



The South Carolina Court of Appeals

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February 10, 2014

Mr. James John Wegmann, Esquire
6 Professional Village Circle
Beaufort SC 29907

Re: Timmons, Ernest v. Gifford, Neil
Appellate Case No. 2010-166447

Dear Counsel:

Enclosed is a copy of an order regarding the above case. The remittitur will be sent as provided by Rule 221(b), SCACR.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: George H. O'Kelley, Jr., Esquire
A. G. Solomons, Jr., Esquire
George Hamlin O'Kelley, III, Esquire
Karl D. Twenge, Esquire
Gregory and Becky Hildebrand
Johnny L. Brewer
Mary Alice Broderick
Russell Amick
Steven M. Robinson

The South Carolina Court of Appeals

Ernest Alvin Timmons as Trustee of the Ernest A.
Timmons Revocable Trust, Appellant,

v.

Neil O. Gifford, Amy E. Gifford, Johnny L. Brewer,
Joseph Gray Peeples, Brian M. Hinson, Karen B. Hinson,
George R. Dickey, H. Alvin Dobson, Jr., Kimberly A.
Dobson, Gene G. Slice, Andrea C. Klucsarits, Becky P.
Hildebrand, Gregory T. Hildebrand, Marsha Dean Ford,
Harriet H. Ford, Lucas W. Durham, Marianne Durham,
John D. Meyer, Meryl V. Truett, Christian W. Kern,
Russel V. Schumpert, Carlton Mark Schumpert,
Elizabeth O'Neal Schumpert, Russell C. Amick, Pamela
S. Burnett, Mary Alice Broderick, Ellen N. Gifford,
Robert M. McAlister, Barbara M. Vaughan, Margie J.
Crews, Will Mills, Tracy Mills, BDM Investments, LLC,
James P. Thomas, Lillian M. Thomas, J. Wyman Wall,
III, Karl A. Overcash, Patsy V. Coppage, Steven M.
Robison, Charles Schmid, Larry M. Bane, Renee C.
Bane, Robert Gallina, Margaret E. Gallina, Bert Kerwin,
Richard C. Guarneri, Maria Guarneri, and James P.
Thomas; if any of these persons are living, and if not
living, then the heirs, devisees or successors in title to
them; and all persons unknown having or claiming to
have any right, title, interest in, easement upon, or lien
upon the real property described in the complaint herein
being designated collectively as John Doe and Mary Roe;
including all persons who may be deceased, minors in the
Armed Forces of the United States, Non Compos Mentis
or under any other disability, Respondents.

Appellate Case No. 2010-166447

ORDER

On July 12, 2010, Appellant filed the notice of appeal in this case. This case was subsequently remanded to the circuit court for an attempt at reconstructing the record. The circuit court has now issued an order finding the record "cannot be sufficiently reconstructed for meaningful appellate review." Accordingly, the circuit court's final order granting judgment in favor of defendants and order denying the Rule 59(e) motion to alter or amend the judgment are vacated and this case is remanded to the circuit court for a new trial.

 AS
FOR THE COURT

Columbia, South Carolina

cc:

James John Wegmann, Esquire
George H. O'Kelley, Jr., Esquire
A. G. Solomons, Jr., Esquire
George Hamlin O'Kelley, III, Esquire
Karl D. Twenge, Esquire
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Johnny L. Brewer
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Steven M. Robinson

FILED
2/10/14