

MOSES & BRACKETT, PC

ATTORNEYS AND COUNSELORS AT LAW

1333 Main Street, Suite 260 (29201)
Post Office Box 100261
Columbia, South Carolina 29202-3261

Telephone (803) 461-2300
Facsimile (803) 461-2309

B. Michael Brackett
Direct Dial: (803) 461-2312
Email: mbrackett@mkb-law.com

March 18, 2014

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

Re: Breakfield, as Personal Representative v. Woods
2011-CP-12-0291
Appellate Case No. 2012-212318
Our File No. 12085.3

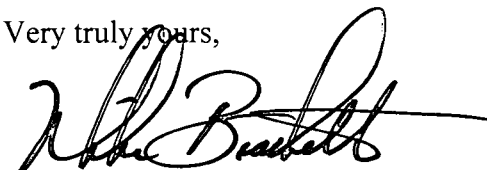
Dear Ms. Kitchings:

Enclosed for filing please find the original and six copies Respondent's Return to Appellant's Motion for Extension of Time to File a Petition for Rehearing.

By copy of this letter, a copy of the enclosed Return is being served on the Appellant, personally, who has appeared pro se throughout these proceedings.

Please understand that I have not yet received Appellant's written motion, but because of the obvious time violation, I wanted to get this Return to the Court without delay. Please return a clocked copy of the Return using the envelope provided.

Very truly yours,



B. Michael Brackett

BMB/Ita
Enclosures

cc. Robert H. Breakfield, Esquire
Mell Woods

RECEIVED
MAR 20 2014
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chester County
Court of Common Pleas
Brooks P. Goldsmith, Circuit Court Judge

2011-CP-12-0291

Robert H. Breakfield, as attorney in fact Respondent,

v.

Mell Woods Appellant.

Respondent's Return to Appellant's
Motion for Extension of Time
to File a Petition for Rehearing

RECEIVED

MAR 20 2014

SC Court of Appeals

The undersigned, as attorney of record for the Respondent, received an email from the Clerk of Court of this Court on March 17, 2014 forwarding an email sent to the Clerk of Court by the Appellant on March 16, 2014. Appellant's email apparently transmitted as an attachment Appellant's Motion to Extend Time for Filing a Petition for Rehearing. As of the time of the filing and service of this Return, the undersigned has not received Appellant's written Motion to Extend Time.

Because the Appellant's Motion is obviously untimely, the Respondent does not wish

to wait to file and serve this Return- objection.

Appellant has used, and is using, the process and procedures of the various courts to delay his eventual day of reckoning. Appellant has been the losing party in five circuit court proceedings, some involving the circuit court as an appellate court for probate court and magistrate court proceedings. He has filed appeals to this court in each of the five cases. Four of the appeals have been decided adversely to the Appellant in unpublished, per curiam opinions. The appellate case numbers of those appeals are 2011-201066, 2011-191876, 2012-212330 and 2012-212318 (the above-captioned case.) The only as yet undecided case is 2012-212429 which, on information and belief, was considered by the Court during the February 2014 term, without oral argument. The above-captioned proceeding is an eviction proceeding initiated by the Hinson family's agent. The other four actions were initiated by the Appellant. Appellant is a serial litigator who is using the courts to delay his having to vacate real property owned by the Hinson family by bringing actions and prosecuting appeals that are without merit.

The Court's unpublished, per curiam opinion in this case was filed on February 26, 2014. Pursuant to Rule 221(a), SCACR, a Petition for Rehearing must have been actually received by the court not later than fifteen (15) days after the filing of the opinion. The fifteenth day was March 13, 2014. An email and its motion attachment sent to the Court on Sunday, March 16, 2014, not having been filed and served before the expiration of the permitted time period, was untimely.

Conclusion

A Petition for Rehearing is now untimely, and a Motion to Extend the Time for Filing a Petition for Rehearing is likewise untimely and should be denied.

A handwritten signature in black ink, appearing to read "B. Michael Brackett". The signature is written in a cursive style with a long horizontal flourish extending to the right.

B. Michael Brackett, #838
Moses & Brackett, PC
P. O. Box 100261
Columbia, SC 29202
803.461.2312
Attorney for Respondent

March *18*, 2014

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chester County
Court of Common Pleas
Brooks P. Goldsmith, Circuit Court Judge

2011-CP-12-0291

Robert H. Breakfield, as attorney in fact Respondent,

v.

Mell Woods Appellant.

Respondent's Certificate of Service

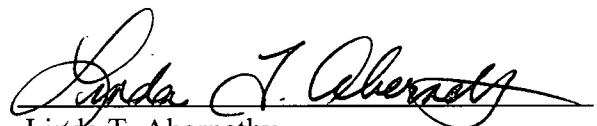
I, Linda T. Abernethy, Legal Assistant to B. Michael Brackett, Esquire, attorney for the Respondent in the above-captioned matter, do hereby certify that I have served Appellant, pro se, with a copy of **Respondent's Return to Appellant's Motion for Extension of Time to File a Petition for Rehearing** by United States Mail, postage prepaid and return address clearly indicated on said envelope, on this 18th day of March, 2014 at the following address:

Mell Woods
P. O. Box 2603
Lancaster, SC 29721
Plaintiff, pro se

RECEIVED

MAR 20 2014

SC Court of Appeals


Linda T. Abernethy

FIRST-CLASS MAIL

neopostSM
03/18/2014

\$02.24⁰

US POSTAGE



ZIP 29201
041L13814453

RECEIVED

MAR 20 2014

SC Court of Appeals

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

Attorneys & Counselors-At-Law

P. O. Box 100261
Columbia, SC 29202-3261

12085.3



QUALITY PARK
9 x 12