

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

Case Number 2011-CP-12-0291

Robert H. Breakfield, as attorney-in-fact Respondent,

v.

Mell Woods Appellant.

Rule 240(f) SCACR Reply

Court of Appeals Tracking Number 2012-212318

10/10/11

1. Quoting Mr. Brackett's own case, Stewart-Jones Co. v. Shehan, 127 S.C. 451, 121 S.E. 374 (1924) which Mr. Brackett claims to have the same language as Metropolitan Life Ins. Co. v. Stuckey, 194 S.C. 469, 10 S.E.2d 3 (1940), and as used by the un-named author of the unpublished opinion in number 2014-UP-076 to support the contention that: "Otherwise any tenant, by merely denying the landlord's title or by asserting superior title in himself or another, could oust the magistrate of jurisdiction and frustrate the plain and salutary object of the statute." -- Yes that is the language of Metropolitan but the language, word for word came straight from Stewart-Jones Co. v. Shehan, as above and Mr. Brackett's favorite case. The reason that they used Metropolitan instead of Stewart-Jones Co. is the fact that in the very next sentence in Stewart-Jones Co. is the admonition, directly after (the plain and salutary object of the statute) that: "On the other hand, it is equally apparent that by merely asserting the claim that another is in possession of real estate as his tenant a party may not be permitted to use the summary statutory proceeding to eject the true owner of the premises or one in possession under the true owner." *Carlisle v. Prior, supra.*

2. Stewart-Jones Co. v. Shehan also held that the 1895 Constitution *limited* the jurisdiction of the magistrates, and that a magistrate court has no jurisdiction where the title to real estate is in question and further that any cases to the contrary were decided before the adoption of the 1895 Constitution.

3. The use of Metropolitan Life Ins Co. as it has been used by the Court of Appeals in this case, just does not square with Carlisle v. Prior, 48 S.C. 183, 26 S.E. 244. (1897).

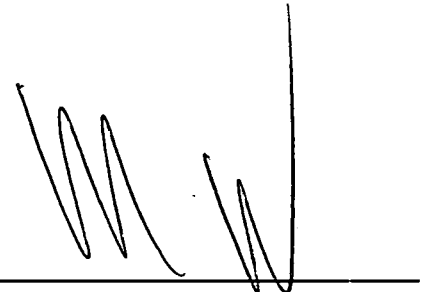
4. The case cited by Mr. Brackett (Stewart-Jones) actually supports the position of appellant and petitioner Mell Woods, if the material parts discussed in the first paragraph above are included and applied.

Petitioner asks that the Court of Appeals please revisit this matter in light of the cases cited in the Petition, and especially the one cited by Mr. Brackett, Stewart-Jones.

Respectfully submitted,

11/10/10

This ten day of April, 2014.



Mell Woods

P.O. Box 2603
Lancaster, SC 29721

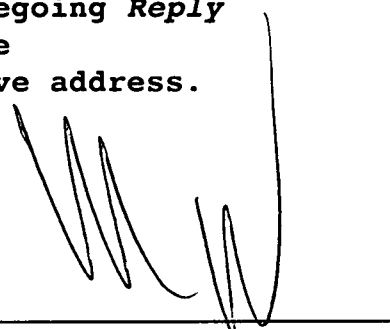
CERTIFICATE OF SERVICE

I hereby certify that I have served the respondent(s) by serving the Counsel of Record for respondents(s) to wit:

B. Michael Brackett
Moses Koon & Brackett
P.O. Box 100261
Columbia, SC 29202

by placing copies of the within and foregoing Reply in the U.S. Mail with sufficient postage addressed to Mr. Brackett using the above address.

This ten day of April, 2014.



Mell Woods

P.O. Box 2603
Lancaster, SC 29721

RECEIVED

APR 15 2014

SC Court of Appeals

April 10, 2014

Re: Breakfield v. Woods

Court of Appeals case Number: 2012-212318

Attached is an original, and six copies of the *Reply to the Return of Respondent* in the above case, with one set of copies being un-bound. Please file with the other papers in the above case.

Thanks,

Mell Woods

Copy of this note to Mr. Brackett

RECEIVED

APR 15 2014

SC Court of Appeals