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December 18, 2013

The Honorable Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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DEC 20 2013

SC Court of Appeals

Re: Woods v. Hinson, et. al.
2011-CP-12-323
Appellate Case No. 2012-212330
MB File No.: 12085.4

Dear Ms. Kitchings:

I represent the Respondents in the above-referenced appeal, and I am herein responding to Appellant's recent Motion to Substitute Party with respect to the late Elaine Hensley, one of the captioned Respondents. Please consider this to be a Return to the Motion.

The parties were notified by the Court by letter dated November 7, 2013, that the appeal in this case was to be submitted to the Court during the November term without oral argument.

Appellant's motion is based on the fact that Respondent Elaine Hensley died on November 30, 2013 and that the personal representative of her estate should be substituted as a party.

Rule 265(b), SCACR, makes substitution in this situation discretionary with the Court ("the appellate court may . . . order substitution".) I respectfully submit that substitution is not required in this instance because all briefs had been filed, and the case submitted to the Court for consideration, prior to Mrs. Hensley's death.

Very truly yours,



B. Michael Brackett

cc. Robert H. Breakfield, Esquire
Mell Woods