

RECEIVED
AUG 26 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
COURT OF APPEAL

Appeal from Richland County
Court of Common Pleas
Jocelyn Newman, Circuit Court judge

Case No: 2022-CP-400-1906
Appellate no: 2026-000276

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, Marjorie Guess, the -----Respondents.

RECORD ON APPEAL

Appellant propose the following be included record on appeal by the respondents also. 210,262.

Thurmond Guess Sr.
1115 Carter Street Apt. 224
Columbia, SC 29204
(803) 238-2025
PRO-SE APPELLANT
ADAM RUFFIN
1320 MAIN STREET SUITE 300
COLUMBIA, SC 29201 RESPONENTS
ABIGAIL ROGERS
21 BLACK GUM ROAD COL.S.C 29209
RESPONDENTS

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Case Wilkins v. United States of America (united state supreme court case 2022.

South Carolina Rule of civil Procedure rule 8.

Rule 55 of South Carolina judicial branch.

7 amendments of constitution. Rule 38 scrp.

Destin v. Kearny Mess AMC/Jeep Renault inc, (1984) 155 Cal, C.C.P 585(W.A. Rose co, Mun. Ct (1959)
176 Cal app.2d 67-71.

Kacey Green and charinrath Green, Respondents V. Mervin Lee Johnson, Petition.

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R.O.P-01

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
THURMOND GUESS SR.)
PLAINTIFF,)
Vs.)
DARRELL JACKSON SR.)
MARSHALL GREEN,)
ROSE A. ENGLISH,)
ALFRED T. GUESS,)
MARJORIE GUESS.)
DEFENDANTS,)

IN THE COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

CASE NO: 2022 - CP - 4001906

SUMMON

(JURY TRIAL DEMAND)

RICHLAND COUNTY
FILED
2022 APR 13 AM 10:22
JEANETTE W. MCBRIDE
C.C.P., G.S., & E.C.

TO THE DEFENDANT ABOVE NAMED:

You are hereby summons and required to answer the complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your answer to the said complaint upon the subscriber at his address 3111 two notch road apartment 124, Columbia, south Carolina 29204, within thirty (30) days after the service hereto, exclusive of the day of such service: and if you fail to answer the complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the said complaint.

Columbia South Carolina April 13, 2022

Jury trial demanded

Thurmond Guess Sr.
Thurmond Guess Sr.

3111 Two Notch Road Apartment 124

Columbia, SC 29204

(803) 586-3559

R.O.P-01-03

ROP-02

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND) FIFTH JUDICIAL CIRCUIT
THURMOND GUESS SR.) CASE NO: 2022-CP-400-1906
PLAINTIFF,)
VS.) COMPLAINT
DARRELL JACKSON SR.)
MARSHALL GREEN,)
ROSE ANN ENGLISH,)
ALFRED T. GUESS,)
MARJORIE GUESS,)
DEFENDANTS,)

RICHLAND COUNTY
FILED
2022 APR 13 AM 10:22
JEANETTE W. McBRIDE
Clerk, C.S., & F.C.

THE PLAINTIFF, COMPLAINING OF the Defendants above named, would respectfully show unto this Honorable court.

1. That the Plaintiff is a citizen and resident of the county of Richland County, State of South Carolina.
2. That the Defendants is, on information and belief, a Citizen and resident of the County of Richland County, state of South Carolina.
3. That on or about March 10, 1990 the Defendants Darrell Jackson Sr, Marshall Green, Rose Ann English, together issue constructive fraud, false affidavit concerning the property of Lila Mae Guess, Arthur Guess, at 3004 Dell Drive Columbia South Carolina.
4. That Arthur Guess was deceased in 1976.
5. That Lila Mae Guess, or Arthur Guess did not agree or signed any Easement and Right of Way Deed to Richland County, or signed any party of the first part to Darrell Jackson or Marshall Green.
6. That Rose Ann English should not have notary public this false instrument of Darrell Jackson and Marshall Green concerning the named Arthur, Lillie Mae Guess.
7. That the Defendants made up a false name of Lillie Mae Guess.
8. That Alfred T. Guess, Marjorie Guess knew of this constructive fraud and assisted in keeping it from the Plaintiff until October 2021.
9. That the Plaintiff receive copy of this false Easement Right to Richland County on October 2021.

[Handwritten signature]

ROP-03

10. That all of the Defendants have signed stated or a set of false statement in this action.
11. That the Defendants were knowledge of Falsity or Reckless and disregard of truth.
12. That the Defendants knew his or her statements was false and that the knowledge of falsity extends to statements made in the reckless disregard of the truth, that the defendants made false representation upon fraudulent, misrepresentation of all Partum.

CONSRUCTIVE FRAUD

13. That Defendants Darrell Jackson, Marshall Green, Rose Ann English breach of a legal or equitable duty that the law pronounces fraudulent and the intents to deceive, violated public or private confidence or injurie public interest and committed actual fraud.
14. That the Defendants Alfred T. Guess, Marjorie Guess has conspired with Darrell Jackson, Marshall Green, Rose Ann English to hide the false Easement Right of Way and party to the first part.
15. That because of the Defendants action the Plaintiff has lost his inheritance that Arthur Guess and Lila Mae Guess left for him. The Plaintiff will request actual and punitive damages and awarded because of the fraud and constructive fraud, which are the natural and proximate consequence of the fraudulent, misrepresentation of the defendants and is clearly defined and ascertainable and is recoverable.
16. That the Defendants ought to have known that their falsity of the misrepresentation, fraud, disregard for the truth reckless, dishonesty would be the cause of this action.

Wherefor the Plaintiff pray that this court rule just proper and look further in this action or matter.

RESPECTFULLY SUBMITTED

THURMOND GUESS SR.

3111 TWO NOTCH ROAD APT. 124
COLUMBIA, SC 29204
(803) 586-3559

ROP-04

PETITIONER'S
EXHIBIT

THE COURT OF COMMON PLEAS/ FIFTH JUDICIAL CIRCUIT

123 Emerald Lake Rd
Columbia SC 29209

DATE: April 22, 2022

RE: 2022CP4001906

PLAINTIFF: Thurmond Guess, Sr.

DEFENDANTS: Alfred T. & Marjorie Guess

ENCLOSED: Answers/Response

RICHLAND COUNTY
FILED
2022 APR 28 PM 3:43
JEANETTE W. McBRIDE
C.C.P., G.S., & F.C.

Question 8. That Alfred T Guess, Marjorie Guess knew of this constructive fraud and assisted in keeping it from the Plaintiff until October 2022.

Response: Alfred Guess Marjorie Guess received the easement in October 2021 because we were seeking documentation to clarify that 3004 Dell Drive, Columbia SC, 29209 was their property.

The Easement and Rights of Way was provided by Richland County of Records.

Question 10. That all of the Defendants have signed stated or a set of false statements in this action,

Response: Alfred T. and Marjorie Guess have not signed any statements in regards to this action.

ROP-04-05

ROP-25

Question 11. That the defendants were knowledge of Falsity or Reckless and disregard of truth.

Response: Alfred T. and Marjorie Guess have no knowledge of falsity or reckless and disregard of truth in regard to this action.

Question 12. That the Defendants knew his or her statements was false and that the knowledge of Falsity and that the extends to statements made in the reckless disregard of the truth, That the defendants made false representation upon fraudulent, misrepresentation of Partum.

Response: Alfred T. And Marjorie did not make any false statements of in reckless disregard of the Truth nor any false representation upon fraudulent, misrepresentation of? Partum?.

CONSTRUCTIVE FRAUD

Question 14. That the Defendants Alfred T. Guess and Marjorie Guess has conspired with Darrell Jackson, Marshall Green, Rose Ann English to hide the false Easement Right of Way and Party to the first part.

Response: Alfred T. Guess and Marjorie Guess have in no matter conspired with Darrell Jackson, Marshall Green or Rose English. The 3004 Dell Drive, Columbia, SC is heir property left to the children of Lila Mae Guess.

Question 16. That the Defendants ought to have known that their falsity of the misrepresentation, fraud, disregard for the truth reckless, dishonesty would be cause of this action.

Response: Alfred T. Guess and Marjorie Guess have not participated in any action to cause false misrepresentation, fraud, disregard for the truth reckless, or dishonesty in regards to 3004 Dell Drive, Columbia 29209.

Alfred Guess
Marjorie - B
4-28-2022



ROP-6.

Richland County Sheriff's Department

ROP 06

APR 14 2022

AFFIDAVIT OF SERVICE
or NON-SERVICE

Date Entered: 04/13/2022
 File Number: C202202502
 DSS Number: 0
 Foreign Case #: 2022CP4001906

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)

Date _____

Plaintiff

Thurmond Guess, Sr. 3111 Two Notch Rd Apt. 124 Columbia, SC 29204
 Phone: (803)586-3559 Work:

Defendant(s)

Marshall Green 2952 Dell Dr. Columbia, SC 29209

PERSONALLY APPEARED Before Me D Thomas, duty sworn says that he/she served, or attempt to serve, the following civil paper(s):

Summons & Complaint

1

on the defendant, Marshall Green, as follows:

(x) By personally handing the process to the defendant at 2952 Dell Dr, SC
 on 4.15.22 @ 9:30 AM
 (Date/Time) (Street) (City)

() By handing the process to _____ at _____
 (Name of Person Served/Relationship) (Street)
 _____, SC on _____, a person of suitable age and discretion then residing in
 (City) (Date/Time)
 the defendant's usual place of abode.

() By handing the process to _____, the registered corporate agent or officer of the company at
 (Name of Person Served/Company Name)
 _____, SC on _____ and leaving him/her a copy.
 (Street) (City) (Date/Time)

() WAS UNABLE to locate and serve the above process on the defendant, after diligent efforts by checking the City/Telephone Directory, and going to the address given for the defendant, and by questioning persons in the vicinity of the address.
 THE PROCESS IS RETURNED UNEXECUTED.

() COMMENTS: _____

Deponent knows the person served to be the defendant and Deponent is not a party to the action.
 SWORN TO Before me this

15 day of April, 2022

D Thomas 10 C266
 Deputy Sheriff, Richland County

Kenneth Coleman

NOTARY PUBLIC FOR SOUTH CAROLINA KENNETH COLEMAN
 MY COMMISSION EXPIRES _____
 P.O. Box 143 Columbia, SC 29202
 Notary Public, South Carolina
 My Commission Expires
 July 15, 2024

PLAINTIFF'S
 EXHIBIT

A



ROP-07.

Richland County Sheriff's Department

APR 14 2022

AFFIDAVIT OF SERVICE
or NON-SERVICE

Date Entered:	04/13/2022
File Number:	C202202504
DSS Number:	0
Foreign Case #:	2022CP4001906

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

Date _____

Plaintiff

Thurmond Guess, Sr. 3111 Two Notch Rd Apt. 124 Columbia, SC 29204
Phone: (803)586-3559 Work:

Defendant(s)

Alfred T. Guess Marjorie Guess 123 Emerald Lake Rd Columbia, SC 29209
Phone: (803)397-6654 Work:PERSONALLY APPEARED Before Me N. Clafin, duty sworn says that he/she served, or attempted to serve, the following civil paper(s):

Summons & Complaint

on the defendant, Alfred T. Guess/ Marjorie Guess, as follows:

☒ By personally handing the process to the defendant at 123 Emerald Lake Rd, Columbia, SC
on 4.18.22 8:36 AM.
(Date/Time) (Street) (City)

() By handing the process to _____ at _____,
(Name of Person Served/Relationship) (Street)
_____, SC on _____, a person of suitable age and discretion then residing in
(City) (Date/Time)
the defendant's usual place of abode.

() By handing the process to _____, the registered corporate agent or officer of the company at
(Name of Person Served/Company Name)
_____, SC on _____ and leaving him/her a copy.
(Street) (City) (Date/Time)

() WAS UNABLE to locate and serve the above process on the defendant, after diligent efforts by checking the City/Telephone Directory, and going to the address given for the defendant, and by questioning persons in the vicinity of the address.
THE PROCESS IS RETURNED UNEXECUTED.

() COMMENTS: _____

Deponent knows the person served to be the defendant and Deponent is not a party to the action.

SWORN TO Before me this

18 day of April, 2022.N. Clafin N. Clafin 5/16/23
Deputy Sheriff, Richland CountyKenneth Coleman

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES
P.O. Box 143 Columbia, SC 29202
KENNETH COLEMAN
Notary Public, South Carolina
My Commission Expires
July 15, 2024

Exhibit B

Thurmond Guess, Sr.,
Plaintiff,
v.
Darrell Jackson, Sr., Marshall
Green, Rose A. English, Alfred T.
Guess, Marjorie Guess,
Defendants,

The deposition of Alfred T. Guess, taken on behalf of the Plaintiff at Creel Court Reporting, 1230 Richland Street, Columbia, South Carolina on the 20th day of October, 2022 before M. Sean Cary, Court Reporter and Notary Public in and for the State of South Carolina, pursuant to Notice of Deposition and/or agreement of counsel.



RDP-9-13
08

APPEARANCES

Thurmond Guess, Sr.
Pro se Plaintiff

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STIPULATIONS

It is stipulated and agreed that this deposition is being taken pursuant to the South Carolina Rules of Civil Procedure.

It is stipulated by and between counsel and the witness that the reading and signing of the following deposition be, and the same are hereby waived.



ALFRED T. GUESS

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MR. ALFRED GUESS - EXAMINATION BY MR. THURMOND GUESS:

- 1 Q: Okay. State your name for the record again.
- 2 A: Alfred Guess.
- 3 Q: All right. And are you married?
- 4 A: Yes.
- 5 Q: And you live here in Richland County?
- 6 A: Yes.
- 7 Q: And where did you go to school?
- 8 A: Which school?
- 9 Q: Did ---
- 10 A: High school, grade school?
- 11 Q: Well, where do you go to high -- did you finish
- 12 high school?
- 13 A: Yes.
- 14 Q: Where'd you go to high school?
- 15 A: Dreher High School.
- 16 Q: Okay. Did you attend any college?
- 17 A: Yes.
- 18 Q: And where did you attend college?
- 19 A: Benedict.
- 20 Q: Benedict College. Did you get a degree?
- 21 A: No.
- 22 Q: You didn't get a degree. So -- and who are you
- 23 employed by?
- 24 A: Self-employed.
- 25



ALFRED T. GUESS

4

- 1 Q: Self employed. And what do you do self ---
- 2 A: I'm an exterminator.
- 3 Q: You's an exterminator. How long have you been
- 4 doing that?
- 5 A: 42 years.
- 6 Q: 42 years. And do you know Arthur Guess?
- 7 A: Yes.
- 8 Q: And who is he -- who was he?
- 9 A: Well, it's two Arthur Guesses. It's William
- 10 Arthur, Jr.
- 11 Q: Okay.
- 12 A: And then there's William Arthur, Sr.
- 13 Q: Okay. What was your father name, which one?
- 14 A: William Arthur.
- 15 Q: Okay. And you met him, right?
- 16 A: Have I met him?
- 17 Q: Yes. Yeah.
- 18 A: Yes.
- 19 Q: Okay. And who -- wh- -- what your mother name?
- 20 A: Lila.
- 21 Q: And you know Lila?
- 22 A: Yes.
- 23 Q: Well, you did know Lila? Okay. Both of them
- 24 are deceased, right?
- 25 A: Right.



ALFRED T. GUESS

5

1 Q: And did Arthur and Lila purchase a house in
2 Richland County?

3 A: Yes.

4 Q: Okay. Do you know the street name and the
5 development?

6 A: Yes.

7 Q: Okay. Would you state that for the record?

8 A: 3004 Dale Drive, Eastway Park.

9 Q: Okay. And Lila and Arthur bought that house?

10 A: I'm assuming.

11 Q: Okay. Well, let me -- well, I'll show you this
12 document. Take a look at it and tell me do you
13 -- can you recall that document?

14 A: I think so.

15 Q: Okay. You, you think so? When you think that
16 you received that document?

17 A: Well, I'm thinking we started this new mortgage
18 with this loan depot in January. So to ---

19 Q: Hold, hold, hold on Mr -- January what?

20 A: Of 2022.

21 Q: January of 2022?

22 A: Yes.

23 Q: All right. And that documents is -- what is it
24 -- what is that document?

25 A: Well, it's just like I said, I -- now, I -- we



ALFRED T. GUESS

6

1 didn't get this document in June -- January.
2 We started the mortgage with this new -- and we
3 had to -- to get the new mortgage or
4 refinancing the house we had to have a mortgage
5 because they were saying that 3004 Dale Drive
6 belonged to me, and I told them it did not, it
7 is heir property. So they said, no, sir, we
8 got here that 3004 Dale belongs to you. So, I
9 had to go get information. So I went downtown
10 to the courthouse to get a deed to say that the
11 house doesn't belong to me. So, we're talking
12 about somewhere in, in November -- I'm trying
13 to think of when it was because it was right
14 be- -- it was the months before this, it was
15 January '22. So, it was '21 when, when I got
16 this -- the document to try to clear up --
17 because we started paying -- our first payment
18 was in January '22. So, it was proceeding that
19 year in '21 when I went downtown to get this
20 document to say that the 3004 doesn't belong to
21 me solely, it is their property. So I got this
22 document, and this is where this document came
23 from, downtown.

24 Q: No. I'm -- what -- my question is, what is
25 that document?



ALFRED T. GUESS

7

1 A: Well, here's what it is, I do -- well, I --
2 just like I said, I went downtown to the
3 courthouse and I said, ma'am, I need a deed to
4 3004 Dale Drive. And this -- for what they
5 gave me, this is what they gave me. What this
6 document is -- all I know far as -- I didn't
7 look over it all that, all I know is when we
8 got it we faxed it to her Home, Loan Depot.
9 And what the document is, I'm thinking it was
10 supposed to have been a deed. And it, and it
11 is a deed and this is what I thought it was, a
12 deed.

13 Q: It is a deed.

14 A: Okay.

15 Q: Is it -- it is a deed giving Richland County
16 easement right to your mother and father
17 property.

18 A: Okay.

19 Q: It -- I'm -- the question ---

20 A: Okay.

21 Q: --- is that a deed given ---

22 A: Well, just like -- this is what I got from
23 downtown. Now, what they gave me, what they
24 saying it is, it's a deed, then it's a deed.
25 I don't study deeds, what a deed and what is



1 not a deed. I'm an exterminator.

2 Q: Okay. But for the record ---

3 A: But for the record this is what they gave me
4 downtown.

5 Q: And, and they gave -- you saying they gave this
6 to you in the year of '21?

7 A: Well, it had to be '21 because we started a new
8 mortgage, we started a new mortgage on our home
9 in January '22. So, it had to be proceeding
10 the month before.

11 Q: All right. And in this document -- you ever
12 known your mother name as Lilly?

13 A: Oh, come on man, this is a joke. My mother's
14 name is Lila Mae Guess, her maiden name is Lila
15 Mae Larry, okay?

16 Q: All right. That deed, that deed paper right
17 there (indicating) what name on that deed?

18 A: Well, you, you see what name is on it.

19 Q: What's name is on it?

20 A: Okay. Here it says, to the bottom here it
21 says, Lila Mae.

22 Q: Now, look at the top.

23 A: Okay. It says, Lilly Mae.

24 Q: You ever known your mama to be named Lilly Mae?

25 A: Did I type that?



1 Q: Sir, I'm not ---
 2 A: But did I type that?
 3 Q: Sir, I'm asking you ---
 4 A: No. No, I don't know my mama name to be Lilly
 5 Mae.
 6 Q: All right.
 7 A: Okay. And do not know.
 8 Q: And if anybody produce a document saying her
 9 name was Lilly Mae, it's false?
 10 A: So, go downtown.
 11 Q: No. I ---
 12 A: I did not type that, I did not affirm (ph) that
 13 document. I got that document from downtown.
 14 Q: No, sir.
 15 A: So, why you -- you treat me like I did it.
 16 Q: No. I'm ask- -- I didn't.
 17 A: Okay. Then don't say that.
 18 Q: I asked you -- I said, anybody ---
 19 A: I'm going to answer your questions, go ahead.
 20 Q: --- if anybody ---
 21 A: Okay. If anybody ---
 22 Q: --- if anybody produce ---
 23 A: --- says to me that Lila Mae, Lilly Mae, that's
 24 not my mother's name.
 25 Q: And, and if they said that they -- that Lilly



1 Mae signed this, that was false?

2 A: That she signed it is false?

3 Q: Yeah.

4 A: Well, what I'm saying is though, this looks

5 like my mother's signature here, this looks

6 like it. If you want to deal with the

7 signature now, the signature looks like hers.

8 Q: When you ever known my mother signing anything?

9 A: Well -- signing anything?

10 Q: Yeah. Do you ever ---

11 A: She had to sign something.

12 Q: Okay. You, you think she signed this?

13 A: I'm not sure -- well, that looks like -- all I

14 can say from -- I see it, but me here helping

15 her with this house, I've seen signatures of

16 her looks like that bottom one.

17 Q: Okay.

18 A: The one on the -- it looks like it.

19 Q: All right.

20 A: It looks like her signature.

21 Q: All right. Page 2 we got Mr. Darrell Jackson

22 who gave a sworn statement. Will you look at

23 that -- did you look at that?

24 A: No, I ain't look at it, I mean, he gave a sworn

25 statement?



ALFRED T. GUESS

11

- 1 Q: Yes, sir. Would you read the top of that
2 statement, can you see it? You need my
3 glasses?
- 4 A: You want me to read the whole thing?
- 5 Q: Just read the top where Mr. Jackson gave the
6 ...
- 7 A: Personally approve ---
- 8 Q: Appear. Go ahead.
- 9 A: Personally appeared before me, Darrell Jackson.
- 10 Q: What else did he say?
- 11 A: Who been duly sworn -- Mae says that -- he saw
12 this, this within -- this is, this is -- this
13 within -- I can't even see what that is.
14 Arthur and Lila Mae -- Lilly Mae Guess.
- 15 Q: Okay. Okay. If I read it can you -- would you
16 tell me ---
- 17 A: Yeah, go ahead.
- 18 Q: --- if you think that's what it says? It says,
19 person appear before me, Darrell Jackson, who
20 duly sworns he saw and within name Arthur and
21 Lilly Mae Guess who -- okay, party of the first
22 part signed, sealed, and delivered this act.
23 Are you there?
- 24 A: Oh, I'm here. I'm hearing what you saying.
- 25 Q: Do you believe that happened?



- 1 A: Do I believe that?
- 2 Q: Yeah.
- 3 A: What do you mean do I believe that? I don't
- 4 know if it happened or not. I don't know if it
- 5 happened.
- 6 Q: Do, do you know what year your, your father
- 7 died? What year this document -- what year
- 8 this document was signed and notary? It's
- 9 right up under the bottom.
- 10 A: Notary Public for South Carolina, it says,
- 11 Roseanne English, 11/9/92.
- 12 Q: No, that's her commission.
- 13 A: Oh ---
- 14 Q: When Mr. Jackson signed ---
- 15 A: Sworn in ---
- 16 Q: Yeah, go ahead.
- 17 A: Sworn in -- sworn before, before me this 10th
- 18 of March 1990.
- 19 Q: All right. 1990. All right. So, he's saying
- 20 that your mother, Lilly Mae, right?
- 21 A: This is what this paper says.
- 22 Q: Right. He say -- he said that Lilly Mae and
- 23 Arthur Guess signed this on March the 10th,
- 24 1990.
- 25 A: I have no idea.



1 Q: Ain't that what it saying?

2 A: It just -- what it's saying and what I know and
3 believe I don't know that.

4 Q: Okay. And you -- and this document was given
5 to you in 2021?

6 A: This document -- look here, this document -- I
7 -- this right here (indicating) was not the
8 paper that I received when I went -- I know
9 that for sure. Now, the one that says about
10 the deed, it's got a deed up under it, this
11 right here (indicating), I don't know where you
12 concocted this here from now. I don't know
13 where that come from, I don't know where it
14 come from.

15 Q: So ---

16 A: Now, that, now, that I do know.

17 Q: So, you saying ---

18 A: Now, the one that says it's got a deed on it.
19 Some, some paper that said it got a deed on it.

20 Q: This the one that's got the deed on it.

21 A: But let me, let me see -- is that the deed?

22 Q: Yes, sir.

23 Q: Where does it said deed on there? No, no, no,
24 this is not the paper. They give me the one
25 that says a deed on it.



- 1 A: This is the one recorded by the Courthouse.
2 Well, I don't -- look, let me try to tell you
3 what -- and here's what I need to do -- I wish
4 you would have told me before I got down here.
5 Give you what I gave the Loan Depot, cause see,
6 Loan Depot's got a copy of what I gave them.
7 That is not a copy what I gave Loan Depot.
- 8 Q: Okay. Well, we ---
- 9 A: That is not a copy of what I gave Loan Depot.
- 10 Q: We'll deal with Loan Depot.
- 11 A: Well, that's right because that would
12 straighten all this out. What I knew about and
13 what I know.
- 14 Q: But I'm asking you about this document.
- 15 A: I -- this is my first time seeing that right
16 there (indicating).
- 17 Q: So, you did not give this to one of the family
18 members?
- 19 A: What I'm saying is I -- there wouldn't -- what
20 I gave to the family member was what I gave to
21 Loan Depot.
- 22 Q: And was the ---
- 23 A: And that -- that doesn't look like thi- -- that
24 doesn't look like what I gave them. Just like
25 I said, if you would have asked me to give what



ALFRED T. GUESS

15

1 I gave Loan Depot then we would have got that
2 statement for you, but that's not what I gave
3 Loan Depot, not that, not that.

4 **MR. THURMOND GUESS:** I'd like to move this is as
5 Plaintiff Exhibit 1.

6 A: Not that.

7 (Plaintiff's Exhibit Number 1 was marked for
8 identification purposes.)

9 Q: Okay. And you were sworn to tell the truth and
10 nothing but the truth?

11 A: I'm telling you the truth, what I know.

12 Q: All right. And I heard you mention that you --
13 your -- do you know what year your father died?

14 A: No, I don't.

15 Q: Okay. This document said that it was prepared
16 in 1990, right?

17 A: Okay.

18 Q: Okay. All right. Let me let you look at --
19 here's a death certificate, can you tell me the
20 year your daddy died? Yeah, here it is, give
21 me that, give me that. Sir?

22 A: Huh?

23 Q: Give me that, this one (indicating).

24 A: Date of death, November the 20th, 1976.

25 Q: If your, if your father, if your father died in



1 1976 and this document here was done in 1990,
2 is that possible?

3 A: That he, that he what?

4 Q: Could he have signed, sealed, and delivered the
5 document?

6 A: No, no, no he couldn't have signed nothing.

7 Q: So, whoever, whoever signed this affidavit,
8 whoever signed this affidavit saying that they
9 saw your mother and your father sign, seal, and
10 deliver this document to them and to Richland
11 County, that's what -- that was not true,
12 right?

13 A: It couldn't have possibility been true that
14 they, that they -- it couldn't have been true.
15 But just like I said, why, why are you asking
16 me like I wrote this paper?

17 Q: Okay.

18 A: Why are you asking me like ---

19 Q: I'm ---

20 A: --- I wrote this paper? I didn't -- I have --
21 my name, my signature's not on it. It didn't
22 come from me that I wrote it.

23 Q: Okay. I'm asking you a question because you
24 produced the document.

25 A: I produced what?



RDP 08

ALFRED T. GUESS

17

1 **MS. GODFREY:** Hold on just a second. For the sake
2 of my court reporter, because I hear y'all in
3 here.

4 **MR. THURMOND GUESS:** I'm sorry, ma'am.

5 **MS. GODFREY:** For the sake of my Court Reporter
6 doing his job ---

7 **MR. THURMOND GUESS:** Okay.

8 **MS. GODFREY:** --- I need y'all to speak one at a
9 time ---

10 **MR. THURMOND GUESS:** Exactly.

11 **MS. GODFREY:** --- and not yell over one another.

12 **MR. THURMOND GUESS:** We got it, we got it.

13 **MS. GODFREY:** Because his job is hard enough ---

14 **MR. THURMOND GUESS:** Okay.

15 **MS. GODFREY:** Okay?

16 **MR. THURMOND GUESS:** Okay.

17 **MS. GODFREY:** So, please just try not to ---

18 **MR. THURMOND GUESS:** Yeah, okay. We can ---

19 **MS. GODFREY:** --- speak over one another and don't
20 yell, okay?

21 **MR. THURMOND GUESS:** We good, we good.

22 **MR. ARTHUR GUESS:** Thank you.

23 **MS. GODFREY:** Thank you.

24 **A:** Well, let- -- let- -- let's try to be more
25 sensible by this thing right here because I see



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1 what you're trying to get at. You're trying to
2 put me into something that I know nothing
3 about, I know nothing.

4 Q: No, sir.

5 A: But -- yes -- but no, no, no, no. I will
6 answer yes and no question and that's what I
7 will do from now on, yes and no. This I know
8 nothing about. I'm telling you what I know and
9 then I'm going to leave it -- I'm going to let
10 it -- I'm going to go from there.

11 Q: But you -- for here your daddy died?

12 A: Yeah, exactly.

13 Q: Your father died in 1976.

14 A: Exactly.

15 Q: And if anybody come into this court or anybody
16 come in any court ---

17 A: Yes.

18 Q: --- and say that he signed something in 1990
19 would be a lie?

20 A: Would be a lie.

21 Q: Thank you, sir. Now, you saying that you had
22 an opportunity to review your mother's
23 signature, right?

24 A: No. I ain't had no oppor- -- what oppertun- --
25 what, what do you mean, I say I had an opper-



ROP
08

ALFRED T. GUESS

19

1 -- what -- wh- -- where you coming around the
2 house with all this foolishness ---

3 Q: Well, no ---

4 A: --- that I had an opportunity to. If, if I see
5 a piece of paper that I think from, from way
6 back when with me helping my mother, and to
7 know that I paid the house off. I don't know
8 what year, but I paid the house off. And I --
9 when I went down there to pay it off -- I've
10 seen signatures of my mother's signature on a
11 document at the bank because I'm the one that
12 paid the house off. I'm the one that paid the
13 taxes on the house. This is the reason why
14 these people are saying that the house belongs
15 to me, because of these matters and these
16 things. Now, what else you want to know?

17 Q: Okay. You didn't pay no house off.

18 A: I did.

19 Q: Now, you might've took the money down there
20 that me and mama gave you but ---

21 A: Oh, God and Jesus' sake.

22 Q: --- you didn't pay it off.

23 A: Can I leave out of here, because this is --
24 because see, this is starting to be -- now, I
25 need to ask him a question. If somebody was to



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1 ask you, did Alfred Guess pay this house off,
2 would that be true -- would you say it was true
3 or false?
4 Q: False.
5 A: Call any of my family, call an- -- sir, I'll
6 give you my sister's number right now and you
7 can call my sister right now and ask her who
8 paid this house off.
9 Q: Well, your sister going to come to court.
10 A: Oh, Jesus Christ, man.
11 Q: Your sister going ---
12 A: Man, you, you ---
13 Q: --- I want you to look at this document ---
14 A: Man, you a foo- -- you ---
15 Q: Look at that document ---
16 A: You are full of it.
17 Q: --- and tell me what that is.
18 A: It says a marriage license.
19 Q: All right. Well, you look at, look at the
20 marriage license. Who, who signed the marriage
21 license?
22 A: It looks like to me it's typed.
23 Q: No. Look under, look on the back.
24 A: It -- look, look at Lila Mae -- look at that
25 signature, Lila Mae with the hook on the



ALFRED T. GUESS

21

- 1 letter. That's, that's, that's familiar with
2 me, with the hook, the hook ---
- 3 Q: Okay.
- 4 A: --- the hook on the, on the L.
- 5 Q: All right. I want ---
- 6 A: Look at the hook ---
- 7 Q: --- I want ---
- 8 A: No, look at the hook on the L.
- 9 Q: No, sir. I'm doing the deposition.
- 10 A: Okay. Go ahead, sorry, go ahead.
- 11 Q: You don't, you don't tell me ---
- 12 A: Okay. I can tell you anything.
- 13 Q: --- I'm ask- -- I'm asking you questions.
- 14 A: I can tell you anything.
- 15 Q: I'm asking you questions.
- 16 A: You ain't no lawyer, I can tell you anything.
- 17 Q: Look at, look at the signature ---
- 18 A: Me and you could've done this in the house.
- 19 Q: --- look at the signature ---
- 20 A: Uh-huh.
- 21 Q: --- on that document right there and look at
22 the signature where your mother signed in, in
23 1949.
- 24 A: People sign things different, Rico.
- 25 Q: Okay. Did you see your mama sign this?



ROP 08

ALFRED T. GUESS

22

- 1 A: No, I ain't seen nothing.
- 2 Q: All right. Thank you, sir.
- 3 A: Did you see it?
- 4 Q: I didn't, I didn't see it, but I'm going by
- 5 what I see ---
- 6 A: Okay. Okay. All right. Okay.
- 7 Q: Again, I'm asking questions.
- 8 A: Okay. You ---
- 9 Q: You don't ask me questions.
- 10 A: I can ask you anything I want to.
- 11 Q: Okay.
- 12 A: You're not an attorney.
- 13 Q: I'll call the Judge ---
- 14 A: You are not an attorney.
- 15 Q: And -- so you not going to cooperate with the
- 16 deposition?
- 17 A: I'm, I'm going to cooperate, but ---
- 18 Q: I'll have the Judge ---
- 19 A: --- but I'm talking to you.
- 20 Q: I'll have him to call the Judge if you not
- 21 going to cooperate with the, with the ---
- 22 A: What am I not cooperating with? I'm talking to
- 23 you.
- 24 Q: No.
- 25 A: You -- the lady asked us to be quiet.



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ALFRED T. GUESS

23

- 1 Q: Yeah. And that's what, that's what she asked
2 you to do.
- 3 A: She really did.
- 4 Q: Okay. And you, you have told several people --
5 did you -- did you tell several people that
6 there's nothing, there's nothing to this
7 document, this easement, right?
- 8 A: Well, here's what it is.
- 9 Q: I'm -- sir ---
- 10 A: Yes, I have.
- 11 Q: How many people have you told that?
- 12 A: Just my family.
- 13 Q: Your family, you sure?
- 14 A: Yeah.
- 15 Q: Did your wife tell other people?
- 16 A: I don't know what wife told somebody.
- 17 Q: But you, you never heard her say it?
- 18 A: No.
- 19 Q: To other people?
- 20 A: To, to me.
- 21 Q: Okay. Are, are you, are you aware that this
22 case is a jury trial?
- 23 A: No, I'm not.
- 24 Q: You're not?
- 25 A: No.



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RDP
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ALFRED T. GUESS

24

1 Q: You wasn't served that this, this was a jury
2 trial?

3 A: Well, here's what, well, here's what, here's
4 what, what that was, here's what that was. The
5 first piece of paper you sent -- that the
6 police brought to my house, it was read that
7 you said, that me, Darrell Jackson, Marcia
8 Green took away your inheritance. We answered
9 that letter and took it downtown to the
10 courthouse, we answered it. On the back of
11 that letter the attorney for the State or the
12 City looked at what -- your deposition on it
13 and said that it was a legitimate document, and
14 me and my wife answered that and took it down
15 there and they stamp- -- it's in the courthouse
16 right now. We took it down there and, and they
17 stamped it with your answer to this.

18 Q: So ---

19 A: And so, what we was saying is this, on -- I
20 mean, going back to just my belief in the
21 people that's who's involved, I didn't think in
22 my heart that they would ever do anything or to
23 my mother to like, take her house or anything.
24 In my heart, not all this paperwork, in my
25 heart I thought that. And anybody -- I, I



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ALFRED T. GUESS

25

- 1 could have -- anybody who ever asked me about
2 it, I could have -- I could've said that.
3 There's no way in the world that Darrell
4 Jackson, Marsha Green, Roseanne English would
5 do anything to me, harmful like that, and do
6 anything to hurt my mother. Now, all this
7 paperwork that you jiving up and everything,
8 I'm, I'm trying to answer that, but I keep
9 going on back the people that's who involved,
10 that they would do nothing to hurt me nor you.
11 Q: Okay. All right. So, you saying that I jived
12 this document up?
13 A: Well, what I'm saying is, Rico, it is, it is
14 what the document is for. Is this document for
15 to take our property?
16 Q: It's already tookeen -- taken the easement right
17 deed, they have a easement right deed.
18 A: Well, Rico, do you know what a easement is on
19 -- they put on a house?
20 Q: Yeah, I know what a easement ---
21 A: It is to be able to come on the property, isn't
22 it?
23 Q: Yeah.
24 A: Ain't that what a easement is?
25 Q: A easement is ---



ROP-08
08

ALFRED T. GUESS

26

1 A: Yeah, but ---

2 Q: --- a easement right ---

3 A: What I'm just asking you -- I'm just asking you
4 this, is an easement is a way to take the
5 property or is an easement is to have the right
6 to come on the property to do drainage or do
7 other stuff? Or in his matter, in his matter
8 ---

9 Q: All right.

10 A: From speaking to Marsha Green is it was to
11 close a ditch that runs from the start -- front
12 part of easement par- -- it was to close a
13 ditch running all the way down -- it was to
14 close a ditch, that's what I'm thinking this
15 easement was.

16 Q: So, who, who was supposed to do that?

17 A: I don't -- the County or the City of Columbia
18 or Richland County was supposed to do it.

19 Q: Right. Mr. Guess ---

20 A: Yes?

21 Q: --- I wish you would have brought your glasses.
22 I wish you would -- part of Exhibit 1, would
23 you read the bottom portion there?

24 A: Man, there -- what, what, what part of that is
25 so hard to read, to see that?



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RDP 08

ALFRED T. GUESS

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1 Q: This kind of stuff ---

2 A: Right here (indicating).

3 A: Right here?

4 Q: Yeah, read that last paragraph.

5 A: It is further under- -- under- -- understood
6 and agreed that the property of ---

7 Q: The party.

8 A: --- the, the, the party of second part no
9 response- -- assumes no responsibility for
10 maintenance -- what kind of -- some kind of
11 drainage.

12 Q: Well, you just, you just mentioned to me that
13 these people told you ---

14 A: No, no, no, no. I ain't said nobody told me.
15 My understanding is -- my understanding --
16 ain't nobody told me this, my understanding is
17 what, what a deed -- what, what a easement is
18 -- easement is to come onto property, do
19 whatever work there is the County or the City
20 needs to do, that's when you, that's when you
21 purchase a easement for a dollar because we --
22 my wife has got some property. We was called
23 -- my understanding, my understanding though,
24 we were called out for him to come on a piece
25 of property near Bibleway Church that she owns,



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ALFRED T. GUESS

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1 or her mama owned, to do an easement and said
2 that sir, it cost us a dollar to do it. This
3 is my understanding what easements are, that's
4 all is my understanding, not particularly on
5 mine. I thought mine -- on our property was,
6 was to close this ditch. Okay, go ahead.

7 Q: I'm, I'm asking you about -- you were saying
8 that you, you were led or you believe that the
9 -- this easement was for the County to clean
10 out a drain.

11 A: Well, this is what their statement said on the
12 back of your, your deposition.

13 Q: Yeah. But I'm telling you ---

14 A: Well, this is what the County said on, on your
15 -- answer -- their attorneys answering you,
16 answering you on the back of your deposition,
17 answering you on the back, did you see it?

18 Q: On the back of what deposition?

19 A: The one that you -- with -- you were trying to
20 sue me and Darrell and all of us because we, we
21 took ---

22 Q: That's not a dep- -- that's a Summons and
23 Complaint.

24 A: Well, Summons and Complaint. Because you, you
25 the attorney in this, I'm just a -- but on the



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POP
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ALFRED T. GUESS

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1 back -- on the very back of it when you, when
2 you, when you sent downtown ---

3 Q: Sir ---

4 A: --- well, they -- go ahead.

5 Q: Sir, the County is not a party to this action.

6 A: But what ---

7 Q: So, there's no way in the County ---

8 A: Well, do you have that piece of paper?

9 Q: I, I have it and I'm fixing to bring it to you
10 right now.

11 A: What they said?

12 Q: I'm going to, I'm going to tell you ---

13 A: Okay.

14 Q: --- I'm going -- I'm going to show you what ---

15 A: What, what did they say?

16 Q: --- the County said.

17 A: Well, what'd the County said?

18 **MR. THURMOND GUESS:** Exhibit 2.

19 **(Plaintiff's Exhibit Number 2 was marked for**
20 **identification purposes.)**

21 Q: All right. I'm going to let you read, the
22 County's not a part of this lawsuit.

23 A: Okay.

24 Q: This is what they ---

25 A: No, I'm going to ---



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08

ALFRED T. GUESS

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1 Q: --- this is what they told you that, that they
2 thought happened. Would you read it to the
3 court reporter if you think you understood?

4 A: This letter says, to inform you of the County
5 position following our review of your -- see,
6 that other stuff you needed -- have that ---

7 Q: No, sir. No, sir.

8 A: Because I can't read that. Don't have me
9 answering stuff that I can't read. But anyway,
10 this letter serves to inform you of the County
11 position following our review of your claim
12 that presented during the citizen input on
13 February the 15th, 2022 Richland County Council
14 meeting. The real yard drainage easement you,
15 you shared with us provides for the
16 continuation -- contin- -- well, contingency of
17 land to be used for storm water drainage and
18 has been in effect for over 30 years. After we
19 consulted with our County Attorney Office we
20 learned that the time of contesting the
21 signature of any aspect of the document should
22 have been -- occurred within the first two
23 years of the execution of the easement and
24 right-of-way deed. Therefore, the deed is a
25 valid document at it -- as it was not



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ALFRED T. GUESS

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1 challenged within the appropriate time and
2 should therefore -- and should remain in effect
3 without Richland County releasing it and having
4 to execute a new deed. The Department of the
5 Public Works have removed a clog, a clog in a
6 pipe within the easement that was affecting
7 drainage. The department will be returning to
8 perform more extensive work in all the ditches
9 that in- -- in- -- interconnect and provide
10 drainage service. Easements like this one are
11 critical for the maintenance to be possible.
12 Q: All right. Have you ever received this letter
13 from the County 30 years ago?
14 A: No.
15 Q: Okay. When was the first time that you
16 received this letter about them having easement
17 right per the deed.
18 A: I don't know. You, you know the time, you tell
19 me when you sent it. It was on the back of
20 your paper.
21 Q: No, when I got this deed.
22 A: Okay. Then -- well, that's when I got it.
23 Q: Okay. So, so, you telling the Court that the
24 first time that you received that easement
25 right deed was in 2021?



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ROP
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ALFRED T. GUESS

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1 A: I didn't receive it, you sent it.

2 Q: Yes, sir. But you ---

3 A: You here acting like I went up there and got
4 it, and I didn't know nothing about it, go
5 ahead.

6 **COURT REPORTER:** One at a time, sorry.

7 **MR. ALFRED GUESS:** I'm sorry.

8 Q: Yes, sir. You said ---

9 A: Okay. What I'm saying was when you, when you
10 sent the papers to -- listen to me now, when
11 you sent the paper out to the police, this is
12 the first time I saw this (indicating). Okay?
13 That's a good enough answer for you?

14 Q: No, sir.

15 A: The first time I saw this piece of paper right
16 here (indicating) ---

17 Q: No, sir. I ain't talking about that paper.

18 A: Oh.

19 Q: I'm talking about the deed, I was talking about
20 the deed. When was the first time you saw this
21 easement right deed?

22 A: When I went down there to, to try to get
23 paperwork, the first time I saw any of this,
24 when we went down there to try to get paperwork
25 to clear with Home -- Loan Depot that 3004 Fale



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RDP 08

ALFRED T. GUESS

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1 -- Dale Drive does not belong to me.

2 Q: Right.

3 A: That's the first time I saw it.

4 Q: And you understood that today that 3004 Dale
5 Drive is not your property?

6 A: I been knew that.

7 Q: Okay. All right. And my question to you were
8 this document here (indicating) -- and, and you
9 have stated in your -- you stated in your
10 answer that you received it on 2021. And for
11 the record I want the Court Reporter to reflect
12 the record that Mr. Guess testified that the
13 first time that he received this document here
14 was in 2021. Correct?

15 A: Well, it had to be. Well, I would say yes, sir
16 because it had to be -- I paid the first
17 payment, the first payment of the mortgage in
18 January, so it had to be for 2022, had to be.

19 Q: 2021.

20 A: I mean -- no, it had to be before 2- -- before
21 2022 which had to be 2021.

22 Q: Right.

23 A: Yeah.

24 **MR. THURMOND GUESS:** And let's move Exhibit 3 is a
25 copy of your mother's signature on this



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marriage license.

(Plaintiff's Exhibit Number 3 was marked for identification purposes.)

Q: You agree that that's -- and she signed it? She did not sign it as Lilly, she signed it as Lila?

A: Okay.

Q: So ---

A: This, this is the one I'm looking at the signature on, right?

Q: Right, yes, sir.

A: Sure it says Lila.

Q: Okay. All right. And on the easement right deed, what name it says?

A: The one she signed?

Q: No. The one up there that they said that she's -- they saw her.

A: Nobody signed this, this is typed.

Q: It's typed?

A: Yeah.

Q: So, so, they typed in -- what was the name that they typed?

A: They typed in Lilly Mae, Lilly Mae and Arthur Guess.

Q: All right. And Lilly Mae is not her name and,



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ALFRED T. GUESS

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1 and they could not, they could not say Lila --
2 Arthur, Arthur Guess signed this because Arthur
3 was dead, right?

4 A: Yes.

5 Q: So, so, this, this is not, this is not a true
6 document?

7 A: I have no idea about documents.

8 Q: Sir, sir, if, if your father is dead ---

9 A: No, no, no, sir. If you look at it, sir, now
10 type is one thing.

11 Q: I'm not talking about type.

12 A: Well, I'm talking about signature. Did -- the
13 one that's signed, the one that's signed --
14 somebody can type something, but you have to
15 sign it. Now, the one that, that -- isn't it
16 signed?

17 Q: Did you see your mama sign it?

18 A: No, I did not see it.

19 Q: All right. Well, you can -- sir, sir, please
20 don't ---

21 A: I haven't -- but I'm telling you that ---

22 Q: I'm giving you the deposition, sir. Please,
23 please, sir.

24 A: I don't know if my mother ---

25 Q: All right.



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RDP 08

ALFRED T. GUESS

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- 1 A: --- signed it or not.
- 2 Q: All right.
- 3 A: But it is signed.
- 4 Q: So, you don't ---
- 5 A: I don't ---
- 6 Q: It's, it's signed, but you don't -- that -- you
- 7 don't know that.
- 8 A: What make you think that I know way back then
- 9 that she signed it?
- 10 Q: That's what I'm asking you. But you saying
- 11 it's her signature and ---
- 12 A: I -- no, no, no, I didn't say that one was. I
- 13 didn't say that one was. I said the one with
- 14 the hook on it is her signa- -- you, you -- get
- 15 me straight now, I didn't say that that one was
- 16 her signature.
- 17 Q: But you didn't see her sign that?
- 18 A: No, I didn't see it.
- 19 Q: Okay. All right. And on the same ---
- 20 A: The only one I'm familiar with is the one with
- 21 the hook, with the hook L.
- 22 Q: That's the another document you saw?
- 23 A: Well, that's what I'm saying. You asking me
- 24 what I'm -- when I'm familiar with it, now,
- 25 that's what I'm familiar with.



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RDPIA
08

ALFRED T. GUESS

37

1 Q: Okay. And the County is telling you here that
2 whatever this document (indicating) is, they're
3 going to go because it was 30 years ago, right?

4 A: That's what the paper says.

5 Q: All right. I'm asking you a question.

6 A: Yes.

7 Q: Yes.

8 A: If that's what the document says, isn't it?

9 Q: And, and you never got any document from the
10 County 30 years ago that your mother signed
11 that in 1990?

12 A: No.

13 Q: Okay.

14 A: Did you?

15 Q: No, sir. No, sir. That's why, that's why we
16 here.

17 A: I am answering you the way because you were
18 just like, you were just like -- you're nothing
19 but my brother asking me questions. And I'm
20 able -- because you not an attorney.

21 Q: Sir, this is my case and whether I'm an
22 attorney or not ---

23 A: Okay, then. Well, well, if you -- if this is
24 your case, this is my case.

25 Q: Yeah.



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ROP 45
08

ALFRED T. GUESS

38

1 A: If I -- you can ask me questions ---
2 Q: No, no ---
3 A: --- I can ask you questions.
4 Q: No. You can't ask me questions.
5 A: Why can't I?
6 Q: You answer questions. You're not -- this is my
7 deposition.
8 A: Okay. Go ahead.
9 Q: If you want to take my deposition you can ---
10 A: No, no, no go ahead, go ahead.
11 Q: If you want to ---
12 A: No, no, go ahead, go ahead.
13 Q: If you want to take my deposition ---
14 A: No, no, no, go ahead.
15 Q: --- you can come back and ask them to do it ---
16 A: No, no, no, go ahead.
17 Q: --- but this is my deposition.
18 A: Go ahead, okay.
19 Q: All right?
20 A: Go ahead.
21 Q: And you, you saying because the County told you
22 this ---
23 A: No, no, no, I read this.
24 Q: Yeah. And you was saying because the County
25 said this.



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ROP 08

ALFRED T. GUESS

39

1 A: Well, what the County said -- they said their
2 attorneys. I'm going by -- but -- by somebody
3 has a line of authority or know whatever that
4 they've going on it and they -- their attorney
5 said this, and this is all I'm saying to you,
6 whether it's true or not I'm just telling you
7 what, what I read.

8 Q: Okay. Now, are you aware that the County was
9 going to do a change of this easement right
10 deed?

11 A: Do I know?

12 Q: Have you talked to several people down there --
13 -

14 A: I ain't talked to nobody.

15 Q: You talked to nobody about this deed?

16 A: No.

17 Q: You talked to nobody, and if I call a witness
18 from the County saying that they talked to you
19 and they asked you to ---

20 A: Oh, that man was from the County, the one that
21 told me to come down there and sign them
22 papers? He from the County?

23 Q: Yes. You, you ---

24 A: Well, see, I don't know where these people
25 from. You had these people to call me. I



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RDP 47
08

ALFRED T. GUESS

40

1 didn't, I didn't call these people, you had
2 these people to call me.

3 Q: So ---

4 A: You, you did.

5 Q: I did?

6 A: Yeah, you did.

7 Q: Okay.

8 A: I think you did.

9 Q: So, Mr. Player, Richard Player, if he come and
10 said ---

11 A: He did -- I talked ---

12 Q: --- Mr. Guess, Mr. Guess did not call -- told
13 me that -- he said, he talked to you and he
14 asked you could, could they -- they were
15 willing to give the property back from the deed
16 and this -- if we would give them a right to go
17 in and do it. And all the family members
18 agreed with that, didn't you agree with that
19 too?

20 A: Well, here's what I ---

21 Q: Sir, sir, sir ---

22 A: No, I did not. What, what I have to answer --
23 -

24 Q: You did not greet ---

25 A: Wait a minute, I have to answer this with --



ROP 48
08

ALFRED T. GUESS

41

1 this is not a yes and no kind of a -- because
2 see, what you doing is, you had some people to
3 call me or however -- what, what -- I'll just
4 put it this way, sir. What I'm trying to tell
5 you is this here, I had -- I am doing -- going
6 about my normal day, I've got no destructions
7 on my mind. All right. I'm not trying to pull
8 nobody into nothing or accuse them of anything.
9 Somebody called me on the phone and said well
10 -- I can't even what the man even said, you
11 know all the names, I can't even remember what
12 the man even said because -- like I said, I'm
13 just going around doing my normal day, and this
14 man called me and talking about wanting to say,
15 well, if I do this and everything. And I said,
16 no, sir. Will you come down there and sign
17 some papers? I said, no, sir, I am not coming
18 down there signing no papers unless the rest
19 of my family come down there and sign it. Now,
20 if my recollection is -- this is what I told
21 this man, that I wou- -- if my -- if the rest
22 of my family would come down there and sign
23 some papers or whatever, I will sign it. But
24 I am not going to come down there myself and
25 sign it because it's not my property.



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- 1 Q: So, so, you did talk ---
- 2 A: I did talk to someone.
- 3 Q: Okay. So -- and they -- like you just said,
- 4 you did not talk to somebody.
- 5 A: What I'm saying is, I ain't said I didn't, you
- 6 said or me said that I said I will come down
- 7 there if my rest of the, if my rest of the
- 8 family said that I said that -- you get what
- 9 I'm saying?
- 10 Q: Well, you just said that you told him that ---
- 11 A: I did.
- 12 Q: --- unless the rest of your family ---
- 13 A: No. He told -- I talked to a man to come down
- 14 there and I told this man this, he wanted me to
- 15 come down there and sign it and I told him
- 16 this, that if my family -- if the rest of my
- 17 family come down there then I will sign it.
- 18 Q: All right. So ---
- 19 A: He didn't want y'all's signature, he wanted
- 20 mine.
- 21 Q: All right. So -- but, but you were ---
- 22 A: Yeah.
- 23 Q: --- you were, you ---
- 24 A: I talked ---
- 25 Q: --- you had some sense not to do that, right?



RDP 50
08

ALFRED T. GUESS

43

1 Because you didn't do that, you didn't go down
2 there ---

3 A: It's not my property, why could I sign off on
4 it, it's not mine.

5 Q: So, so, that mean you used good common sense,
6 right?

7 A: It wasn't common sense, it was ---

8 Q: I'm saying -- so, so, so ---

9 A: --- what was right.

10 Q: Was he try- -- was he trying to lure you into
11 doing this?

12 A: Well, the conversation -- if I can remember the
13 conversation with this man here, if I can
14 remember -- see, you studying this. I'm not
15 study war, you're studying war, but see, I'm
16 going about my daily whatever. Because like I
17 say, in my heart I don't believe Darrell
18 Jackson, Marcia Green, would do anything -- I'm
19 not studying that.

20 Q: Okay.

21 A: I'm going about my, my normal day.

22 **MR. THURMOND GUESS:** We going to put into evidence,
23 this is my dad death certificate.

24 **(Plaintiff's Exhibit Number 4 was marked for**
25 **identification purposes.)**



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RDP 51
08

ALFRED T. GUESS

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1 Q: And it is -- you agree that he died in 1976?

2 A: What the -- if that what the paper says.

3 Q: All right. And you believe that Exhibit 1 says
4 that in 1990 he signed, sealed, and deliver the
5 easement right ---

6 A: How could he?

7 Q: Okay. So that's false?

8 A: It has to be.

9 Q: Okay. So, the document is false?

10 A: If that document says that is true, that is
11 false.

12 Q: All right.

13 **MR. THURMOND GUESS:** We'll put that in.

14 **(Plaintiff's Exhibit Number 5 was marked for**
15 **identification purposes.)**

16 Q: This is the County letter saying this happened
17 30 -- this say -- this happened 30 years ago,
18 right?

19 A: That's what the paper says.

20 Q: All right. And that -- and if you do the, if
21 you do the math, 1990 and this is, this is 2020
22 -- this is 2022, that would be 32 years ago,
23 right?

24 A: That's what the paper says.

25 Q: All right. And you never received anything



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RDP 52
08

ALFRED T. GUESS

45

- 1 from the County after being around the mama and
2 paying the taxes and all this, you never
3 received anything from the County that ---
4 A: Ask my question again.
5 Q: Your mama, your mama has ---
6 A: Who paid that house off?
7 Q: You didn't pay it off, sir.
8 A: Oh, God, Jesus.
9 Q: And you didn't pay your taxes. If you can
10 remember when mom died we agreed that whoever
11 stays in that house, pay the taxes ---
12 A: No, no, no.
13 Q: --- pay the taxes.
14 A: No, no, no. Here's -- see, here's what -- you,
15 you talking about present tense. Y'all -- we
16 agreed, present tense, after mom died -- who
17 paid the taxes when mom was living?
18 Q: Okay. All right. But sir ---
19 A: Who paid the taxes when mom was living?
20 Q: --- sir ---
21 A: Okay.
22 Q: --- your business, your business that you
23 started ---
24 A: Okay.
25 Q: --- your business that you started, a



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ROP 53
08

ALFRED T. GUESS

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1 neighborhood pest control, can you remember?
2 A: Uh-huh.
3 Q: And can you remember when you started that
4 business ---
5 A: Uh-huh.
6 Q: --- that you borrowed a car and \$500 from me?
7 A: I'm trying to think of -- okay, here's what it
8 is, okay, I borrowed the car, \$500 I don't, I
9 don't recall that. I was -- and I had access
10 to a car, but I didn't want to use that car,
11 but I did borrow a car and guess what I did, I
12 fixed the raggedly car up while I was using it.
13 Q: It was raggedly.
14 A: Yeah. It was raggedly and I fixed it up.
15 Q: And, and ---
16 A: Go ahead.
17 Q: --- you did not have one ---
18 A: But I ---
19 Q: --- let you use it.
20 A: --- but I used your car, but \$500, you ain't
21 never gave nobody.
22 Q: And you used that car ---
23 A: Yes.
24 Q: --- used that car to go around and spray houses
25 ---



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ROP-54
D8

ALFRED T. GUESS

47

- 1 A: No, no, no.
- 2 Q: What did you use it for?
- 3 A: I used that car to go to work.
- 4 Q: That ---
- 5 A: No, no, no. I was working for neigh- -- I was
- 6 working for another company when I borrowed
- 7 your car.
- 8 Q: So, you was, you was doing -- you used it to go
- 9 to work?
- 10 A: No, no, no. I borrowed your car to go to work.
- 11 I borrowed your car to go to work. I drove a
- 12 truck, their, their truck to do the work. I
- 13 didn't drive your car around to work, I drove
- 14 your car to work and parked it like a regular
- 15 job, like you drove your car here to come in
- 16 and do this ---
- 17 Q: Yeah.
- 18 A: --- I drove, I drove your car to work.
- 19 Q: But, but you used the car to get to work?
- 20 A: To get to work.
- 21 Q: All right. So, if you couldn't get to work,
- 22 you couldn't work?
- 23 A: Oh, I could've got to work.
- 24 Q: Okay. But, but did you use my car?
- 25 A: I use- -- I had your car.



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ROP 55
08

ALFRED T. GUESS

48

1 Q: And give me the year that you did that.

2 A: I started, I started off with Orkin in 1980, I
3 worked from Orkin to '82, I went from, from
4 Orkin to Modern Exterminating and I had a car,
5 I had a Thunderbird. As a matter of fact I
6 sold you a car and everything. And then right
7 at the end when, when my car went down and the
8 married -- I was -- the family I was married
9 in, I had problems with them. I didn't want to
10 use anything -- nothing of theirs, they daddy
11 have a car lot.

12 Q: Okay.

13 A: But I didn't want to use any of their cars
14 because I was upset with the way they were
15 treating me.

16 Q: Okay. Okay. So ---

17 A: And I asked you to borrow a car.

18 Q: --- so, so, so, I'm getting back to you paying,
19 you paying for this house and you're paying it
20 off. What year did Mother bought the house?

21 A: I have no idea. Only thing I can remember is
22 she walked down the street in the rain to get
23 it.

24 Q: Well, if I told you she paid it off in 1968
25 would that be true?



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1 A: No, it wouldn't be.

2 **MR. THURMOND GUESS:** Move this in as an exhibit.

3 **(Plaintiff's Exhibit Number 6 was marked for**
4 **identification purposes.)**

5 Q: All right. Would you take a look at the
6 purchase date?

7 A: Purchase date?

8 Q: It's, it's right there in the middle, 1960 --
9 see where it say 1969?

10 A: April the 9th, 1969. That was the purchase
11 date?

12 Q: Yes, sir, you looking at it.

13 A: Well, I'm just trying to say that, that the ---

14 Q: Just keep on reading.

15 A: This, this stuff is hard to read. Lot J on
16 part of Eastway Park, company dated and also
17 being shown as a lot of -- I, I don't see the
18 word purchased, I don't see the word purchased
19 nowhere.

20 Q: You don't, you don't think that's the deed and
21 title?

22 A: Well, I, I don't know what the deal -- I've
23 never seen the deed and title.

24 Q: Okay.

25 A: When I paid it off -- when they were sent to



ROP 57
08

ALFRED T. GUESS

50

1 her -- whatever, I never seen the deed and
2 title. When I went downtown to ---

3 Q: What year did you -- what day -- what year did
4 you pay it off?

5 A: I, I really don't know. I don't know, I don't
6 know what year I paid it off. All I know is --
7 -

8 Q: Sir -- and you saying, you saying that you
9 borrowed a car in 19- -- was it in 1995 or '90?

10 A: The car from you?

11 Q: Yeah.

12 A: I'm trying to think, I came from, I came from
13 -- this -- like I said, I'm trying to give to
14 you -- I came from Orkin in '82, I went to
15 Modern Exterminating '82, '83, and I worked
16 there -- I had -- all I had -- I had -- and
17 then I -- I don't know when I paid it off, but
18 I paid it off. You got, you got your phone
19 with you?

20 A: No.

21 Q: Okay.

22 A: I don't.

23 Q: But this other one said, this the one that
24 said, the plot and the whatchacallem are dated
25 and -- to the record and having the following



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ROP 58
08

ALFRED T. GUESS

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1 bond resi- -- it doesn't say anything about no
2 purchase that they, that they paid the house
3 off.

4 A: That's a ---

5 Q: I asked you what year that your mother and
6 father purchased the house.

7 A: Well, this -- here's what -- I don't know, but
8 here's ---

9 Q: That's what I asked you now, I don't know where
10 you going with the rest of it. I asked you
11 what year.

12 A: You, you, you said that they paid it off in
13 1968.

14 Q: I did not. I said they purchased it in 1968.

15 A: No, no, no, no. You said they paid it off in
16 '68.

17 Q: No, no, no, sir.

18 A: Yes, you did.

19 Q: I asked you what year did your mother and
20 father purchase this house?

21 A: No. You, you said, would you believe -- no,
22 no, let me tell you what you said, would you
23 believe that they, that they paid it off in
24 1968?

25 Q: I asked you, I asked you what year did your



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1 mother and father purchase ---

2 A: That's not what you said, I hope he can go back
3 and record that.

4 Q: Well, look -- but he can go back -- if anything
5 I need to change I'll change, but that's ---

6 A: Yeah, you need to change.

7 Q: --- what I was asking you. Because I'm trying
8 to figure out how in 1968 that they would pay
9 a house off when ---

10 A: That's what you said. I said, I paid the house
11 off, I never gave you a date ---

12 Q: All right. What's the year they purchase ---

13 A: --- I -- did I gave you a date that I paid it
14 off?

15 Q: Okay, sir.

16 A: Not yet.

17 Q: Okay, sir.

18 A: Not yet.

19 Q: You said, you don't know.

20 A: I don't.

21 Q: All right. You don't know and you don't know
22 the year that you borrowed the car to, to ---

23 A: What does that ---

24 Q: --- use for business?

25 A: I'm trying, I'm trying to bring it down to you.



RDP 60
08

ALFRED T. GUESS

53

- 1 And it -- I didn't keep the car all that long,
2 I didn't keep it that long. And I -- and it
3 isn't true that you, that you loaned me \$500.
4 I can tell you probably right now, you probably
5 owe me about \$5,000 right now.
- 6 Q: Okay.
- 7 A: Or 5 or 10,000 right now.
- 8 Q: Well, well, I can tell you this, I can tell you
9 this, you would be surprised if, if we got
10 witness to come and testify to this, okay?
- 11 A: Testify to what?
- 12 Q: To, to you borrowing the \$500 and borrowing the
13 car.
- 14 A: I borrowed \$500 from you?
- 15 Q: Yes, to start your business.
- 16 A: Oh, God, Jesus, help me.
- 17 Q: Okay. All right. Okay. You might ---
- 18 A: Okay.
- 19 Q: But, but, but just to go and say, that was
20 going to show ---
- 21 A: No, no, no, no.
- 22 Q: --- that you ---
- 23 A: No, no, no.
- 24 Q: --- you ain't paid no house off.
- 25 A: Oh, okay.



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RDP 61
08

ALFRED T. GUESS

54

1 Q: You didn't pay ---

2 **COURT REPORTER:** One at time, that's all.

3 **MR. ALFRED GUESS:** Yeah, okay.

4 **MR. THURMOND GUESS:** Oh, that's right, one at a
5 time.

6 Q: You didn't pay not- -- but now, let's, let's go
7 back to this since you don't know what a title
8 to a house is ---

9 A: Do you have your phone with you?

10 Q: No. I'm not going to worry about no phone, I'm
11 doing a deposition.

12 A: Okay. We, we trying to get the truth out.

13 Q: Well, I mean if, if you want to get the truth
14 out, you just bring it to court when you come.

15 A: Bring it to court when I come?

16 Q: Yeah. When you come -- we going to have a
17 court date and you not going to be able to do
18 this what you're doing now, we trying to be
19 nice to you.

20 A: You ain't trying to be nice to me.

21 Q: A Judge is going to ---

22 A: You're not trying to be nice to me, trying to
23 -- saying that I'm a part ---

24 Q: Okay.

25 A: --- or whatever that you're trying to get on



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RDP62
08

ALFRED T. GUESS

55

1 somebody else.

2 Q: Okay.

3 A: I'm not a part of that.

4 Q: All right.

5 A: See, that's what you trying to do, you trying
6 to get me a part of it.

7 Q: Okay.

8 A: You trying -- I know what you trying to get at.
9 You trying to think that somebody knew this 5,
10 10, 15 years ago, but that's a lie, that's what
11 you trying to do. I see what you're doing.

12 Q: Okay. You answer in this court hearing Number
13 12, can you read what Number 12 is?

14 A: It says, that the Defendant knew his and her
15 statement was false in that knowledge of
16 falsity and that the extend to this statement
17 made in the recklessness disregard of the
18 truth. That the Defendant made false
19 representation upon fraudulent
20 misrepresentation of party.

21 Q: Now, hand me, hand me that back. And your
22 answer was what? What was your answer?

23 A: What, what was my answer?

24 Q: You tell me.

25 A: And we did not.



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ROP 63
08

ALFRED T. GUESS

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- 1 Q: Your response was, Alfred and Tina did not make
2 any false statement or reckless disregard to --
3 or the present fraudulent and misrepresent.
4 The question was, Number 12 was that the
5 Defendant ---
6 A: We did not, we did not.
7 Q: --- that the Defendants, the Defendants mean --
8 -
9 A: No, no, we was answering our part. We are the
10 -- we're not the Defendant's that you, that you
11 put this against?
12 Q: You're part of the Defendants.
13 A: Well, see -- that's what I meant, you said the
14 Defendant. We, we set out ---
15 Q: Sir ---
16 A: Ahh, come on.
17 Q: --- sir, I'm not going to tell you how to
18 answer. This is not a ---
19 A: Okay. Okay.
20 Q: --- this is not appropriate. This is not
21 appropriate answer.
22 A: I answered you ---
23 Q: No, sir.
24 A: She said one at a time.
25 Q: Yeah.



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ROP 64
08

ALFRED T. GUESS

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1 A: I answered the way I answered.
2 Q: Here's what you, here's what you answer.
3 A: Okay. Go ahead.
4 Q: And the Court is going to check you one this.
5 A: Okay, check me.
6 Q: You said, Defendant -- that the Defendant knew
7 his or her statement was false and that the
8 knowledge under falsities and the extent to the
9 statement made in the reckless disregard to the
10 truth. The Defendants made false statement
11 upon fraudulent misrepresented on the party.
12 And you answer was that Alfred and Tina, Alfred
13 and Tina made no false statements.
14 A: Alfred and Tina didn't.
15 Q: All right. Well ---
16 A: Alfred and Tina didn't.
17 Q: All right. Well, you saying that, you saying
18 that this document number one ---
19 A: No, no, no, no. You asked me -- look here,
20 look what ---
21 Q: Hold, hold, sir ---
22 A: No, no, no, no. Wait a minute.
23 Q: Sir, you answer me questions, you got to ask --
24 answer my questions, you can't ask me a
25 question.



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RDP 65
08

ALFRED T. GUESS

58

- 1 A: I'm asking you what you asked.
- 2 Q: I'm asking you about, I'm asking you about
- 3 Defendant Exhibit Number 1 where you have
- 4 already admitted that it was a false document.
- 5 And you -- at this time you knew it was false
- 6 because this lawsuit was filed after you got
- 7 Exhibit 1.
- 8 A: What I'm saying is though -- I'm asking you a
- 9 question.
- 10 Q: Sir, sir, yeah, you got to answer my question.
- 11 A: I'm answering your question.
- 12 Q: I'm going back to you, I'm fixing to close and
- 13 this is my closing. My closing is, when you
- 14 all got this lawsuit you already had Defendant
- 15 Exhibit 1 either two months or four months
- 16 before that time, right?
- 17 A: We did what now?
- 18 Q: Before this lawsuit was filed you had, you had
- 19 Exhibit 1 ---
- 20 A: I had ---
- 21 Q: --- which was the easement right deed. You
- 22 said you had it in '21, we filed this -- the
- 23 lawsuit in '22.
- 24 A: But you said four or five months.
- 25 Q: Yeah, it is. It will be four or five months.



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1 A: Wait a minute. Let me -- here's what it is,
2 what's going to clear all this up, what's going
3 to clear all this up, when we called Loan Depot
4 and asked Loan Depot to give us our statement
5 when -- and then -- and when Loan Depot -- I
6 can around about or we can just go back down
7 there to the courthouse ---

8 Q: Sir, I- -- I'm not going to the courthouse.

9 A: The courthouse said that I got it.

10 Q: What I'm asking you -- I'm asking you about
11 this document here (indicating). This Exhibit
12 1 ---

13 A: Well ---

14 Q: --- you saying you got it in 2021.

15 A: Let me see the document. Let me see what you
16 saying.

17 Q: You saying you got this document in 2021
18 because you say it had to be because you made
19 the first payment in January of '22.

20 A: This look like we, we, we -- when we went to
21 the courthouse ---

22 Q: That, that document you received had to be
23 sometime in 2021.

24 A: Yes.

25 Q: Right.



ROP 67
08

ALFRED T. GUESS

60

- 1 A: Had to be.
- 2 Q: In 2021 -- so you knew and you have, you have
- 3 testified here today that this document is
- 4 false.
- 5 A: What I'm saying is, is this ---
- 6 Q: Sir, sir ---
- 7 A: --- how do I know it's false?
- 8 Q: You just said it was false.
- 9 A: I didn't say it was false.
- 10 Q: Because, because ---
- 11 A: Now, now, I just said ---
- 12 Q: --- the reason why it's false because your mama
- 13 name is not Lilly Mae and your daddy was not
- 14 even living.
- 15 A: Well look at the signature ---
- 16 Q: Are, are your ---
- 17 A: No. You ---
- 18 Q: --- daddy ---
- 19 A: No. You asked me ---
- 20 **COURT REPORTER:** Okay. Sir, one at a time.
- 21 **MR. THURMOND GUESS:** Yeah.
- 22 A: --- was my mama named Lilly Mae.
- 23 Q: Sir, sir, sir, listen, listen, sir. And this
- 24 it, this is it.
- 25 A: You asked me was ---



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ROP68
08

ALFRED T. GUESS

61

1 Q: Listen ---
2 A: --- you asked me ---
3 Q: No.
4 A: --- you asked me was my mama name Lilly Mae, I
5 said to myself ---
6 Q: No, sir.
7 A: I had this document here in 2021 (indicating)?
8 Q: Yes, sir.
9 A: What -- just like I said, I went to the
10 courthouse and got it.
11 Q: So, it doesn't matter.
12 A: Whenever I went to the court ---
13 Q: It doesn't matter, you got it in '21.
14 A: Okay.
15 Q: That's all ---
16 A: Ask me again.
17 Q: You got it in '21, right?
18 A: Okay. Go ahead.
19 Q: All right. And in that document it say your
20 daddy signed, sealed, and delivered. Do you
21 see your daddy name anywhere on that document?
22 A: No, no, no. You asked me, you asked me about
23 another document. I'm not sure if it's on this
24 one right here (indicating). But you asked me
25 ---



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RDP 69
08

ALFRED T. GUESS

62

1 Q: Sir ---
2 A: Don't try to cross ---
3 Q: Sir ---
4 A: But let me ask you what you asking me.
5 Q: Sir -- no, sir, you not going to ask me nothing
6 because you're not doing the deposition.
7 A: Well, I'm not answering anymore questions.
8 Q: Well ---
9 A: I've answered enough questions.
10 Q: --- well, I'm going to ask you the questions --
11 -
12 A: Well, I'm not going to answer.
13 Q: --- and we going to tell the Judge.
14 A: Well, you can tell the Judge ---
15 Q: All right.
16 A: --- I'm not going to answer. I'm not answering
17 no more questions. That I said that -- what
18 I'm telling you is the truth. I went down
19 there and got this deed (indicating). Whether
20 this document here or that document right there
21 (indicating) is true or false, I wasn't around
22 when this document was being signed. I went
23 down there to get something to, to do a
24 closure, a easement on my house, and this is
25 all I know about all this foolishness you got,



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ROP 70
08

ALFRED T. GUESS

63

1 this is all I know about it.

2 Q: So, so ---

3 A: Okay.

4 Q: --- it's fool- -- it's foolishness that he say
5 your daddy signed this in 1990 and your daddy
6 was dead in 1976.

7 A: Who said my daddy signed it? Did he, did he
8 say my daddy signed it?

9 Q: Listen, you read it. You read it, sir.

10 A: It doesn't say on here that he said it.

11 Q: This is the ---

12 A: I didn't read that, I couldn't read that.
13 Well, let me read it.

14 Q: Well, let me read it to you.

15 A: Read it to me.

16 Q: Person appeared before me, Darrell Jackson,
17 which I read before.

18 A: Yeah.

19 Q: Who duly sworn and say that he saw within the
20 name Arthur and Lilly Mae ---

21 A: He saw ---

22 Q: --- party of the first part signed, sealed, and
23 delivered their act and deed livered unto
24 within this increment for the use and the
25 purpose of therein that is mentioned. And it



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ROP71
08

ALFRED T. GUESS

64

1 was, and it was, and it was witnessed by Marsha
2 Green.

3 A: So, so you saying that the easement that they
4 were trying to get ---

5 Q: The easement that they got.

6 A: The easement that they got ---

7 Q: This ---

8 A: --- they, they own the house.

9 Q: The, the easement right.

10 A: That they own the house?

11 Q: That they own the easement right.

12 A: They own the house.

13 Q: They own the easement, that's land. You know
14 what easement is?

15 A: I thought easement was the right to go on your
16 property to do, to do work.

17 Q: That's -- no, it's not that.

18 A: It's not that?

19 Q: It's not that. It was supposed to be for that.

20 A: Okay.

21 Q: But it wasn't for that, and I got you to read
22 down here where they say they not responsible
23 for to do nothing in this -- with this, with
24 this document here (indicating).

25 A: Well, what I got to do with that?



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RDP 72
08

ALFRED T. GUESS

65

1 Q: Okay. Because you going around saying that
2 these guys ---
3 A: I ain't going around nowhere.
4 Q: --- these guys -- you did say it.
5 A: To who?
6 Q: You said it to ---
7 A: To who?
8 Q: --- you said it to several ---
9 A: To who?
10 Q: Family, you said it to family.
11 A: To the family?
12 Q: You said to family that, that, that we ---
13 A: You know what, you know what ---
14 Q: Okay.
15 A: --- you, you -- listen to me, I want to --
16 since you and all of them round here trying to
17 tie me anything. I want you to take this back
18 to them, any one of them who said I said to
19 them and concocted stories with you, tell them
20 -- look here, forget my name.
21 Q: Okay. Well ---
22 A: Forget it.
23 Q: --- well, let me ask you this, let me ask you
24 this.
25 A: I'm not answering no more questions from you,



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ROP 73
08

CERTIFICATE

This is to certify that the deposition of **ALFRED GUESS**, consisting of sixty-six (66) pages, is a true and correct transcript of the testimony given by said deponent after being duly sworn; said deposition was reported by the method of Stenomask with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on April 13, 2026.

M. Sean Cary
Court Reporter

Notary Public for South Carolina
My Commission Expires: May 2, 2033



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RDP-74-78
09

R.P. 09-74-78

STATE OF SOUTH CAROLINA) IN THE CIRCUIT COURT 5
COUNTY OF RICHLAND) DOCKET NO. 2022-CP-40-01906

THURMOND GUESS SR,)
Plaintiff,)
versus)
DARRELL JACKSON SR, ET AL,)
Defendant.)

H E A R I N G

DATE: July 3, 2025
LOCATION: South Carolina Circuit Court 5
JUDGE: Daniel Coble
TRANSCRIBED BY: Jeanne Meldrim

LEGAL EAGLE
Post Office Box 5682
Greenville, South Carolina 29606
864-467-1373
depos@legaleagleinc.com

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APPEARANCES:

Mr. Thurmon Guess, Sr.

Pro Se Plaintiff

ROP-76
09.

09.

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Proceedings.....	4
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EXHIBITS

(No exhibits marked)

(THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL
IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

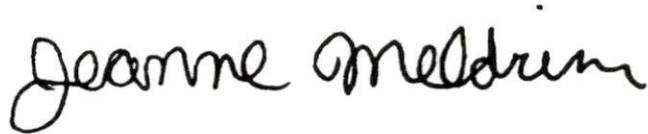
1 THE COURT: All right. Number 7, Guess versus
2 Jackson, 1906.
3
4 MR. GUESS: Yes, Your Honor. Jackson and English,
5 case was dismissed back in 2023.
6
7 Before the Court today is going to be Alfred Guess
8 and Tina -- Marjorie Guess. It's going to be the
9 defendants in this action.
10
11 Marcia Green defaulted in April --- May of '22.
12 This case was filed in 2022. And he never sign --- came
13 in a hearing or (unintelligible) the answer. And default
14 has been requested concerning him. He died in '24 --- in
15 October '24, but he was --- he had defaulted two years.
16
17 So --- and my brother, I had deposition taken of him
18 and he walked out the deposition.
19
20 So I need your guidance on whether we should go
21 ahead on and have the --- the default hearing and have
22 the hearing with --- with Guess. And it's only going to
23 take a half a day.
24
25 THE COURT: All right. Well, I suggest you file
that motion and then we'll send notice for it. Okay?
MR. GUESS: Thank you, sir.
THE COURT: All right. So we will continue this and
let that motion be filed.
MR. GUESS: Yes, sir.
(PROCEEDINGS CONCLUDED)

CERTIFICATE OF TRANSCRIBER

I, JEANNE MELDRIM, a certified transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of CIRCUIT COURT 5 for RICHLAND COUNTY, South Carolina, on the 3rd Day of July, 2025.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

June 15, 2026

A handwritten signature in black ink that reads "Jeanne Meldrim". The signature is written in a cursive, flowing style.

Jeanne Meldrim

Transcriber

ROP-
79-81

FORM 4

ROP-79-81
10

STATE OF SOUTH CAROLINA
COUNTY OF Richland
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2022CP4001906

Thurmond Guess, Sr
PLAINTIFF(S)

Marshall Green et al
DEFENDANT(S)

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), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled);
☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRCP; ☐ 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:

Following a hearing on January 5, 2026,

- Plaintiff's Motion to Substitute Parties (filed on 10/7/25) is GRANTED. Defendants Alfred Guess and Marshall Green shall be replaced by their respective estates/personal representatives.
- Defendant Green's Motion to Dismiss (filed on 12/17/25) is GRANTED.
- Defendant Marjorie Guess' Motions to Dismiss (all three, filed on 11/10/25) are GRANTED.
- Defense counsel shall efile proposed order(s) reflecting the court's rulings within 20 days.

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 01/05/2026 .

Alfred T. Guess for Alfred T. Guess
Marjorie Guess for Marjorie Guess
George Craig Johnson for Marjorie Guess
Alfred T. Guess for Alfred T. Guess
Andrew F. Lindemann for Leonardo Brown
Abigail Ramona Rogers for Marshall Green
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

RECEIVED
FEB 09 2026
SC Court of Appeals

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.

ROP: 84

10

ELECTRONICALLY FILED - 2026 Jan 06 9:47 AM - RICHLAND - COMMON PLEAS - CASE#2022CP4001906



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

Jocelyn Newman

ROP-11-82-84

ROP 82-84
11

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Richland
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2022CP4001906

FILED

Thurmond Guess, Sr
PLAINTIFF(S)

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

AMY W. McCULLOCH
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



ROP - 88

rop. 11

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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ROP-8H
11

ROP11.1



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

RPP-85-86
12RPP 85-86
12PETITIONER'S
EXHIBIT

12

VOL D1023 PAGE 762

THE STATE OF SOUTH CAROLINA
COUNTY OF RICHLANDEASEMENT AND RIGHT-OF-WAY DEED
(Drainage)

MAR 19 2 21 PM '91

THIS INDENTURE made this the _____ day of _____, 19____
by and between Arthur B. Guess 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 10 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 rights-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 rights-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 rights-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, in 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, their heirs, assigns or successors in title to property adjoining said rights-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 construction 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 expressed 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 hereunto set their hands and seals the day and year first hereinabove written

Lillie Mae Guess (SEAL)
PARTY OF THE FIRST PART

COUNTY COUNCIL OF RICHLAND COUNTY

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Donnell Jackson
Margaret Green
As to Party of the First Part

By *Danice D. Scott*
Chairman

Attest *Brenda Miller* (SEAL)
Clerk of Council

W. Anthony McDonald

Joe R. Reed
As to Party of the Second Part

VOL D1023 PAGE 762

Form No
RC74 D-1-75

FILED

2025 APR -4 AM 10:19

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

ROP-86

ROP. 12

THE STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

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 Mae Green
Party of the First Part, sign, seal and as They act and deed deliver the within written instrument for the uses
and purposes therein mentioned, and that he with MARSHALL GREEN
witnessed the execution thereof.

SWORN to before me this 10
day of March 1990
Rose Ann English
Notary Public for South Carolina 11/9/92

Darrell Jackson

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 uses and
purpose therein mentioned and that he with W. ANTHONY McDONALD
witnessed the execution thereof.

SWORN to before me this 7th
day of MARCH 1991
Michelle Q. Cannon Finch
Notary Public for South Carolina

James F. Mears, Jr.

My Commission Expires April 17, 1999

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 10 day of May 1991, recorded in Book D1023
of Deeds, Page 762
Clara & Bartlett
Clerk of Court for Richland County.

I hereby certify that the within deed has
been this 10 day of May 1991, recorded in Book D1023
of Deeds, Page 762

Auditor.

STATE OF SOUTH CAROLINA
CERTIFICATION OF VITAL RECORD

ROP-87
13

DEATH CERTIFICATION

TR0013

Registration Dist. No.		STATE OF SOUTH CAROLINA BOARD OF HEALTH		76 023021	
Registrar's No.		CERTIFICATE OF DEATH			
Birth No.		DECEASED—NAME		SEX	DATE OF DEATH (MONTH, DAY, YEAR)
1. Arthur		GUESS		2. Male	3. November 20, 1976
RACE WHITE, NEGRO, AMERICAN INDIAN, ETC. (SPECIFY)	AGE—LAST BIRTHDAY (YEARS)	UNDER 1 YEAR	UNDER 1 DAY	DATE OF BIRTH (MONTH, DAY, YEAR)	COUNTY OF DEATH
4. Negro	50. 66	51. MOS.	52. DAYS	53. Apr. 5, 1910	76. Richland
CITY, TOWN, OR LOCATION OF DEATH		HOSPITAL OR OTHER INSTITUTION—NAME (IF NOT IN EITHER, GIVE STREET AND NUMBER)			
76. Columbia, S. C.		74. VA Hospital, Columbia, S. C. 29201			
STATE OF BIRTH (IF NOT IN U.S.A., NAME COUNTRY)	CITIZEN OF WHAT COUNTRY	MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (SPECIFY)		SURVIVING SPOUSE (IF WIFE, GIVE MAIDEN NAME)	
8. South Carolina	9. U.S.A.	10. Married		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. 251-03-8872		13a. Laborer		13b. Marble Works	
RESIDENCE—STATE	COUNTY	CITY, TOWN, OR LOCATION		STREET AND NUMBER	
14a. So. Carolina	14b. Richland	14c. Columbia		14d. 3004 Dell Street	
FATHER—NAME		MOTHER—MAIDEN NAME			
15. Ollie		16. Aline		Brooks	
INFORMANT—NAME		MAILING ADDRESS			
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					
(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), (b), AND (c)		AUTOPSY (YES OR NO)		IF YES WERE FINDINGS CONSIDERED IN DETERMINING CAUSE OF DEATH	
Pneumonia; Diabetes; Arteriosclerotic Obliterations		19a. NO		19b.	
ACCIDENT, SUICIDE, HOMICIDE, OR UNDETERMINED (SPECIFY)	DATE OF INJURY (MONTH, DAY, YEAR)	HOUR	HOW INJURY OCCURRED (ENTER NATURE OF INJURY IN PART I OR PART II, ITEM 18)		
20a.	20b.	20c.	20d.		
INJURY AT WORK (SPECIFY YES OR NO)	PLACE OF INJURY AT HOME, FARM, STREET, FACTORY, OFFICE BLDG., ETC. (SPECIFY)	LOCATION	(STREET OR R.F.D. NO., CITY OR TOWN, STATE)		
21a.	21b.	21c.	21d.		
CERTIFICATION—	MONTH	DAY	YEAR	AND LAST SAW HIM/HER ALIVE ON	I DID/DID NOT VIEW THE BODY AFTER DEATH.
21a. VA ATTENDED THE DECEASED FROM	Nov. 1, 1976	21b. Nov. 20, 1976	21c. Nov. 20, 1976	21d. DID NOT	21e. 3:55P M.
CERTIFIER—NAME (TYPE OR PRINT)	SIGNATURE		DEGREE OR TITLE	DATE SIGNED (MONTH, DAY, YEAR)	
22a. OSCAR LABORDE, M. D.	22b.		22c.	22d. Nov. 24, 1976	
MAILING ADDRESS—CERTIFIER	STREET OR R.F.D. NO., CITY OR TOWN, STATE, ZIP				
23a. Veterans Administration Hospital, Columbia, S. C.	23b. 29201				
BURIAL, CREATION, REMOVAL (SPECIFY)	CEMETERY OR CREMATORY—NAME	LOCATION	CITY OR TOWN, STATE		
24a. Burial	24b. Heyward Cemetery	24c. Calhoun County, S. C.			
DATE (MONTH, DAY, YEAR)	FUNERAL HOME—NAME AND ADDRESS (STREET OR R.F.D. NO., CITY OR TOWN, STATE, ZIP)				
25a. Nov. 24, 1976	25b. Pearson's Funeral Home 1325 Park Street Colo., S.C.				
FUNERAL DIRECTOR—SIGNATURE	REGISTRAR—SIGNATURE	DATE RECEIVED BY LOCAL REGISTRAR			
26a.	26b.	26c. December 1, 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.

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

Caleb N. Cox
Assistant State Registrar

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

Revision Date: 02/18/2021

PLAINTIFF'S
EXHIBIT



ROP- 88

14

RICHLAND COUNTY
DEPARTMENT OF PUBLIC WORKS
400 Powell Road
Columbia, SC 29203

ROP 88

14



FILED - 2022 May 13 10:20 AM - RICHLAND - COMMON PLEAS - CASE#2022CP4001906

March 30, 2022

Thurmond Guess
3111 Two Notch Road, Apt 124
Columbia, South Carolina 29204

RE: 3004 Dell Drive – Drainage Easement dated 1991

Dear Mr. Guess:

This letter serves to inform you of the County's position following our review of your claim that you presented during the Citizen Input at the February 15, 2022 Richland County Council Meeting.

The rear yard drainage easement you shared with us provides for the continuity of lands to be used for storm water drainage and has been in effect for over 30 years. After we consulted with our County Attorney's Office, we learned the time for contesting the signatures or any aspect of the document should have occurred within the first two years of the execution of the Easement and Right-of-Way Deed. Therefore, the deed is a valid document as it was not challenged within the appropriate time and should remain in effect without Richland County releasing it and having to execute a new deed.

The Department of Public Works has removed a clog in a pipe within the easement that was affecting drainage. The Department will be returning to perform more extensive work in all the ditches that interconnect and provide drainage service. Easements like this one are critical for that maintenance to be possible.

Sincerely,

A handwritten signature in cursive script that reads "Leonardo Brown".

Leonardo Brown, MBA, CPM
County Administrator
Richland County Government

**PLAINTIFF'S
EXHIBIT**

PENGAD 800-631-6989

Effectiveness Equity Integrity

ROP-90
15

ROP 90
15

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.

Plaintiff 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



ROP-91-92
16

ROP 16

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

Thurmond Guess, Sr.,

Civil Action No.: 2022CP40-1906

Plaintiff,

v.

NOTICE OF MOTION AND MOTION TO
DISMISS PLAINTIFF'S COMPLAINT
(Lack of Standing)

Pastor Darrell Jackson, Marshall Green,
Rose A. English, Alfred T. Guess, and
Marjorie Guess,

Defendants.

TO: Thurmond Guess, Sr., Plaintiff

PLEASE TAKE NOTICE THAT Defendant Marjorie Guess ("Defendant"), by and through her undersigned counsel, hereby moves for the dismissal of the Plaintiff's Complaint (the "Complaint").

Upon information and belief, Richland County obtained an easement from Arthur and Lillie Mae James to install a storm drain (Arthur Guess and Lillie Mae Guess are deceased). The property in question is located at 3004 Dell Drive, Richland County. The easement was executed on March 18, 1991. Plaintiff alleges that the Easement was fraudulently obtained.

Upon information and belief, Plaintiff does not own 3004 Dell Drive. Plaintiff did not sign the easement in question. Moreover, Plaintiff is not the Personal Representative for the Estate of Lila Mae Guess nor is he the Personal Representative for the Estate of Arthur Guess. Plaintiff has no legal interest in 3004 Dell Drive nor does he have the authority to bring an action for Lila Mae Guest or Arthur Guest. He has no standing to bring an action based on an easement he was not a party to.

Therefore, Defendant prays for an Order Dismissing the Plaintiff's Complaint with prejudice.

ELECTRONICALLY FILED - 2025 Nov 10 3:59 PM - RICHLAND - COMMON PLEAS - CASE#2022CP4001906

ROP-92
/6.

ROP 16

JOHNSON, TOAL & BATTISTE, P.A.
Attorneys for Defendant Marjorie Guess

November 10, 2025

By: s/George C. Johnson
George C. Johnson (Attorney No. 9308)
P.O. Box 1431
Columbia, SC 29202
(803) 252-9700
george@jtbp.com

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ROP-93-94
17

ROP 17-93-94
ROP 17

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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

Thurmond Guess, Sr.,

Civil Action No.: 2022CP40-1906

Plaintiff,

v.

NOTICE OF MOTION AND MOTION TO
DISMISS PLAINTIFF'S COMPLAINT
(Rule 12(b)(6))

Pastor Darrell Jackson, Marshall Green,
Rose A. English, Alfred T. Guess, and
Marjorie Guess,

Defendants.

TO: Thurmond Guess, Sr., Plaintiff

PLEASE TAKE NOTICE THAT Defendant Marjorie Guess ("Defendant"), by and through her undersigned counsel, hereby moves for the dismissal of the Plaintiff's Complaint (the "Complaint").

Upon information and belief, Richland County obtained an easement from Arthur and Lillie Mae James to install a storm drain. The easement was executed on March 18, 1991. Plaintiff alleges that the Easement was fraudulently obtained. Although the Defendant had no role in Richland County obtaining the easement, she has been sued for allegedly knowing about the allegedly fraudulent transfer.

Rule 12(b)(6) of the South Carolina Rules of Evidence "allows the court to dismiss a party's claims for failure to state facts sufficient to constitute a cause of action." Gray v. State Farm Auto Ins. Co., 327 S.C. 646, 491 S.E.2d 97 (Ct. App. 1997). The Complaint fails to state any facts that would give rise to a cause of action.

The Plaintiff has not alleged sufficient facts necessary to meet the nine elements of constructive fraud which include: (1) a representation; (2) its falsity; (3) its materiality; (4) either knowledge of its falsity or a reckless disregard of its truth or falsity; (5) intent that the representation be acted upon; (6) the hearer's ignorance of its falsity; (7) the hearer's reliance on its truth; (8) the hearer's right to rely thereon;

ROP 94

ROP 17

ELECTRONICALLY FILED - 2025 Nov 10 4:01 PM - RICHLAND - COMMON PLEAS - CASE#2022CP4001906

and (9) the hearer's consequent and proximate injury. Furthermore, the Complaint does not contain any specific allegations as to what part Marjorie Guess played in the alleged fraud.

Therefore, Defendant prays for an Order Dismissing the Plaintiff's Complaint with prejudice.

JOHNSON, TOAL & BATTISTE, P.A.
Attorneys for Defendant Marjorie Guess

November 10, 2025

By: s/George C. Johnson
George C. Johnson (Attorney No. 9308)
P.O. Box 1431
Columbia, SC 29202
(803) 252-9700
george@jtbpa.com

ROP-18-95-96

18

ROP 95-96

ELECTRONICALLY FILED - 2025 Nov 10 4:04 PM - RICHLAND - COMMON PLEAS - CASE#2022CP4001906

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

Thurmond Guess, Sr.,

Civil Action No.: 2022CP40-1906

Plaintiff,

v.

NOTICE OF MOTION AND MOTION TO
DISMISS PLAINTIFF'S COMPLAINT
(Statute of Limitations)

Pastor Darrell Jackson, Marshall Green,
Rose A. English, Alfred T. Guess, and
Marjorie Guess,

Defendants.

TO: Thurmond Guess, Sr., Plaintiff

PLEASE TAKE NOTICE THAT Defendant Marjorie Guess ("Defendant"), by and through her undersigned counsel, hereby moves for the dismissal of the Plaintiff's Complaint (the "Complaint").

Upon information and belief, Richland County obtained an easement from Arthur and Lillie Mae James to install a storm drain. The easement was executed on March 18, 1991 (see Exhibit A). Plaintiff alleges that the Easement was fraudulently obtained. Although the Defendant had no role in Richland County obtaining the easement, she has been sued for allegedly knowing about the allegedly fraudulent transfer.

The alleged injury to the Plaintiff occurred 34 years ago. The discovery rule in constructive fraud cases allows potential plaintiffs no more than six years from the date of injury, or from the date they ought to have discovered the injury, to file a complaint. Plaintiff did not conduct reasonable diligence to discover the alleged injury in the 32 years since the execution of the right-of-way easement and had he simply searched, he would have discovered the easement as it was not hidden. Moreover, the State has been accessing the storm drain for over 30 years. Therefore, any form of reasonable diligence would have led to the discovery and existence of the easement. The six-year statute of limitations has expired.

ROP 96
18

ROP 18

Therefore, Defendant prays for an Order Dismissing the Plaintiff's Complaint with prejudice.

JOHNSON, TOAL & BATTISTE, P.A.
Attorneys for Defendant Marjorie Guess

November 10, 2025

By: s/George C. Johnson
George C. Johnson (Attorney No. 9308)
P.O. Box 1431
Columbia, SC 29202
(803) 252-9700
george@jtbpa.com

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ROP- 19

STATE OF SOUTH CAROLINA

79 ROP 97-100
ROP 19

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

Thurmond Guess, Sr.,

Civil Action No.: 2022CP40-1906

Plaintiff,

v.

**ORDER GRANTING MOTIONS TO
DISMISS**

Pastor Darrell Jackson, Marshall Green,
Rose A. English, Alfred T. Guess, and
Marjorie Guess,

Defendants.

This matter comes before the Court on a Motions to Dismiss filed by Defendants Marshall Green, Alfred T. Guess and Marjorie Guess. A hearing on the Motions was held on January 5, 2026, in Richland County, South Carolina. Plaintiff, Thurmond Guess, Sr., was present. Counsel for Defendant Marshall Green, Abigail Rogers, was present. Counsel for Defendants Alfred T. Guess and Marjorie Guess, George C. Johnson, was present. Lastly, Ms. Madeline Green, daughter of deceased Marshall Green and Personal Representative of his estate was also present.

By way of background, it appears that Plaintiff alleges that Richland County fraudulently obtained an easement from Arthur Guess and Lila Mae Guess. Arthur Guess and Lila Mae Guess own 3004 Dell Drive which is located in Richland County. Richland County obtained the aforementioned easement from Lila Mae Guess to install a storm drain on her property on March 18, 1991. Arthur and Lila Guess are the parents of Thurmond Guess, Sr. and Defendant Alfred T. Guess. It appears that Arthur Guess died in the 1970s; Lila Guess died in 2008. Defendant Marshall Green died on September 07, 2024¹. On July 25, 2025, Defendant Alfred Guess died².

¹ Madeline Green was appointed Personal Representative for the Estate of Marshall Green on December 12, 2024.

² Marjorie Guess was appointed Personal Representative for the estate of Alfred Guess on November 13, 2025.

ROP-19

ROP 19.98

The Complaint was filed by Thurmond Guess, Sr. on April 13, 2022. On February 14, 2023, Judge Benjamin dismissed Defendants Darrell Jackson and Rosa English. She found that the statute of limitations had expired and she found that the Plaintiff did not allege sufficient facts to meet the nine elements of constructive fraud. On October 7, 2025, Plaintiff filed a Motion to Substitute parties³. Defendant Marjorie Guess filed three Motions to dismiss on November 10, 2025. On December 17, 2025 Ms. Green also filed three Motions to Dismiss.

After consideration of the Motions and arguments by the parties, this Court finds that all of the Motions to Dismiss should be granted. First, the statute of limitations has expired on this matter. The alleged injury to the Plaintiff occurred thirty years before he claims he learned of the easement and thirty-one years before he filed his complaint. The Plaintiff stated at the hearing held on January 5, 2026, that he learned of the easement in 2021 after Defendants Alfred and Marjorie Guess tried to get a loan using 3004 Dell Drive as collateral.

The discovery rule in constructive fraud cases allows potential plaintiffs no more than six years from the date of injury, or from the date they ought to have discovered the injury, to file a complaint. This Court finds that the Plaintiff did not conduct reasonable diligence to discover the alleged injury in the thirty years since the execution of the right-of-way easement. Had he simply inquired, he would have discovered the easement as it was filed in the Richland County Register of Deeds Office. Moreover, the County has been accessing the storm drain for over 30 years. Therefore, any form of reasonable diligence would have led to the discovery and existence of the easement. The six-year statute of limitations has expired. On this basis, the Court **GRANTS** Defendants' Motion to Dismiss.

³ Prior to hearing arguments on Defendants' Motions to Dismiss, the Court granted Plaintiff's Motion to substitute parties (see Rule 4 Order previously filed). Therefore, the Court viewed the Defendants' Motions to Dismiss to be brought on behalf of Marjorie Guess, The Estate of Alfred Guess and the Estate of Marshall Green.

ROP-19

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Additionally, this Court finds that the Plaintiff has not alleged sufficient facts necessary to meet the nine elements of constructive fraud which include: (1) a representation; (2) its falsity; (3) its materiality; (4) either intent that the representation be acted upon; (6) the hearer's ignorance of its falsity; (7) the hearer's reliance on its truth; (8) the hearer's right to rely thereon; and (9) the hearer's consequent and proximate injury. The Complaint is devoid of any specific allegations as to what part Marshall Green, Alfred T. Guess, or Marjorie Guess played in the alleged fraud. Although Defendants titled their Motions as Motions to Dismiss pursuant to Rule 12(b)(6), SCRCP, this Court viewed their Motions as Summary Judgment Motions pursuant to Rule 56, SCRCP. This Court **GRANTS** Defendants' Motion to Dismiss and dismisses Plaintiff's claims.

Lastly, the easement in question was obtained by Richland County from Lila Mae Guess to install a storm drain on property she co-owns with her husband, Arthur Guess. Although Lila Mae Guess and Arthur Guess, are deceased, the property in question is still owned by them. Their estates have never been probated nor has Plaintiff ever been appointed Personal Representative for their Estates. Therefore, Plaintiff has no legal interest in 3004 Dell Drive nor does he have the authority to bring an action for Lila Mae Guest or Arthur Guest. Plaintiff has no standing to bring an action based on an easement he was not a party to on land he doesn't own. This Court **GRANTS** Defendants' Motion to Dismiss and dismisses Plaintiff's claims.

Defendants Motions to Dismiss are granted as to Defendants Marshall Green n/k/a the Estate of Marshall Green, Alfred T. Guess n/k/a the Estate of Alfred T. Guess and Marjorie Guess.

IT IS SO ORDERED.

{electronic signature page to follow}

ROP 19

1 920P 100



Richland Common Pleas

Case Caption: Thurmond Guess Sr vs Darrell Jackson Sr , defendant, et al
Case Number: 2022CP4001906
Type: Order/Dismissal

So Ordered

Jocelyn Newman

ROP 20,100

ROP 101-105
20

ELECTRONICALLY FILED - 2025 Dec 17 3:27 PM - RICHLAND - COMMON PLEAS - CASE#2022CP4001906

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	IN THE FIFTH JUDICIAL CIRCUIT
	)	
Thurmond Guess, Sr.,	)	
	)	Case No.: 2022 CP 40 1906
Plaintiff,	)	
	)	
vs	)	MOTION TO DISMISS ON BEHALF
	)	OF THE ESTATE OF
Pastor Darrell Jackson, Sr., Marshall Green,	)	MARSHALL E. GREEN
Rose A. English, Alfred T. Guess, and	)	
Majorie Guess,	)	
	)	
Defendants.	)	

INTRODUCTION

Pursuant to South Carolina Rules of Civil Procedure 12(b)(6), 12(b)(2) and 25(a)(1), the Estate of Marshall E. Green (the "Defendant- Deceased") and Madeline Green (the "Personal Representative for the Estate of Marshall Green"), by and through the undersigned counsel, hereby move for the dismissal of the Plaintiff's Complaint (the "Complaint") on the grounds that (1) the statute of limitations has expired, (2) the Complaint fails to state a claim, and (3) the substitution of the defendant was not made within a "reasonable time."

STATEMENT OF FACTS

On or about March 10, 1990, a right-of-way easement to the Richland County Department of Public Works (the "County") was signed with the names Arthur and Lillie May Guess with Lila's first name being misspelled on the document. The easement allowed the County access to a storm drain which was essential to maintain effective drainage in the area. The easement is located in the back yard of a property located at 3004 Dell Drive in Columbia, South Carolina. The owners of the property were Arthur and Lila Mae Guess, Plaintiffs parents. Plaintiff does not reside at 3004 Dell Drive and did not discover that this easement

existed until October of 2021. Plaintiff filed his Complaint on April 13, 2022.

STANDARD OF REVIEW

I. Statute of Limitations

"In South Carolina, the statute of limitations for causes of action for fraud is governed by the 'discovery rule,' and does not begin to run until discovery of the fraud itself or of 'such facts as would have led to the knowledge thereof, if pursued with reasonable diligence.'" *Grayson v. Fidelity Life Ins. Co. of Philadelphia*, 114 S.C. 130, 135, 103 S.E. 477 (1920), quoting *Smith v. Linder*, 77 S.C. 535, 58 S.E. 610 (1907). "In applying the discovery rule, inquiry is focused upon whether the complaining party acquired knowledge of any existing facts 'sufficient to put said party on inquiry which, if developed, will disclose the alleged fraud.'" *Burgess v. Am. Cancer Soc., S.C. Div., Inc.*, 300 S.C. 182, 185, 386 S.E.2d 798, 799 (Ct. App. 1989), citing *Walter J. Klein Co. v. Kneece*, 239 S.C. 478, 123 S.E.2d 870 (1962). "A party cannot escape the application of this rule by claiming ignorance of existing facts and circumstances, because the law also provides that if such facts and circumstances *could have been known* to the party through the exercise of ordinary care and reasonable diligence, the same result follows." *Burgess*, 239 S.C. at 478, 123 S.E.2d at 870.

"Thus, either actual or constructive knowledge of facts or circumstances, indicative of fraud, trigger a duty on the part of the aggrieved party to exercise reasonable diligence in investigating and, ultimately, in pursuing a claim arising therefrom." *Id.* "In accordance with the aforesaid standards, a claim for fraud is barred if not filed by the proper party within six years of the time from which pertinent facts were actually known or *could have been known through the exercise of reasonable diligence.*" *Id.* (emphasis added). In the present case there was a 32 year gap between the easement filing in 1990 and the filing of the complaint in 2022.

ROP 103
20

ROP 20

II. Failure to State a Claim

South Carolina provides that the Plaintiff may not succeed in a fraud claim unless they prove by clear, cogent, and convincing evidence the following nine elements: (1) a representation; (2) its falsity; (3) its materiality; (4) either knowledge of its falsity or a reckless disregard of its truth or falsity; (5) intent that the representation be acted upon; (6) the hearer's ignorance of its falsity; (7) the hearer's reliance on its truth; (8) the hearer's right to rely thereon; and (9) the hearer's consequent and proximate injury. *See Ardis v. Cox*, 314 S.C. 512, 515, 431 S.E.2d 267, 269 (Ct. App. 1993); *see also King v. Oxford*, 282 S.C. 307, 318 S.E.2d 125 (Ct.App.1984). "A complaint is fatally defective if it fails to allege all nine elements of fraud." *Ardis*, 314 S.C. at 515, 431 S.E.2d at 269, quoting *Inman v. Ken Hyatt Chrysler Plymouth, Inc.*, 294 S.C. 240, 363 S.E.2d 691 (1988). "Where the complaint omits allegations on any element of fraud, the trial court should grant the defendant's motion to dismiss the claim." *Ardis*, 314 S.C. at 515, 431 S.E.2d at 269. In the present case Plaintiff failed to plead all nine elements in the Complaint as required by law.

III. Unreasonable Time of Substitution

In *Bell v. Bentley*, 438 S.C. 619, the South Carolina Court of Appeals addressed the interpretation of "reasonable time" under Rule 25, SCRCP. The court noted that South Carolina's rule does not impose a ninety-day limit like the federal rule and that no South Carolina case law suggests a "reasonable time" cannot exceed 120 days. The court reviewed the circuit court's denial of a motion to substitute, which concluded that a reasonable time ranged from 90 to 120 days under federal rules and prior case law. However, the appellate court emphasized that the determination of a reasonable time depends on the totality of the circumstances and is not strictly bound by the federal ninety-day standard. *Bell v. Bentley*, 438 S.C. 619. In this case Marshall

ROP-1031
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ROP 20

Green died on September 7, 2024. Plaintiff's motion for substitution was filed on October 7, 2025.

ARGUMENT

I. Statute of Limitations

This alleged injury to the Plaintiff occurred over thirty-two (32) years ago, with the Plaintiff not performing any reasonable diligence to discover this alleged injury in that time. The Plaintiff claims that he did not learn of the easement until October of 2021, but this fact alone does not permit the nullification of the statute of limitations because the Plaintiff did not use reasonable diligence.

Because reasonable diligence of a review of the property would have shown that the easement in effect for thirty-two (32) years before being discovered by Plaintiff, the Court must dismiss this Complaint pursuant to the discovery rule's six-year statute of limitations. The easement was not hidden; therefore, an ordinary exercise of diligence would have enabled the Plaintiff to locate the easement.

II. Failure to State a Claim

In addition to the statute of limitations, SCRCP 12(b)(6) also bars the Plaintiff's claim because the Plaintiff failed to allege facts sufficient to establish the nine required elements of constructive fraud:¹ (1) a representation; (2) its falsity; (3) its materiality; (4) either knowledge of its falsity or a reckless disregard of its truth or falsity; (5) intent that the representation be acted upon; (6) the hearer's ignorance of its falsity; (7) the hearer's reliance on its truth; (8) the hearer's right to rely thereon; and (9) the hearer's consequent and proximate injury.

¹ Note that, as opposed to actual fraud, a valid claim for constructive fraud does not require the element of intent. Therefore, the Plaintiff may still prevail without element (5). See *Ardis*, 314 S.C. at 515, 431 S.E.2d at 269.

ROP-105
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ROP-125
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The Complaint is comprised of only legal conclusions that have no supporting basis in fact. The Complaint does not include any facts as to the Defendant's specific actions in the alleged fraud and thus this Court should conclude that the elements of fraud are not met. Additionally, the injury of "lost inheritance" is nebulous not detailed within the Complaint, and it is not specified as to whether the Plaintiff is a legitimate heir to the property. The generality of the allegations are insufficient to survive this Motion; thus, it must be dismissed.

III. Unreasonable Time of Substitution

The Complaint was filed by the Plaintiff in 2022 and Marshall Green passed in September of 2024. The Plaintiff then waited over 365 days to substitute the parties. Because South Carolina has established that a "reasonable time" may not exceed 120 days, the Court must dismiss the allegations made by the Plaintiff.

CONCLUSION

The Defendant respectfully asks the Court to grant the Motion to Dismiss on grounds that (1) the Complaint is barred based upon the statute of limitations, (2) the Plaintiff failed to allege sufficient facts to establish a valid cause of action, and (3) the Plaintiff waited an unreasonable amount of time to substitute the Defendant.

Respectfully submitted,

By: /s/ Abigail R. Rogers

Abigail R. Rogers

SC Bar #: 004878

arogerslawfirm@aol.com

21 Black Gum Road

Columbia, SC 29209

803.237.7526

December 17, 2025

ROP-:

21.

Rep. 21

ROP-106-108

2026-CP-400-1788
Private 2025-ES-40-1836

FILED

2026 JUL 14 AM 11:26

AMY W. McCULLOCH
PROCLERK
RICHLAND COUNTY, S.C.

Designation of matter to be

Included in the Record of Appeal

The state of South Carolina

In the Court of Appeal

Appeal from Richland County

Court of Common Pleas

Jocelyn Newman, Circuit Court judge

JUL 13 2026

SC Court of Appeals

Case no: 2022-CP-400-1906

Appellate No: 2026-000276

Thurmond Guess Sr.-----Appellant.

v.

Pastor Darrell Jackson Sr. Marshall Green, Rosa A. English, Alfred T. Guess. Marjorie's Guess,
of whom Marshall Green, Alfred T. Guess, Marjorie Guess, are the -----Respondents.

AMENDED DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Appellant propose the following be included in the Record on appeal.

1. Order 10-6-25.
2. Order 1-6-26.
3. Complaint of Appellant.
4. Answer of Alfred T. Guess, Marjorie Guess.
5. No answer of Marshall Green.
6. Transcript of Proceeding Deposition of Alfred T. Guess 10-25-22pp.1-67, transcript of proceeding July 3, 2025 pp 1-7.
7. Appellant Exhibit 1-12

ROP. 21
8. Request to Charge SCRC 55 Judicial Branch.

I, certify that the designation contains no matter which is irrelevant to the appeal.

RECEIVED

JUL 13 2026

SC Court of Appeals

Respectfully Submitted

Thurmond Guess Sr
Thurmond Guess Sr

1115 Carter Street Apt. 224

Columbia, SC 20204

(803) 238-2025

ROP 21

FILED

Proof of service

2026 JUL 14 AM 11:26

I, Thurmond guess sr. do hereby certify that true copy of the amended designation of matter to be included in record on appeal has been served on the respondents by placing a prepaid stamp in the u.s. mail at the address below on July 13, 2026.

RICHLAND COUNTY, S.C.

Adam Ruffin Law Firm

1320 Main Street Suite 300

Columbia, SC 29201

Abigail Rogers

21 black gum road

Columbia, SC 29209

RECEIVED

JUL 13 2026

SC Court of Appeals

NOTED BY MAIL ROOM
JUL 14 9 11 AM

2026 JUL 14 AM 11:25

RICHLAND COUNTY
S.C.

Thurmond Guess sr
1115 Carter St. apt. 224
Columbia, SC 29204
(803) 238-2025

ROP. 109-111

ROP 109-111

22.

R.P. 22

STATE OF SOUTH CAROLINA
COUNTY OF Richland

IN THE COURT OF COMMON PLEAS
JUDICIAL CIRCUIT

CASE NO. 2022-CP-4000-1906

Thermond Guess Jr.

Plaintiff,

vs.
Marshall Glean et al.

Defendant.

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Plaintiff's Attorney: Bar No. <u>Pro se</u> Address: Phone: Fax <u>(803) 586-3559</u> E-mail: Other:		Defendant's Attorney: Bar No. <u>Pro-see dloger</u> Address: Phone: Fax E-mail: Other:															
☐ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)																	
SECTION I: Hearing Information Nature of Motion: <u>Default Judgment</u> Estimated Time Needed: <u>15 min</u> Court Reporter Needed: ☒ YES ☐ NO																	
SECTION II: Motion/Order Type ☐ Written motion attached ☐ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. <u>Thermond Guess Jr. Pro se</u> Signature of Attorney for ☒ Plaintiff / ☐ Defendant <u>6-7-2022</u> Date submitted																	
SECTION III: Motion Fee ☐ PAID - AMOUNT: \$ ☐ EXEMPT: (check reason) <table border="0"> <tr> <td>☐ Rule to Show Cause in Child or Spousal Support</td> <td>☐ State Agency v. Indigent Party</td> </tr> <tr> <td>☐ Domestic Abuse or Abuse and Neglect</td> <td>☐ Post-Conviction Relief</td> </tr> <tr> <td>☐ Indigent Status</td> <td>☐ Motion for Execution (Rule 69, SCRCF)</td> </tr> <tr> <td>☐ Sexually Violent Predator Act</td> <td></td> </tr> <tr> <td>☐ Motion for Stay in Bankruptcy</td> <td></td> </tr> <tr> <td>☐ Motion for Publication</td> <td></td> </tr> <tr> <td colspan="2"> ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☐ Other: _____ </td> </tr> </table>				☐ Rule to Show Cause in Child or Spousal Support	☐ State Agency v. Indigent Party	☐ Domestic Abuse or Abuse and Neglect	☐ Post-Conviction Relief	☐ Indigent Status	☐ Motion for Execution (Rule 69, SCRCF)	☐ Sexually Violent Predator Act		☐ Motion for Stay in Bankruptcy		☐ Motion for Publication		☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☐ Other: _____	
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☐ Motion for Publication																	
☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☐ Other: _____																	
JUDGE'S SECTION ☐ Motion Fee to be paid upon filing of the attached order. ☐ Other:		JUDGE CODE _____ Date: _____															
CLERK'S VERIFICATION Collected by: <u>pm</u> Date Filed: <u>6/7/22</u> ☒ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED - AMOUNT DUE: \$ _____																	

RICHLAND COUNTY
 FILED
 2022 JUN -7 AM 11:15
 JENNIFER W. MCBRIDE
 C.O. S. & F.C.

22

RWP 110

RWP 22

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND) FIFTH JUDICIAL CIRCUIT
THURMOND GUESS SR.)
PLAINTIFF,) Case No: 2022-CP-4000-1906
VS.)
DARRELL JACKSON SR.) Plaintiff MOTION FOR DEFAULT JUDGMENT
MARSHALL GREEN,) AGAINST MARSHALL GREEN:
ROSE A. ENGLISH,)
ALFRED T. GUESS.)
MARJORIE GUESS,)
DEFENDANTS,)

RICHLAND COUNTY
FILED
2022 JUN - 7 AM 11:15
JEANETTE W. MCBRIDE
C.C.P., G.S., & F.C.

-----)
This case was filed on April 13, 2022, in the Court of Common Pleas Richland County Circuit court, with summons and complaint given to the Richland County Sheriff Department of Richland County. The defendant Marshall Green was served by County Sheriff on April 15, 2022, see Affidavit. As to this day of June 6, 2022 no answer from the Defendant Marshall Green. Please set hearing with court reporter half hour.

RESPECTFULLY SUBMITTED

Thurmond Guess Sr.
THURMOND GUESS SR.

3111 TWO NOTCH RD. APT. 124

COLUMBIA S.C. 29204

(803) 586-3559

22.

Box 111
22

PROOF OF SERVICE

I THURMOND GUESS SR DO HEREBY CERTIFY THAT A TRUE COPY OF THE REQUEST FOR DEFAULT HAS BEEN SERVED ON THE DEFENDANTS BY PLACING A PREPAID STAMP IN THE U.S. MAIL AT THE ADDRESS BELOW JUNE 7, 2022.

MARSHALL GREEN
2952 DELL DRIVE
COLUMBIA, S.C. 29209

JANETTE W. MCBRIDE
C.C.P., G.S., & F.C.

2022 JUN -7 AM 11:16

RICHLAND COUNTY
FILED


THURMOND GUESS SR.

3111 TWO NOTCH RD. APT. 124
COLUMBIA, S.C 29204
(803) 586-3559

ROP-1
23.

ROP-112-115
23

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Circuit Court

Jocelyn Newman, Circuit Court Judge

Lower Court Case No. 2022-CP-40-01906

Thurmond Guess, Sr., Appellant,

v.

Pastor Darrell Jackson, Marshall Green, Rose A. English, Alfred T. Guess, and Marjorie Guess,
Defendants,

of whom Marshall Green, Alfred T. Guess, and Marjorie Guess are the Respondents.

Appellate Case No. 2026-000276

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

In addition to the items designated by Appellant, Respondents propose the following be included in the Record on Appeal:

- (1) Order granting motion to dismiss filed on January 14, 2026,
- (2) Marjorie Guess Motion to Dismiss (Lack of Standing) filed November 10, 2025,
- (3) Marjorie Guess Motion to Dismiss (Rule 12(b)(6)) filed November 10, 2026,
- (4) Marjorie Guess Motion to Dismiss (Statute of Limitations) filed November 10, 2026,
- (5) Marshall Green Estate Motion to Dismiss filed on December 17, 2025.

I certify that this designation contains no matter which is irrelevant to this appeal.

ROP-113

Rep. 23

s/Adam Ruffin

Adam Sinclair Ruffin

SC Bar No. 101350

1320 Main Street, Suite 300

Columbia, SC 29201

(803) 470-5629

adam@ruffinappeals.com

Attorney for Respondents,
Marshall Green, Alfred T. Guess,
and Marjorie Guess

This 5th day of August 2026.

RDP- ~~100~~ 14

23

Marshall Green, Alfred T. Guess,
and Marjorie Guess

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Circuit Court

Jocelyn Newman, Circuit Court Judge

Lower Court Case No. 2022-CP-40-01906

Thurmond Guess, Sr., Appellant,

v.

Pastor Darrell Jackson, Marshall Green, Rose A. English, Alfred T. Guess, and Marjorie Guess,
Defendants,

of whom Marshall Green, Alfred T. Guess, and Marjorie Guess are the Respondents.

Appellate Case No. 2026-000276

PROOF OF SERVICE

Pursuant to Rule 262(b)(2), SCACR, undersigned counsel hereby certifies that a true copy of the initial brief of respondents and designation of matter in the above-referenced case has been served upon Appellant Thurmond Guess by placing in the mail with sufficient postage attached to 1115 Carter Street, Apartment 224, Columbia, SC 29204, this 5th day of August, 2026.

s/Adam Ruffin

Adam Sinclair Ruffin

SC Bar No. 101350

1320 Main Street, Suite 300

Columbia, SC 29201

(803) 470-5629

adam@ruffinappeals.com

Attorney for Respondents,

20P-116
24

STATE OF SOUTH CAROLINA

COUNTY OF Aiken

Thurmond Guess SR.

Plaintiff,

vs.

Darrell Jackson SR. Et al
Alfred T. Guess, Marjorie Guess
Marshall Green

Defendant.

24

24

IN THE COURT OF COMMON PLEAS
JUDICIAL CIRCUIT

CASE NO. 2022-CP-CP-400-1906

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney:

_____, Bar No. Pro-se

Address: 2211 Real Street Apt 212

Columbia SC 29204

Phone: 803 Fax: 354-8230 / (803) 376-7814

E-mail: _____ Other: _____

Defendant's Attorney:

_____, Bar No. Pro-se

Address: Alfred T. Guess

Marjorie Guess

Marshall Green

Phone: _____ Fax: 397-6654

E-mail: _____ Other: _____

☐ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)

☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)

☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: Default, Damages

Estimated Time Needed: 30 min

Court Reporter Needed: ☒ YES / ☐ NO

SECTION II: Motion/Order Type

☒ Written motion attached

☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Thurmond Guess SR.

Signature of Attorney for ☐ Plaintiff / ☐ Defendant

7-10-2025

Date submitted

SECTION III: Motion Fee

☐ PAID - AMOUNT: \$ _____

☐ EXEMPT:

(check reason)

☐ Rule to Show Cause in Child or Spousal Support

☐ Domestic Abuse or Abuse and Neglect

☐ Indigent Status ☐ State Agency v. Indigent Party

☐ Sexually Violent Predator Act ☐ Post-Conviction Relief

☐ Motion for Stay in Bankruptcy

☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRPC)

☐ Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter: _____

☐ Other: _____

JUDGE'S SECTION

☐ Motion Fee to be paid upon filing of the attached order.

☐ Other: _____

JUDGE CODE _____

Date: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____

☐ MOTION FEE COLLECTED: \$ _____

☐ CONTESTED - AMOUNT DUE: \$ _____

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Thurmond Guess Sr.	)	IN THE COURT OF COMMON PLEAS
Plaintiff,	)	FIFTH JUDICIAL CIRCUIT
Vs.	)	CASE NO: 2022-CP-400-1906
Darrell Jackson Sr.	)	
Marshall Green,	)	PLAINTIFF MOTION FOR DAMAGES
Rosa Ann English,	)	
Alfred T. Guess,	)	
Marjorie Guess,	)	
Defendants,	)	
-----	)	

This matter was filed on April 13, 2022, in the Court of Common Pleas Fifth Judicial Circuit, the Summons and Complaint given to the Richland County Sheriff Department of Richland. The Defendants Marshall Green, and Alfred T. Guess, Marjorie Guess was served by Richland County Sheriff on April 15, 2022 see Affidavit of Richland County Sheriff. The plaintiff and court have not received any answer to the Summons or Complaint by Marshall Green. The defendants Alfred and Marjorie Guess did file an answer but did not served it on the Plaintiff, but it was filed to clerk office. On October 25, 2022 Deposition taking on Alfred T. Guess at 1230 Richland street Columbia S C 29202, at Creel Reporting. the defendants were sworn in and twenty minutes into the deposition the Defendant Alfred T. walk out, after that time five hearing have been set for trial and the Defendants Alfred and Marjorie Guess refuse to attend.

1. The Default Damages to Marshall Green the Plaintiff will request \$80,000. *80,000 EASEMENT Right Deed and void the affidavit.*
2. The judgment against Alfred T. Guess and Marjorie Guess for failure to appear and walking out deposition is \$ 20, 000.

Respectfully submitted
Thurmond Guess Sr.
 Thurmond Guess Sr.

2211 Read street Apt. 212

Columbia, S.C. 29204

(803) 354-8230-376-7814