

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND
Court of Common Pleas

Jocelyn Newman, Circuit Court Judge

Case No: 2022-CP-400-1906

Appellate Case No: 2026-000276

RECEIVED
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SC Court of Appeals

Thurmond Guess Sr.-----Appellant,

v.

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

FINAL BRIEF OF APPELLANT

PRO-SE- APPELLANT

THURMOND GUESS SR.

1115 CARTER STREET APT. 224

COLUMBIA, SOUTH CAROLINA 29204

(803) 238-2025

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WILKINS V. UNITED STATE OF AMERICA (UNITED STATES SUPREME COURT CASE 2022).

SOUTH CAROLINA RULE OF CIVIL PRECEDUE RULE 8.

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RULE 38 OF SOUTH CAROLINA OF RULE CIVIL PRECEDURE.

Dentin v. Kearny Mess AMC/jeep Renault Inc, (1984) 155 CAL, W.A. ROSE CO, V. MUN, CT (1959) 176
CAL APP. 2D 67-71

STATEMENT OF CASE

The Plaintiff, Thurmond Guess Sr., Proceeding pro se, filed this action in the Circuit Court for Richland County against the Respondents in 2022. R.p.01,01-02-03.

The Respondents, Alfred T. Guess and Marjorie Guess, represented to members of the Guess family that they had received an Easement Right-of-Way Deed from Richland County in 2021. Alfred T. Guess and Marjorie Guess stated that they intended to refinance their personal residence in 2021 and that their mortgage company required proof that they owned property located at 3004 Dell Drive, Columbia, South Carolina 29204. However, that property was owned by Arthur Guess and Lila Mae Guess. R. p. 04,05. R. p 08.,1-73.

The Plaintiff questioned Alfred T. Guess about what his parents' property had to do with Alfred T. Guess's and Marjorie Guess's personal property. The Plaintiff later discovered that Alfred T. Guess and Marjorie Guess were allegedly attempting to use the property belonging to Arthur Guess and Lila Mae Guess as collateral. At that time, the Respondents were reportedly worth between \$1 million and \$2 million. R.p. 08, 2-73. R.p. .04,05.

The Plaintiff further discovered that Darrell Jackson Sr., Marshall Green, and Rosa A. English filed an affidavit stating that they witnessed Arthur Guess and Lila Mae Guess sign, seal, and deliver the Easement Right-of-Way Deed to Richland County. The Plaintiff alleges that this affidavit was false. R.p 12.85-86. The Plaintiff further alleges that Richland County has refused to return the property to the Guess family. R.p. 14. 88

Arthur Guess died in 1976. R.p. 13.87, However, the Easement Right-of-Way Deed is dated 1990, 1991 R.p.12. 85-86. approximately 14 years after his death. In addition, the Plaintiff alleges that the deed incorrectly identifies his mother's name as "Lillie Mae Guess" instead of her correct legal name, "Lila Mae Guess," and further alleges that the deed and related documents were altered or falsified. R.p..12. 85-86.

All Respondents were served by the Richland County Sheriff's Department on April 15,18, 2022. R, p. 06, 07. Respondent Marshall Green never filed an Answer to the Summons and Complaint. A default judgment was entered against Marshall Green on June 7, 2022. R. p. 22 .109-111. Marshall Green did not appear at any hearings in this case and he died on September 7, 2024. Id R.p. 115-117.

Respondents Alfred T. Guess and Marjorie Guess filed an Answer but failed to appear at any hearings. R. p. 15. 90. R. p. 09,74-78. The deposition of Alfred T. Guess was taken on October 25, 2022, and the plaintiff has a copy of that deposition. R.p. 08, 2-73.

This case was called for trial on July 3, 2025, and again on July 14, 2025. R.. 09 .74-78 , None of the Respondents appeared for trial, nor were they represented by counsel. Alfred T. Guess died on July 25, 2025. Id, Thereafter, the Circuit Court granted the Plaintiff's motion to substitute the proper parties for Alfred T. Guess and Marshall Green. R. p 09.74-78. R. p .90.

In November 12, 2025, Respondent Marjorie Guess retained the Johnson Law Firm. Madeline Green, as the substituted party for Marshall Green, also retained counsel Abigail Rogers December 2025, Both attorneys filed motions R.p16, 91-92, R.p17.93-94. Rp.18.95-96. R.p.19,97-100, R. p 20,101-105. R. p 21. 103-107. to dismiss pursuant to Rule 12(b)(6), SCRCp, even though the case had already been called for trial and the Respondents had previously failed to appear. R. p. 09,74-78. R.p. 90.

On January 5, 2026, the Honorable Jocelyn Newman "Granted" the Respondents' motions to dismiss while also granting the plaintiff's motion to substitute parties. The Plaintiff appeals that order because the case had already been called for trial before Judge Coble on July 3 and July 14, 2025. See the trial transcripts for those dates. R. p. 09, 74-78. R.p.19, 99-102. The Plaintiff contends that the Circuit Court violated his Constitutional and Civil Rights and abused its discretion by dismissing the case after it had already been called for trial. R .p. 74-78. Respondent has never filed any motion to set aside default rule 55, 55-c they filed 12(b) 6 motion four months after jury trial hearing on July 3, 2025 R.p 91-94, R.p., R.p. 97-98-, R.p.95-96, R.p. 97-98. R .p. 103-107.Plaintiff

Plaintiff motion for damages July 10, 2025, R.p.24. 116-117.

STATEMENT OF THE CASE

On April 13, 2022, Thurmond Guess sr. commenced this action against the Respondents in the Circuit court of Richland County on April 13-2022 R.p.01-03 alleging that they committed constructive fraud false affidavit R, p. 01,02,03, signed an Easement Right of Way Deed to Richland County. R.p 12. 85-86 in 1990, Arthur Guess was Deceased in 1976, R.p.87. The Defendant Marshall Green was serving a copy of the Summons and Complaint April 15, 2022, he fails to answer the summons and complaint, R.p.06. the appellant filed default judgment on June 7-2022. R.p.22.109-111. R.p. 24,116-117. Green never came to court or answer the summons and complaint or came to any hearing in this matter. As Alfred T. Guess, and Marjorie's Guess they was served on April 18, 2022, R.p.07, and filed an answer on April 28. 2022, R.p. 04-05. but they did not answer each paragraph of the complaint, 04-05, R.p 01-03, Alfred T. Guess walk out of Deposition October 25, 2022, R, pp.08, 2-73. and failed to come to any hearing in three year. R, p, 09,74-78. R. p. 90. The case was called to trial by jury on July 3, 2025 and Alfred T. Guess or Marjorie Guess did not show or filed any motion or motion to continue. R.p. 09, 74-78, R.p. 90.- The Respondents has never filed any motion to set aside default Rule 55, or 55c. they file 12(b) 6 motion four months after jury trial hearing on-July 3, 2025. R, p.09,74-78, R.p.16,91-92, R.p.17, 93-94,R.p.18,95-96 R.p. 19 97-100, R.p, 21. 101-104. , R.p.20,.101-105, R.p. 22 109-111.

STATEMENTS OF ISSUE ON APPEAL

1. Did the circuit court abuse of its discretion?
2. did the circuit court violated the 7. Amendments rights to the constitution. Trial by jury.
3. did the circuit court err on rule 55 of South Carolina rule of civil procedure.
4. did circuit err by Moven the respondents out of default.
5. did circuit court violated the appellant constitutional 14th amendments on equal protection law.
6. the appellant has all standing in this matter.

ARGUMENT AND REASON FOR GRANTING THE APPELLANT APPEAL

The lower circuit court erred on the law and Ruling was an abuse of Discretion in this appeal. the Appellant has shown that the Respondents have fail to answer, or show up trial or defend, or defenses in their answer and now the Respondents cannot Protest, Contest the Summons Complaint or bring any new law or fact when it should have been sought in the Circuit Court. see hearing Date July 3, 2025 Transcript pages 1-7. See SCRCR Rule 55, 55 c. Dentin v, Kearny Mess AMC /Jeep Renault inc (1984)155 CAL, W.A. Rose Co, v. Mun, ct (1959) 176 cal app.2d 67-71. Once default is entering or filed it cuts off the Respondents from defending matter on appeal or in circuit court. This means the Respondents may no longer participate in the Proceeding until Default is set aside or a Default judgment. The Respondents are one who do not have any standing, Marshall Green do not have any standing to Sign a False Affidavit concerning the property at 3004 Dell Drive Columbia S C 29209, failure to answer the Summons and Complaint. Alfred T. Guess, Marjorie Guess do not have any standing to protest the complaint when they refuse to show up for court and defend their answer, see SCRCR Rule 55, 55c. the circuit judges do not make laws they follow the law on the Judicial Branch of Government has pass by legislature. The circuit court erred on the law and abuse of Discretion. If anyone has standing it is the Appellant. The Respondents had almost three year to do the right things refuse to come to court, refuse answer and my late Brother and sister in-law should be ashamed of their self to enjoying the Respondents and through my mother and father under the Bus. I do not care who has to pay for the property that the county has illegal. The Appellant request that the Appellate court to "GRANT" the Appellant the property back from Richland County and \$200.000 Damages. The lower circuit court has erred and seem to have Circumvent Law, to find a sneaky, or illegal way to get around the Law, problem, or physical barrier instead of facing it directly and following the laws of the state of South Carolina.

REASONS FOR GRANTING AND REVERSING THE LOWER COURT ORDER.

In the appellant appeal, appellant has shown and produce law facts that valid basis for the court should review and remand and reverse the order of the lower court. See Wilkins v. united states of America state that the lower have rights to hear case outside statutory limit when it come quiet title acts, or fraud. The circuit court did not have jurisdiction to rule on a 12-(b)(6) motion when both respondents were in default under South Carolina rule 55 judicial branch. The lower court did abuse of its discretion by not following the law of the State of South Civil procedure Rule 38,55,8,14TH Amendment of the constitutional right's equal protection of the law to have a right to trial by jury 7th Amendments of Constitution. Under rule 55 when a party to a law suit default and fail answer the to the complaint, they cannot contest or protest the allegation of the complaint.

Argument and reason for Granting and Reverse the Lower Court concerning "standing".

The lower court erred and abuse of discretion by violation of the law and rule 55 SCRPC of the judicial Branch of the Government and Legislations.

CONCLUSION

For the foregoing reason, the Appellant Thurmond Guess Sr. submit that the order of the circuit court should be remanded and reverse. And that the judge of the lower court ORDER, should not hear any other matter in this case.



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