

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

The Honorable Richard Booth

-2002-CP-43-064-

RECEIVED

MAY 4 2012

SC Court of Appeals

White's Mill Colony, Inc.,

Respondent

v.

Richard Weeks, Lillian Davis, Jerry Rouse,
Jimmie Johnson, and Leon Kelly,

Defendants,

Of whom, Richard O. Weeks is the,

Appellant.

AMENDED RECORD ON APPEAL

Richard O. Weeks
415 Vining Street
Sumter, SC 29150
(803) 773-9756
Appellant

Kenneth R. Young, Jr.
23 W. Calhoun Street
Sumter, SC 29150
(803)773-4371
Attorney for Respondent

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Designation of Matter to be included in the Amended Record On Appeal

Petition for Supplemental Proceedings filed June 7, 2010

Order of Reference Issued by James C. Campbell dated June 7, 2010

Order of July 8, 2010 Hearing Recorded dated September 15, 2010
(Entire Order)

Amended Order of Hearing July 8, 2010 Recorded Jan.5, 2011
(Entire Order)

Copy of Transcript Hearing July 8, 2010, Testimonies of Jerry Rouse,
Richard O. Weeks, & Lillian Davis

Testimony of Jerry Rouse
Beginning on 26-28 (original transcript page 15 through 17)

Testimony of Richard O. Weeks
Beginning pg 3 original transcript line 14 - pg 13 line 20
Page 14-24

Testimony of Lillian Davis
(Beginning Page 13 original transcript line 21 through page 15 line 14)
Or page 24-26

Charge

Amended Order Recorded Jan. 11, 2011: That Richard Weeks shall immediately pay the Plaintiff, through their attorney Kenneth R. Young, Jr. at his office located at 23 West Calhoun Street, Sumter, SC, the sum of \$9,500.00, and thereafter that he pay on August 8, 2010, the sum of \$712.50, on September 8, 2010, the sum of \$712.50 on October 8, 2010, he pay the sum of \$712.50, and on November 8, 2010 the sum of \$712.50;

Request to Charge

Conclusion in initial brief: This evidence taken in conjunction with the new evidence present herewith and discussed more fully here in above compels the conclusion that the Master-in-Equity's findings as stated in his decisions are erroneous and should be reversed. Therefore we are thinking the Court of Appeals for Ruling in Favor of Mr. Weeks ruling that the July 26, 2005 case decision be reversed and granting him all of his monies back that are rightly so do his.

Appellant's Exhibits

- 1.(Appendix A) Letter from Attorney Young Dated Sept. 22, 2010
2. (Appendix D) Letter Dated Nov. 9, 2010 from Attorney Kenneth Young Re: Judgment & Post Judgment
3. (Appendix E): Letter to South Carolina Bar Association
4. (Appendix F):Letter Response to Dec. 4, 2010 Order
5. (Appendix H) Affidavit of Service
6. Appendix I) Response Letter to Attorney Young regarding material deficiency.

Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

May 1, 2012



Richard O. Weeks
415 Vining Street
Sumter, SC 29150
(803) 773-9756
Appellant

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

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

The Honorable, Richard Booth

Case No. -2002-CP-43-2064

White's Mill Colony, Inc.,

Respondent,

v.

Richard Weeks, Lillian Davis, Jerry Rouse,
Jimmie Johnson, and Leon Kelly,

Defendants,

Of whom, Richard O. Weeks is the

Appellant.

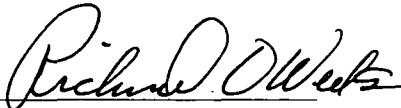
**DESIGNATION OF MATTER TO BE
INCLUDED IN THE AMENDED RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

1. Petition for Supplemental Proceedings filed on June 7, 2010
2. Order of Reference Issued by James C. Campbell dated June 7, 2010
3. Order filed September 21, 2010 dated Sept. 15, 2010
4. Amended Order filed Jan 18, 2011 dated Jan. 5, 2011
5. Entire Transcript of proceeding from Hearing Dated July 8, 2010
6. Appellant's Appendices A, B, D, E, F, H, and I

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

May 1, 2012



Richard O. Weeks
415 Vining Street
Sumter, SC 29150
(803) 773-9756
Appellant

STATE OF SOUTH CAROLINA)

COUNT OF SUMTER)

White's Mill Colony, Inc.,)

Petitioner,)

vs.)

Lillian Davis, Richard Weeks,)
Jerry Rouse, Jimmie Johnson,)
and Leon Kelly,)

Respondents.)

RECORDED
2010 JUN - 7 PM 1:21
IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.
Docket No.: 2002-CP-43-64

**PETITION FOR SUPPLEMENTAL
PROCEEDING**

THE PETITIONER, by and through his undersigned attorney, would respectfully show unto the Court:

1. That the Petitioner is a resident of Sumter, South Carolina and that the Respondent is, upon information and belief, a citizen and resident of the County of Sumter, State of South Carolina.

2. That the petitioner would respectfully show unto the Court that he has obtained a Judgment against the Respondents. The Judgment was filed with the Clerk of Court on July 26, 2005, and a copy is set out and incorporated herein as Petitioner's Exhibit "A". On May 30, 2006, the Order For Determination Of Boundaries And For Reconsideration Of Damages was filed with the Court and served upon attorney's of record. A copy of said Order is set out and incorporated herein as Petitioner's Exhibit "B". Thus the Judgment and Order is deemed confirmed and should be enforced by the Court.

3. That the Petitioner is informed and believes that he is entitled to have the

Respondents appear before the Court with copies of all tax returns filed with the United States of America and the State of South Carolina for the last two (2) years, all business records which may appertain to income and assets, all information appertaining to checking and savings accounts, along with all charge slips and other statements for the preceding twelve (12) months upon all credit card utilized during that period of time, in order to verify their existence together with their whereabouts and liquidity. The Petitioner is further informed and believes that he is entitled to have the Respondents testify under oath as to assets be they real or personal. The Petitioner would further ask for a Rule to Show Cause. In addition, should the investigation of the Respondents show that there are sufficient assets to liquidate the Judgment, then the Petitioner will have the right to immediately move before the Court for the appointment of a Receiver in Supplementary Proceedings.

4. That the Petitioner is informed and believes that the investigation and testimony of the Respondents will disclose unto the Court proof of insolvency or imminent danger of insolvency and that a Receiver should be appointed or sale of assets is proper and necessary in order to marshal and convert the assets for the benefit of the Petitioner.

WHEREFORE, the Petitioner prays before this Court for its proper Order as follows:

1. The issuance of its Rule to Show Cause directing and ordering the Respondents to appear before the Court to testify in respect to their assets;
2. Its Rule to Show Cause directing the Respondents to appear and testify under oath as to assets, both real and personal, and as to any equity which may be vested in same;
3. For its Order allowing consideration of a Motion for Appointment of a Receiver

in Supplementary Proceedings or sale of assets should it be disclosed by the testimony that there are sufficient assets against which to proceed;

4. To have the within Supplementary Proceedings referred to the Master-in-Equity for Sumter County with the said Master-in-Equity being empowered to fully dispose of all issues, selling or disposing of either real or personal property on his Order, in accordance with the law; and
5. For such other relief as deemed just, proper and equitable.

Respectfully submitted,

YOUNG, KEFFER & DONNARD, PA



KENNETH R. YOUNG, JR.
Attorney for the Petitioner
23 W. Calhoun Street
Sumter, South Carolina 29150
803-773-4371
803-773-4374 (fax)

May 27, 2010

STATE OF SOUTH CAROLINA **RECORDED** IN THE COURT OF COMMON PLEAS
 COUNT OF SUMTER 2010 JUN -7 PM 3:42 **THIRD JUDICIAL CIRCUIT**

White's Mill Colony, Inc.,

Docket No.: 2002-CP-43-64
 JAMES C. CAMPBELL
 CLERK OF COURT
 SUMTER COUNTY, S.C.

Petitioner,)
 vs.)
)
 Lillian Davis, Richard Weeks,)
 Jerry Rouse, Jimmie Johnson,)
 and Leon Kelly,)
 Respondents.)

ORDER OF REFERENCE

CERTIFIED TRUE COPY
 OF ORIGINAL FILE
Barbara
 DEPUTY CLERK
 SUMTER
 SOUTH C

This matter came before the Court on the Motion of the Petitioner seeking that this matter be referred to Richard L. Booth, Master In Equity, for a hearing so that he could take testimony and make his findings of fact and conclusions of law for finality and any appeals would be directed to the Appellate Court. Now, upon the Motion of the parties, it is hereby

ORDERED that this matter be referred to Richard L. Booth, Master In Equity, pursuant to Rule 53(b) of the South Carolina Rules of Civil Procedure, for a hearing to be held on Thursday, July 8, 2010 at 10:00 a.m. at the Sumter County Courthouse, 141 N. Main Street, Sumter, South Carolina, it is further,

ORDERED, that the Master In Equity's findings will be in finality and that all appeals will be directed to the Appellate Court.

IT IS SO ORDERED.

At Chambers:
 Sumter, South Carolina
 May 7, 2010
James

James C. Campbell
 GEORGE C. JAMES, JR. *CLERK OF COURT*
 Third Circuit Judge

PAID

JUN 4 PAID

MASTER-IN EQUITY
 BY: *MBF 50*

STATE OF SOUTH CAROLINA RECORDED

COUNTY OF SUMTER

2010 SEP 21 PM 3:42
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

White's Mill Colony, Inc.,

Plaintiffs,

Case No.: 2002-CP-43-064

v

Richard Weeks, Lillian Davis, Jerry
Rouse, Jimmie Johnson, and Leon Kelly,
Defendants.

ORDER

RECEIVED TRUE COPY
OF ORIGINAL FILE
[Signature]
CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

Date of Hearing: July 8, 2010
Presiding Judge: The Honorable Richard L. Booth
Attorney for the Plaintiff: Kenneth R. Young, Jr., Esquire
Lillian Davis and Richard Weeks *Pro Se*
Jerry Rouse: *Pro Se*
Court Reporter: Doris Brown

It appears to the Court that the Petitioners obtained a Judgment against the Defendants on July 26, 2005. On June 7, 2010, a Petition For Supplemental Proceedings was filed requesting that the Supplemental Proceedings be granted referring this matter to the Master -In-Equity of Sumter County. As a result thereof, an Order Of Reference was issued on June 7, 2010 by James C. Campbell, Clerk of Court for Sumter County, referring this matter to Richard L. Booth, Master-In-Equity pursuant to Rule 53(b) of the South Carolina Rules Of Civil Procedure for a hearing to be held on Thursday, July 8, 2010 at 10:00 a.m in the Sumter County Courthouse, Sumter, South Carolina. The Order of Reference further stated that the Master-In-Equity's findings would be in finality and that all appeals would be directed to the Appellate Court.

MD #1

The first party called to be examined was Jerry Rouse, who stated that he acknowledged that he owed \$500.00 pursuant to the Judgment and \$150.00 as post-judgment interest for a total of \$650.00 and that he would pay the same within seven days of the date of the hearing.

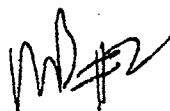
The second party called was Richard Weeks who acknowledged that he owed \$9,500.00 pursuant to the Judgment and \$2,850.00 as post-judgment interest for a total of \$12,350.00. Mr. Weeks stated that he would immediately pay \$9,500.00 and that he would pay the post-judgment interest of \$2,850.00 in four payment of \$712.50 starting on August 8, 2010, September 8, 2010, October 8, 2010, and the final payment on November 8, 2010.

The third party called was Lillian Davis who acknowledged that she owed \$2,500.00 pursuant to the Judgment and \$750.00 as post-judgment interest for a total of \$3,250.00. Ms. Davis informed the Court that she would pay this within seven days of the date of the hearing.

There being no further persons to be examined and upon Motion of counsel for the Plaintiff, it is

ORDERED, that Jerry Rouse shall pay to the Plaintiff, through their attorney Kenneth R. Young, Jr., at his office located at 23 West Calhoun Street, Sumter, South Carolina, the sum of \$650.00 and that the same be paid on or before July 15, 2010; it is further

ORDERED, that Richard Weeks shall immediately pay the Plaintiff, through their attorney Kenneth R. Young, Jr., at his office located at 23 West Calhoun Street, Sumter, South Carolina, the sum of \$9,500.00, and thereafter that he pay on August 8, 2010, the sum of \$712.50, on September 8, 2010, the pay the sum of \$712.50, on October 8, 2010, he pay the sum of \$712.50, and on November 8, 2010, the sum of \$712.50; it is further



ORDERED, that Lillian Davis pay the sum of \$3,250.00 to the Plaintiff through their attorney Kenneth R. Young, Jr., at his office located at 23 West Calhoun Street, Sumter, South Carolina, on or before July 15, 2010.

IT IS SO ORDERED!



RICHARD L. BOOTH
Master-In-Equity for Sumter County

In Chambers,
Sumter, South Carolina

September 15, 2010

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SUMTER)
)
 White's Mill Colony, Inc.,)
 Plaintiffs,)
)
 v)
)
 Richard Weeks, Lillian Davis, Jerry)
 Rouse, Jimmie Johnson, and Leon Kelly,)
 Defendants.)

RECORDED
 IN THE COURT OF COMMON PLEAS
 2011 JAN 17 11 3: 17
 JAMES C. CAMPBELL
 CLERK OF COURT
 SUMTER COUNTY, S.C.
 Case No. 2002-CP-43-064

**AMENDED
 ORDER**

CERTIFIED TRUE COPY
 OF ORIGINAL FILE
 [Signature]
 DEPUTY CLERK OF COURT
 SUMTER COUNTY
 SOUTH CAROLINA

Date of Hearing: July 8, 2010
 Presiding Judge: The Honorable Richard L. Booth
 Attorney for the Plaintiff: Kenneth R. Young, Jr., Esquire
 Lillian Davis and Richard Weeks Pro Se
 Jerry Rouse: Pro Se
 Court Reporter: Andrea R. Kelly

It appears to the Court that the Petitioners obtained a Judgment against the Defendants on July 26, 2005. On June 7, 2010, a Petition For Supplemental Proceedings was filed requesting that the Supplemental Proceedings be granted referring this matter to the Master -In-Equity of Sumter County. As a result thereof, an Order Of Reference was issued on June 7, 2010 by James C. Campbell, Clerk of Court for Sumter County, referring this matter to Richard L. Booth, Master-In-Equity pursuant to Rule 53(b) of the South Carolina Rules Of Civil Procedure for a hearing to be held on Thursday, July 8, 2010 at 10:00 a.m in the Sumter County Courthouse, Sumter, South Carolina. The Order of Reference further stated that the Master-In-Equity's findings would be in finality and that all appeals would be directed to the Appellate Court.

MBR

The first party called to be examined was Jerry Rouse, who stated that he acknowledged that he owed \$500.00 pursuant to the Judgment and \$150.00 as post-judgment interest for a total of \$650.00 and that he would pay the same within seven days of the date of the hearing.

The second party called was Richard Weeks who acknowledged that he owed \$9,500.00 pursuant to the Judgment and \$2,850.00 as post-judgment interest for a total of \$12,350.00. Mr. Weeks stated that he would immediately pay \$9,500.00 and that he would pay the post-judgment interest of \$2,850.00 in four payment of \$712.50 starting on August 8, 2010, September 8, 2010, October 8, 2010, and the final payment on November 8, 2010.

The third party called was Lillian Davis who acknowledged that she owed \$2,500.00 pursuant to the Judgment and \$750.00 as post-judgment interest for a total of \$3,250.00. Ms. Davis informed the Court that she would pay this within seven days of the date of the hearing.

There being no further persons to be examined and upon Motion of counsel for the Plaintiff, it is

ORDERED, that Jerry Rouse shall pay to the Plaintiff, through their attorney Kenneth R. Young, Jr., at his office located at 23 West Calhoun Street, Sumter, South Carolina, the sum of \$650.00 and that the same be paid on or before July 15, 2010; it is further

ORDERED, that Richard Weeks shall immediately pay the Plaintiff, through their attorney Kenneth R. Young, Jr., at his office located at 23 West Calhoun Street, Sumter, South Carolina, the sum of \$9,500.00, and thereafter that he pay on August 8, 2010, the sum of \$712.50, on September 8, 2010, the pay the sum of \$712.50, on October 8, 2010, he pay the sum of \$712.50, and on November 8, 2010, the sum of \$712.50; it is further

WB#2
10

ORDERED, that Lillian Davis pay the sum of \$3,250.00 to the Plaintiff through their attorney Kenneth R. Young, Jr., at his office located at 23 West Calhoun Street, Sumter, South Carolina, on or before July 15, 2010.

IT IS SO ORDERED!



RICHARD L. BOOTH
Master-In-Equity for Sumter County

In Chambers,
Sumter, South Carolina

December 5, 2010

1 Master-In-Equity Is Mrs. Davis here in the courtroom?
2 Ms. Davis Yes, yes.
3 Master *Richard Weeks?*
4 Richard Weeks Yes, right here.
5 Master Right there. Jerry Rouse?
6 Jerry Rouse (Held up hand)
7 Master Jimmie Johnson?
8 (No response)
9 Master Leon Kelly?
10 (No response)
11 Master You are Mr. Davis?
12 Mr. Davis Yes.
13 Master Okay, so we don't have Jimmie Johnson. Has
14 anybody talked to Jimmie Johnson, Leon Kelly?
15 Do you know if they are coming?
16 Mr. Davis I personally don't know.
17 Master Are any of y'all represented, any Defendant
18 represented by attorneys?
19 Richard Weeks I'm not.
20 Ms. Davis No.
21 Master Okay. Do you understand what we're here for?
22 Does anybody have any questions about the
23 purpose of the hearing today? This is call a
24 supplemental proceeding, and it's a provision
25 under our *Rules of Civil Procedure* that allows

1 someone against who holds a judgment against
2 another, a money judgment, and has been unable
3 to have the sheriff satisfy that judgment out of
4 available assets known to the sheriff to bring you
5 before the court to give sworn testimony upon
6 examination about what assets you may have that
7 may be available to satisfy whatever obligation
8 was levied on you by the court previously. Up
9 until now this case has been before a Special
10 Referee. It has been obviously as you know back
11 and forth between the Circuit Court and Court of
12 Appeals and the Supreme Court, and at this point
13 the thinking of the Circuit Court has been that the
14 original reference to Walter Newman, who was
15 the Special Referee originally had ended, and his
16 jurisdiction over this matter expired simply
17 because that which he was charged to do had been
18 accomplished. I'm the regular Master-in-Equity
19 for Sumter County, the equity judge, under whose
20 purview this type of proceeding falls. The request
21 by Mr. Young to bring you in for this sworn
22 testimony comes under my jurisdiction once a
23 Circuit Judge refers it to me. In this case it was
24 actually done by the Clerk of Court on June 7.
25 Now, Mr. Young is going to ask that you be

1 sworn, and I'm going to swear all of you. Do you
2 any of you not swear, but affirm?

3 (No response)

4 Master Then I'm just going to ask you all to go on and
5 raise your hand, and we will swear everybody at
6 one time. Mrs. Davis, do you all solemnly swear
7 that the testimony you give will be the truth, the
8 whole truth and nothing but the truth, so help you
9 God.

10 (I do in unison)

11 Master Okay. We are on the record with this?

12 Reporter Yes, sir.

13 Master Very well. Mr. Young, do you wish to proceed?

14 Mr. Young If it please the court, I would. Mr. Weeks.

15 DIRECT EXAMINATION BY MR. YOUNG:

16 A Yes, sir.

17 Q Would you please identify yourself by giving
18 your full name?

19 A Richard O. for Oliver, Weeks.

20 Q And you are a Defendant in the case of White's
21 Mill Colony, Inc. versus you and several other
22 people, is that correct?

23 A Yes.

24 Q And as a result of that proceeding a judgment was
25 entered against you for the sum of Nine Thousand

1 Five Hundred Dollars, is that correct?

2 A Yes.

3 Q We are here to find out why you haven't paid it,
4 and what you are going to do about it, and if you
5 have assets that might be subject to be sold to
6 have it paid. Do you want to pay that and square
7 it away, and do you have the ability to do it?

8 A Yes, sir, I probably have the ability to do it. I'll
9 do it more than likely.

10 Q You can save me a lot of trouble and you some
11 trouble if you can just agree to pay that plus the
12 post judgment interest, and I'll be through with
13 you, if you'll pay that within the next week or so.

14 A I will pay it, but I can add in a statement or
15 something.

16 Q Yes, sir. You can make any statement.

17 Master He is asking you questions. You can give an
18 answer and explain your answer, and if you have
19 anything else you want to add, I'll grant you the
20 latitude to say what you wish for the record.

21 A Okay, your first question was what I wanted to
22 do, right.

23 Q As you are aware of the fact that a judgment was
24 entered against you for Nine Thousand Five
25 Hundred Dollars.

- 1 A Right.
- 2 Q That went through an appeal process.
- 3 (Beeping going off)
- 4 Q Is that me?
- 5 A No, I take my medicine at a certain time.
- 6 Q Do you need to take your medicine now?
- 7 A Oh, no, don't worry about it. I hope we won't be
- 8 here that long.
- 9 Q I hope not either. Okay, with respect to the
- 10 judgment, we need to have that satisfied. It
- 11 constitutes a lien against all real estate that you
- 12 own in this county, and we are about to get into
- 13 some questions as to where you own property and
- 14 that sort of thing. I would like to get this matter
- 15 settled and squared away with you and we would
- 16 like to just be done with this. If you have the
- 17 ability to pay it, we can end it, and I'm through.
- 18 But you wanted to make a statement, and if you
- 19 agreed that you will pay it within the next few
- 20 days, I don't need to ask you any further
- 21 questions.
- 22 A Okay, I'll pay it like I say within the next few
- 23 days or whenever. I can pay a little in a few
- 24 minutes.
- 25 Master Wait, I think we need a little definite something.

1 You are here to add supplemental proceedings
2 with the right to question him about his assets. If
3 you forego that right, and don't discover those
4 assets and return for some statement to pay, then
5 I'm willing to accept that in lieu of that, but I
6 need a definite date because if he doesn't pay
7 based on that, you can be held in contempt of
8 court.

9 A I'm going to pay it. I'm going to write you a
10 check or whatever, and I'll pay...

11 Q Can you pay it tomorrow?

12 A I am going to pay it today.

13 Q Pay it today.

14 A The amount, that is the total, *Nine Thousand Five*
15 *Hundred.*

16 Q There will be some post judgment interest, and I
17 *think the post judgment interest rate right now is*
18 *7.25%.*

19 Master I honestly don't know off the top of my head, Mr.
20 Young.

21 Q I think it's that. This judgment was entered on
22 May 30, 2006, and I have to do some calculations
23 for you.

24 Master Why don't we say just on the outside effort pay it
25 within seven days.

1 A I want to know how much interest I'll owe on the
2 Nine Thousand Five Hundred Dollars? I want to
3 know the whole amount.

4 Q Okay, hold on just a second.

5 A I would like to add a question.

6 Master If you have a question, you can ask me, you can't
7 ask Mr. Young.

8 A Oh, okay.

9 Q Unfortunately my calculator isn't working.

10 Master Here we go, just a very simple calculator.

11 Q It works.

12 Master Yes. Mr. Weeks, if you have a question about the
13 procedure, I'll be glad to entertain any question
14 you have about it.

15 A Okay, what I wanted to know is if I feel there is a
16 discrepancy over the whole thing or something
17 that wasn't...that I was being discriminated
18 against. I feel as though I'm being discriminated
19 against, and is there any other proceeding that I
20 can look into.

21 Master You'll have to go hire a lawyer and ask the lawyer
22 for professional advice about what you may or
23 may not have available to you as some legal
24 position on this. I can't give you legal advice. I
25 can give you some information about these

1 proceedings, and what they are for, and how they
2 proceed, but I can not give you legal advice.

3 A Okay, I just wanted to ask that.

4 Master What I'm trying to make sure you understand
5 though, is that you have been adjudicated to owe
6 a certain amount of money by the court.

7 A Okay.

8 Master That is done, and the court has already ruled you
9 owe the money. Not me, but this court in a prior
10 proceeding and Mr. Young is calculating the total
11 interest that our laws provide accrue after a
12 judgment is filed, and he's going to give you an
13 exact figure that he's willing to accept in order to
14 satisfy that judgment.

15 A Yes, sir.

16 Q Mr. Weeks, your interest is Seven Hundred
17 Twelve Dollars and fifty cents (\$712.50) per year,
18 for four years, and that comes to Two Thousand
19 Eight Hundred Fifty Dollars, (\$2,850.00), and the
20 total amount that you owe would be Twelve
21 Thousand Three Hundred Fifty Dollars
22 (\$12,350.00).

23 A I don't have that with the interest.. You see what
24 I'm saying, but you said the amount was...

25 Q The amount is Nine Thousand Five Hundred

1 Dollars, (\$9,500.00), post judgment interest
2 calculated from May 30, 2006 that's four years,
3 Seven Hundred Twelve Dollars and Fifty Cents
4 (\$712.50) per year, and that comes to Twelve
5 Thousand Three Hundred Fifty Dollars
6 (\$12,350.00).

7 A When the judge says it so much plus interest is
8 what you're saying?

9 Q That's the Supreme Court.

10 A I'm talking about when they wrote that they didn't
11 say nothing about no interest. That's why I was
12 wondering.

13 Master Okay, let's proceed with the Supplemental
14 Proceeding. I'm really not here to have
15 arguments about what he owes. The judgment is
16 on there.

17 A Well...

18 Master Mr. Weeks, he has given you a figure, and you are
19 free to pay it anytime you want or not. If you
20 want to pay it, then this will go away. If you
21 don't want to pay it, then Mr. Young has a right to
22 go into your affairs which he is getting ready to
23 do, and find out what you may own that is
24 available to help pay this by way of seizure and
25 sale.

- 1 Q Mr. Weeks, did you bring your deeds for all real
2 estate property that you own in Sumter County?
- 3 A Yes.
- 4 Q Alright, may I see those deeds please.
- 5 A (Mr. Weeks hands the documents to Mr. Young)
- 6 Q Thank you.
- 7 A These here are the deeds on file.
- 8 Q Real estate.
- 9 Master Why don't you just take those and look at them.
10 If you see anything in there on my letterhead in
11 there, please let me know because I'm not aware
12 of anything I've done for any of these Defendants.
- 13 A There is a trailer I have that was my brother's but
14 it's in my name now. It was changed over to me.
- 15 Q This is property at 411 Vining Street, Sumter.
- 16 A No, that's where I live. I own 411.
- 17 Q Do you also own 415?
- 18 A I own 415.
- 19 Q Are any amounts due on either of these
20 properties?
- 21 A Yes, his, and this one.
- 22 Q This is 411 Vining Street.
- 23 A Oh, the other one is...I've got some more. Right
24 here...'
- 25 Q Do you still own the lot out by White's Mill?

- 1 A Yeah.
- 2 Q Is there any money that is owed on that lot?
- 3 A No. This is one right here. I don't know which
- 4 one it is.
- 5 Q This is 1.48 acres.
- 6 A That's on...here's the one I'm talking about on
- 7 Belmont Drive. That's paid for too, the trailer and
- 8 the lot, everything.
- 9 Q 101 Belmont Drive?
- 10 A Yes.
- 11 Q This is the property out by the White's Mill Pond?
- 12 A Yes.
- 13 Q The 1.4 acres.
- 14 A No, I've got three. I've got 3 acres on White's
- 15 Mill Pond. That one right there you said...I'm
- 16 going to give you Nine Thousand Five Hundred
- 17 Dollars worth of money today, and that one trailer
- 18 should cover it hopefully. I'm going to sell it if
- 19 you will allow me some time to bring you the
- 20 other part of the money in or some kind of
- 21 payments because I'm a disabled vet, and I only
- 22 get paid once a month.
- 23 Q I apologize to the court, but if I may, let me talk to
- 24 him about this.
- 25 Master Absolutely, as long as you have...

- 1 Q If you pay Nine Thousand Five Hundred, and I
2 give you two months to pay the interest, would
3 you do that?
- 4 A Yeah.
- 5 Q But you will pay Nine Thousand Five Hundred
6 Dollars today?
- 7 A I'm going to pay you Nine Thousand Five
8 Hundred today.
- 9 Q If it please the court, we have entered into an
10 agreement with Mr. Weeks, and he tells me that
11 he is going to pay Nine Thousand Five Hundred
12 Dollars today, and within thirty days he will pay
13 Fourteen Hundred Twenty Five Dollars, and
14 within sixty days, he will pay an additional
15 Fourteen Hundred Twenty Five Dollars, and that
16 will conclude his indebtedness to my client.
- 17 Master So we are all clear, are you not going to require
18 additional accrual of post judgment interest
19 between now and the time he finishes paying it.
- 20 Q I have calculated it up through May of this year.
- 21 Master Okay.
- 22 Q So I'm satisfied.
- 23 Master You're satisfied with that.
- 24 Q Yes, sir.
- 25 Master If the payments do not come in, then the judgment

1 will not be satisfied, and I assume you will begin
2 re-accruing interest in terms of a satisfaction
3 amount.

4 Q That's correct.

5 Master That's fine with me. I approve of that.

6 Q Alright. Mr. Weeks, do you know where my
7 office is?

8 A No.

9 Q Well, do you want to just write me a check right
10 now?

11 A Let me see.

12 Master Are you going to reduce that to writing, Mr.
13 Young?

14 Q Yes, sir, I will.

15 Master Okay.

16 Q Mr. Weeks, if you will move out of that chair,
17 we'll put Ms. Davis in.

18 Master Mr. Weeks, you may step down.

19 A Okay.

20 Master Thank you sir.

21 LILLIAN DAVIS, HAVING ALREADY BEEN

22 SWORN, TESTIFIED AS FOLLOWS:

23 DIRECT EXAMINATION BY MR. YOUNG:

24 Master Mrs. Davis, I will remind you you are under oath,
25 and will be under oath as long as you're making

1 statements in this room in this hearing. Mr.
2 Young.

3 Q If it please the court. Mrs. Davis, I think you are
4 aware of the fact that judgment was entered
5 against you in the amount of Two Thousand Five
6 Hundred Dollars (\$2,500.00) on May 30, 2006,
7 are you aware of that?

8 A Yes.

9 Q Are you prepared to pay that now?

10 A I just wasn't aware of the interest.

11 Q Okay. I calculated that for you.

12 A I don't have it today, but I will pay it within seven
13 days.

14 Q Within seven days?

15 A Yes.

16 Master Are you talking about the judgment amount or the
17 judgment amount and interest.

18 A No, the judgment amount and the interest.

19 Master Okay, the total debt.

20 Q Let me calculate that if I may. If it please the
21 Court, Two Thousand Five Hundred Dollars is the
22 judgment, and yearly post judgment interest is
23 One Eighty Seven Fifty, (\$187.50) for four years,
24 and that's Seven Hundred Fifty Dollars (\$750.00),
25 and the total amount due would be Thirty Two

1 Hundred Fifty Dollars (\$3,250.00). And you are
2 going to pay that within seven days?

3 A Yes, seven.

4 Q That is satisfactory with the Plaintiffs your Honor.

5 Master Very well. I find that to be reasonable. Mr.
6 Weeks and Mrs. Davis, and any other agreements
7 reached, these agreements must be reduced to
8 writing, and so it's going to be necessary at some
9 point for you to go to Mr. Young's office to sign
10 that agreement for the file whenever he lets you
11 know it's prepared and ready.

12 Q It will be prepared tomorrow.

13 Master Okay.

14 Q Thank you, Mrs. Davis.

15 Master You may step down. Who else was back there,
16 Mr. Johnson. What was your name?

17 Jerry Rouse Rouse.

18 Master Mr. Jerry Rouse, do you want to come forward
19 please sir. Mr. Rouse, I remind you likewise that
20 you are under oath, and the oath you took is
21 continuing as long as you are making statements
22 and you are in this hearing. Mr. Young.

23 **JERRY ROUSE, HAVING ALREADY BEEN**

24 **SWORN, TESTIFIED AS FOLLOWS:**

25 **DIRECT EXAMINATION BY MR. YOUNG:**

1 Q If it please the court, Mr. Rouse, are you aware of
2 the fact that the court found against you in the
3 amount of Five Hundred Dollars?

4 A Yes, I am.

5 Q And that was on May 30, 2006. Are you prepared
6 to pay that.

7 A Yes.

8 Q You will pay it?

9 A Yes.

10 Q Just a second.

11 A Five Hundred, right.

12 Q It's Five Hundred Dollars, and your post
13 judgment interest is Thirty Seven Fifty (\$37.50)
14 per year, or One Hundred Fifty Dollars, so it will
15 be Six Hundred Fifty Dollars that you owe? Are
16 you going to pay that today?

17 A I can't pay it today, but I will pay it.

18 Q Can you pay it within seven days?

19 A Yes.

20 Q That's satisfactory with us your Honor.

21 Master Very well. I approve that also. I want to just for
22 information purposes to you Defendants if these
23 settlement amounts are not carried out after being
24 judicially approved, number one, it can leave you
25 open for being ruled in contempt of court for

1 failing to do that which you were ordered to do by
2 your own volition. Number two, the jurisdiction
3 of the court to *do supplemental proceedings*
4 continues, and Mr. Young can do this all over
5 again if he so chooses if the money does not come
6 in. The only thing that potentially ends as best I
7 know is the ability of a Plaintiff to continue to
8 look into the affairs of the Defendant to find
9 money to satisfy money judgments as payment of
10 a judgment or the expiration of a judgment. I just
11 want to advise you of that. The jurisdiction of the
12 court is continuing. Mr. Young, these Defendants
13 who have not shown up...

14 Q That part of squared away.

15 Master That's squared away so no one is potentially
16 being ruled in in contempt at this point.

17 Q *That's correct.*

18 Master Okay. Anything else, Mr. Young?

19 Q I believe that covers it.

20 Master Anything from the Defendants. Anything else any
21 of you want to say?

22 A (No response)

23 Master Very well, court's adjourned.

24 Q Your Honor, thank you very much.

25 Master Thank you.

YOUNG, KEFFER & DONNARD, PA

ATTORNEYS AT LAW
23 WEST CALHOUN STREET
SUMTER, SOUTH CAROLINA 29150
803-773-4371 • FAX 773-4374

KENNETH R. YOUNG, JR.*
kyoung@sumterattorney.com

CERTIFIED MEDIATOR
ARBITRATORS

JOHN S. KEFFER
jkeffer@sumterattorney.com

EDGAR R. DONNARD, JR.
edonnald@sumterattorney.com

September 22, 2010

Mr. Richard Weeks
415 Vining Street
Sumter, South Carolina 29153

RE: White's Mill Colony, Inc. vs. Williams, et al

Dear Mr. Weeks:

Enclosed herewith you will please find a certified, filed copy of the Order in the above referenced matter, which I hereby serve upon you.

Pursuant to the Order you were to pay \$712.50 on August 8, 2010 and \$712.50 on September 8, 2010, which you have failed to do. Please be advised that you must bring your payments current.

With kindest regards, I am

Sincerely yours,


KENNETH R. YOUNG, JR.

KRYjr/kg
Enclosure

YOUNG, KENNEDY & DONNARD, P.A.

ATTORNEYS AT LAW
FEDERAL BAR OFFICE
1000 W. BROADWAY, SUITE 1000
DURHAM, NORTH CAROLINA 27701
919.286.1111 • FAX 919.286.1111

SCENARIEP YORKVILLE, NC
youngkennedydonnard.com

CERTIFIED MAILBOX
14887810000

NOV 10 2010 10:51 AM
1000 W BROADWAY SUITE 1000
DURHAM NC 27701
14887810000

November 9, 2010

Mr. Richard Weeks
415 Vining Street
Sumter, South Carolina 29153

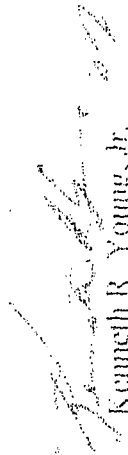
Re: White's Mill Colony v. Williams, et al
Case No: 2002-cp-43-064
File# Y02.2218

Dear Mr. Weeks:

Pursuant to the Order in the above referenced case you were to pay a total of \$12,350.00 (\$9,500.00 for Judgment and \$2,850.00 for Post Judgment). We have record of receiving \$9,500.00 on July 8, 2010. We have not received the Post Judgment of \$2,850.00 that you were ordered to pay \$712.50 on August 8, 2010, September 8, 2010, October 8, 2010 & November 8, 2010. You are requested to pay the balance of the Order no later than November 17, 2010 or we will go back to court.

Your cooperation in resolving this matter will be appreciated.

Sincerely,



Kenneth R. Young, Jr.

KRYjr/mb

December 22, 2010

South Carolina Bar Association
950 Taylor Street
PO Box 608
Columbia, South Carolina 29202

RE: Richard O. Weeks
Case Number: 2002-CP-43-064
Attorney Misconduct (falsifying of Evidence) & Unfairness to Opposing Party

Dear South Carolina Bar Association:

I am in receipt of a letter dated September 22, 2010 from Attorney Kenneth Young. I received an order on December 4, 2010. I noticed that the order was filed on September 21, 2010. I have read the attached order and I disagree with the assention.

The order states that the Court Reporter was **Mrs. Doris Brown**. However, the court reporter was: **Mrs. Andrea R. Kelly**.
401 Witherspoon Drive.
Kingstree, SC 29556
(843) 354-7169

After speaking with Mrs. Kelly I was informed that she was told by Attorney Kenneth Young not to draft the hearing.

As stated above, I disagree with the order that was recorded on September 21, 2010 at 3:42 pm in the Clerk of Court's office in Sumter County S.C. My Appeal Case Number is: 2002-CP-43-064. This was in the Court of Common Pleas Third Judicial Circuit.

Brief History:

On July 8, 2010 at 10: 00 a.m. Room 211, I Richard O. Weeks, Lillian Davis, Jerry Rouse, Jimmie Johnson, and Leon Kelly were ordered to appear in front of the Master-in-Equity for Sumter County, Richard L. Booth.

I reported to the court room approximately 20 to 30 minutes early. While I was in front of room 211, a lady came up to go inside the room. She and I began to talk. I asked her if she was the court reporter for my case with White's Mill. She in return stated yes. I asked her for her business card and a copy of the transcript when it was completed. She stated to me that I would be able to get a copy because I was entitled to one.

First, the Master-in-Equity Richard L. Booth, Attorney Kenneth Young, and the court reporter, Andrea R. Kelly talked. Richard Booth then started the proceeding. He started with Jerry Rouse. Mr. Rouse was sworn in and then he testified. I (Richard O. Weeks)

was next waiting to be sworn in. I then began to testify. I told them about the property that I owned, to show that I could cover the \$9,500.00. I told Attorney Young and Mr. Booth about another trailer and land that I have on Belmont Drive and some other property. Attorney Young stated to me that they wanted the property that I owned on White's Mill Pond. I told them if I put up any property that it would be what I wanted to put up. I then stated to attorney Young and Mr. Booth that I was going to pay the total amount of \$ 9,500.00 in full by cash at that time. I then took out my check book and allowed attorney Young to fill out the amount and I signed it. Attorney Young stated to the Judge that he and the White's Mill Colony wanted back interest. I informed both Mr. Booth and attorney Young that the order did not state any back interest. I stated to attorney Young and the court that I was being discriminated against by him and White's Mill and the State.

Attorney Young began trying to calculate how much interest that they wanted to charge us. He could not come up with an amount. He then stated to me that because he had the full amount, then he and White's Mill Colony would wait on the interest. Mr. Booth asked how much interest and he could not give a figure or how I would be paying it back. He told Mr. Booth and the courts that he would have an amount that we would have to pay back by the end of that day July 8, 2010, not later than the end of July 9, 2010.

Mrs. Lillian Davis was sworn in and testified about how long it would take her to pay off. At the end of the trial, I stated to the court reporter, Mrs. Andrea R. Kelly who was sitting next to Mr. Booth, again that I wanted a copy of the transcript for my record and she stated then in front of Mr. Booth that she would give me a copy but I must allow her a few weeks to prepare it.

On approximately October 2, 2010 I called Mrs. Andrea R. Kelly at (843) 354-7169. She was not at home. I left her a message asking her to contact me in order for me to obtain a copy of the transcript that she transcribed on July 8, 2010. Later that day, she called me back stating that she remembered my case and that she would have it ready the next week and would get in touch with me. After waiting approximately two more weeks until October 16, 2010 I called Mrs. Andrea R. Kelly again and asked her about receiving the transcript again and she was again not home. She again later that day called me asking did I call her? I responded yes. "yes I did call about getting a copy of the transcript." **She then stated that Richard L. Booth and attorney Kenneth Young paid but told her not to record it.** She then went on to say that she could not override them. I stated to her then all I was saying on the stand about me being discriminated against was not being recorded when I had given them \$9,500.00 cash and you do not have a record of what was being said. I went to the Clerk's office in order to get a copy but there was none.

I received an order on December 4, 2010 four months after the order was recorded. It was sent regular mail. Mrs. Kay Glover in attorney Kenneth Young's office sent a notarized letter stating she put this order in the mail on September 22, 2010. However, Mrs. Kay Glover failed to state that the order was sent back to attorney Young's office because it did not have the required postage on it. I was told by a postal supervisor Mrs. Crystal that the order should have been sent certified. Mrs. Crystal went on to say that there is no way

to determine if attorney Young's office ever remailed the letter back off, or anyone could have just placed it in my mailbox.

I received a letter dated November 9, 2010 before I received the order. It stated that I was to pay \$712.00 which was never agreed upon in the court room. I was to pay \$712.00 on August 8, 2010, September 8, 2010, October 8, 2010, and November 8, 2010 which was never agreed upon. The total amount is \$2,850.00 more and the court never ordered it.

The order stated:

On September 21, 2010 at 3:42 p.m. in the Clerk of Court Office in Sumter, S.C. The Presiding Judge the Honorable Richard L. Booth.

Attorney for The Plaintiff - Kenneth R. Young Jr., Esquire

Plaintiff - White's Mill Colony Inc.

Court Reporter - Doris Brown

This is a falsified document.

The SC Rules of Professional Conduct Rule 3.4 Fairness to Opposing Party and Counsel states: that a lawyer shall not falsify evidence, counsel or assist a witness to testify falsely or offer an inducement to a witness that is prohibited by law.

On July 8, 2010 Mrs. Doris Brown was not the court reporter. Mrs. Andrea R. Kelly was the court reporter that stated through the entire case and was paid by Richard L. Booth, Attorney Kenneth Young, and the White's Mill Colony Incorporation to not make a transcript.

Mrs. Doris Brown does not know anything about what was stated in the court room on July 8, 2010. Mrs. Doris Brown falsified the court order for Richard L. Booth, Kenneth Young and the White's Mill Colony Incorporation. This was done to make sure that there would not be a record of the true presiding because I and the other defendants were being discriminated in the first two times we were tried for the same things (boundaries).

The presiding judge Richard L. Booth, attorney Kenneth Young, White's Mill Colony and Doris Brown, Do not know that I had received Mrs. Andrea R. Kelly's business card before the case ever began. This can be investigated easily. I am requesting that this be investigated by the Bar Association. I feel that this is a criminal offense and a civil offense. I am requesting that I be given all of my money back and that the case decision be reversed. I also request that I be given damages after the Bar has investigated.

The South Carolina Rules of Professional Conduct also states: A lawyer who commits fraud in the conduct of a business is subject to discipline for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

See Rule 8.4: Misconduct

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit a criminal act that reflects adversely on the lawyer's honest, trustworthiness or fitness as a lawyer in other respects;
- (c) commit a criminal act involving moral turpitude;
- (d) engage in conduct involving dishonesty, fraud, deceit or misrepresentation
- (e) engage in conduct that is prejudicial to the administration of justice;
- (f) state or imply to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or
- (g) knowingly, assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.


I am requesting that action be taken against the parties involved. White's Mill colony has not credibility. I am requesting that the Bar investigate the arbitrator that handled this case because we were not allowed any rights and I feel that the arbitrator misused his authority.

When Judge Newman would not use a survey in the second case that had a true boundary. When the high court had remanded the case back for Judge Newman to use our true boundary to make his decision, he reverted back to the imaginary boundary for White's Mill called a high water mark. This was full discrimination.

I feel that Judge Newman misused his authority when he heard the game warden testified for the state. The game warden stated that the state owned the water in White's Mill Pond and the fish. The judge simply over looked what the game warden stated, which should have ended the case.

Attorney Kenneth Young entered a tape into evidence against us. However, Judge Newman allowed it. The judge and the lawyers viewed the tape against us, but would not allow us to see it. This is all discrimination because I am supposed to see what evidence that the court is using against me. This violates my rights. I am asking the Bar to investigate this also.

The SC Rules of Professional Conduct Rule 3.4 (a) states: a lawyer shall not unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person to do any such act.

Very truly yours,

Richard O. Weeks

December 21, 2010

Attorney Kenneth Young
Young, Keffer, & Donald, PA
23 West Calhoun Street
Sumter, SC 29150

Dear Attorney Kenneth Young:

I am in receipt of your letter dated September 22, 2010. I received your order on December 4, 2010. I noticed that the order was filed on September 21, 2010. I have read the attached order and I disagree with the assention.

Your order states that the Court Reporter was **Mrs. Doris Brown**. However, the court reporter was: **Mrs. Andrea R. Kelly**.

401 Witherspoon Drive.
Kingstree, SC 29556
(843) 354-7169

I spoke with Mrs. Kelly and I was informed that she was told by you not to draft the hearing.

Very truly yours,



Richard O. Weeks

STATE OF SOUTH CAROLINA)
 :
COUNTY OF SUMTER)
 :
White's Mill Colony, Inc.)
 :
Plaintiff,)
vs :
Richard Weeks, Lillian Davis, Jerry :
Rouse, Jimmie Johnson, and Leon)
Kelly, :
Defendants.)
 :


IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

Docket No.: 2002-CP-43-064


AFFIDAVIT OF SERVICE

I, the undersigned, an employee of Young, Keffer & Donnal, P.A., attorney for the
Petitioner, do hereby certify that I have, this 22 day of September, 2010, served a certified, filed
copy of the Order upon Richard Weeks by personally depositing in the United States Postal Service
mail, postage prepaid, addressed as follows:

Mr. Richard Weeks
415 Vining Street
Sumter, South Carolina 29153


KAY GLOVER

SWORN to before me this
22 day of September, 2010.


Notary Public for South Carolina
My Commissions Expires: 11/06/2010

+

February 6, 2011

Attorney Kenneth Young
Young, Keffer, & Donald, PA
23 West Calhoun Street
Sumter, SC 29150

Re: Order dated January 5, 2011

Dear Attorney Young:

I am in receipt of the Order dated January 5, 2011. However, the Order does not accurately reflect what occurred in the hearing. There is material deficiency in the order that must be addressed.

Very truly yours,

Richard O. Weeks

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

The Honorable, Richard Booth

-2002-CP-43-064

RECEIVED

MAY 4 2012

SC Court of Appeals

White's Mill Colony, Inc.,

Respondent,

v.

Richard Weeks, Lillian Davis, Jerry Rouse,
Jimmie Johnson, and Leon Kelly,

Defendants,

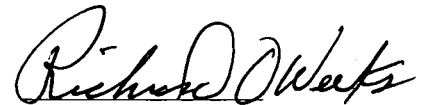
Of whom, Richard O. Weeks is the,

Appellant.

CERTIFICATE OF COMPLIANCE

The undersigned certified that this Amended Record on Appeal complies with Rule
211(b), SCACR.

May 3, 2012



Richard O. Weeks
415 Vining Street
Sumter, SC 29150
(803) 773-9756
Appellant