNTY, S. C.

CONVEYANCE OF RIGHT-OF-WAY

I hereby certify that the within deed has  
been this 10th day of MARCH 1890, A. D.  
recorded in Book D1023  
of Deeds, Page 762  
Clara D. Britton  
Clerk of Court for Richland County.

I hereby certify that the within deed has  
been this 10th day of MARCH 1890, A. D.  
recorded in Book D1023  
of Deeds, Page 762  
Attest:

**CERTIFICATION OF VITAL RECORD**

**DEATH CERTIFICATION**

**PLAINTIFF'S  
EXHIBIT**

REGISTRAR'S NO.		STATE OF SOUTH CAROLINA BOARD OF HEALTH		76 023021	
BIRTH NO.		CERTIFICATE OF DEATH			
DECEASED—NAME		FIRST		MIDDLE	
1. Arthur		GUESS		GUESS	
RACE		AGE—LAST BIRTHDAY (YEARS)		DATE OF DEATH (MONTH, DAY, YEAR)	
6. Negro		66		2. November 20, 1976	
CITY, TOWN, OR LOCATION OF DEATH		HOSPITAL OR OTHER INSTITUTION		COUNTY OF DEATH	
7. Columbia, S.C.		74. VA Hospital, Columbia, S. C. 29201		18. Richland	
STATE OF BIRTH (IF NOT IN U.S.A., NAME COUNTRY)		CITIZEN OF WHAT COUNTRY		SURVIVING SPOUSE (IF WIFE, GIVE MAIDEN NAME)	
8. South Carolina		9. U.S.A.		11. Lila Larry	
SOCIAL SECURITY NUMBER		USUAL OCCUPATION (GIVE KIND OF WORK DONE DURING MOST OF WORKING LIFE, EVEN IF RETIRED)		KIND OF BUSINESS OR INDUSTRY	
12. Laborer		13. Laborer		12b. Marble Works	
RESIDENCE—STATE		COUNTY		CITY, TOWN, OR LOCATION	
14a. So. Carolina		14b. Richland		14c. Columbia	
FATHER—NAME		MOTHER—MAIDEN NAME		STREET AND NUMBER	
15. Ollie Guess		16. Aline Brooks		14d. UNK 14e. 3004 Dell Street	
INFORMANT—NAME		MAILING ADDRESS (STREET OR R.F.D. NO., CITY OR TOWN, STATE, ZIP)			
17a. VA Hospital Records		17b. VA Hospital, Columbia, S. C. 29201			
PART I. DEATH WAS CAUSED BY:		[ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c)]			
18. IMMEDIATE CAUSE		APPROXIMATE INTERVAL BETWEEN ONSET AND DEATH			
(a) Cerebral Thrombosis					
(b) Arteriosclerosis					
(c)					
PART II. OTHER SIGNIFICANT CONDITIONS. (CONDITIONS CONTRIBUTING TO DEATH BUT NOT RELATED TO CAUSE GIVEN IN PART I (a))					
Pneumonia; Diabetes; Arteriosclerotic Obliterans					
ACCIDENT, SUICIDE, HOMICIDE, OR UNDETERMINED (SPECIFY)		DATE OF INJURY (MONTH, DAY, YEAR)		HOUR	
19a.		20a.		20b.	
INJURY AT WORK (SPECIFY YES OR NO)		PLACE OF INJURY AT HOME, FARM, STREET, FACTORY, OFFICE, ETC. (SPECIFY)		LOCATION (STREET OR R.F.D. NO., CITY OR TOWN, STATE)	
21a.		21b.		21c.	
CERTIFICATION—		I DID NOT VIEW THE BODY AFTER DEATH (INQUIRE)		DEATH OCCURRED AT THE PLACE, ON THE DATE, AND TO THE EXTENT OF MY KNOWLEDGE (SPECIFY TO THE CAUSE(S) STATED.)	
22. VA ATTENDED THE DECEASED FROM Nov. 1, 1976 TO Nov. 20, 1976		23. I DID NOT		24. 3:55P M. TO THE CAUSE(S) STATED.	
CERTIFIER—NAME (TYPE OR PRINT)		SIGNATURE		DEGREE OR TITLE	
25. OSCAR LaBORDE, M. D.		[Signature]		26. Nov. 24, 1976	
MAILING ADDRESS—CERTIFIER		STREET OR R.F.D. NO., CITY, STATE, ZIP			
27a. Veterans Administration Hospital, Columbia, S. C. 29201		27b. STATE			
BURIAL, CREMATION, REMOVAL (SPECIFY)		CEMETERY OR CREMATORY—NAME		LOCATION	
28. Burial		29. Heyward Cemetery		30. Calhoun County, S. C.	
DATE (MONTH, DAY, YEAR)		FUNERAL HOME—NAME AND ADDRESS		STREET OR R.F.D. NO., CITY OR TOWN, STATE, ZIP	
28. Nov. 24, 1976		31. Pearson's Funeral Home 1325 Park Street Colo., S.C.		32.	
FUNERAL DIRECTOR—SIGNATURE		REGISTRAR—SIGNATURE		DATE REVIEWED BY LOCAL REGISTRAR	
33. [Signature]		34. [Signature]		35. December 16, 1976	

SC10728238

ISSUED JUL 05 2022

This is a true certification of the facts on file in the Division of Vital Records, SC Department of Health and Environmental Control.

*E. D. Simnier*

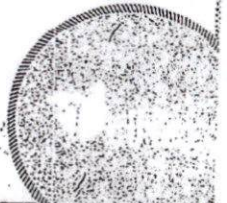
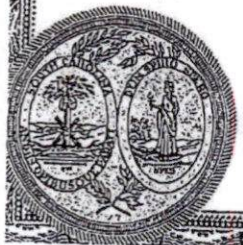
Edward D. Simnier, MD, MPH, DFAPA  
Acting Director and State Registrar

*Caleb N. Cox*

Caleb N. Cox  
Assistant State Registrar

This is watermark paper. Do not accept without noting watermark. Hold to light to verify watermark.

Revision Date: 02/18/2021



*Appellant Exhibit D*

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

Thomas Guess Sr  
115 Carter Street apt. 224  
Columbia, SC 29204  
(803) 862-8042

RECEIVED

FEB 17 2026

SC Court of Appeals

Re: Guess v. Green, Guess, Guess  
appellate court no: 2026-000276

Dear Clerk:

Enclose are motion on Lack Jurisdiction,

Thank you very  
much

Thomas Guess Sr