

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

71914

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

Case Number 2010-CP-12-00595

Mell Woods Appellant,

v.

John D. Hinson, Christine E. Jones,
John C. Hinson, Kathy Huffstickle,
Robert H. Hinson, Darrell W. Hinson,
Charles J. Hinson, William L. Hinson,
Elaine H. Hensley, William C. Hinson, Jr.,
John Does, (1-5), Jane Does, (1-2), Respondents.

PETITION FOR REHEARING Rule 221(a), SCACR

Court Of Appeals Internal Tracking Number: 2012-212429

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SC Court of Appeals

Mell Woods
P.O. Box 2603
Lancaster, SC 29721

This case has been decided on the arguments made in the trial court by respondent counsel. There is no question about how the case was decided by the trial court, because the trial judge stated from the Bench:

"and in making the ruling,
the court adopts the arguments made by defendant on that motion." (Hearing transcript, pg. 42 lines 12-13), R. 751.

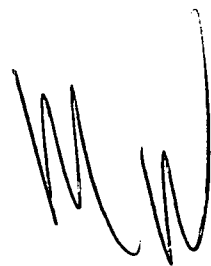
Statements of counsel are not evidence, and when a trial court bases a decision on argument, instead of facts, reversible error occurs. Gilmore v. Ivey, 290 S.C. 53, 348 S.E.2d 180; also, in regard to statements of counsel (Headnote 6) from McManus v. Bank of Greenwood, 171 S.C. 84, 171 S.E. 473 (1933).

Petitioner and appellant Mell Woods hereby adopts by reference the entire Record in this case, *both Volumes* of the Record, the final Appellant Brief, Reply Brief of the Appellant, and the papers and Briefs filed by respondent, and incorporates the listed documents as part of this Petition.

Respectfully submitted,

[Signature and Certificate of Service Follow]

This 17 day of April, 2014.



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Certificate of Service

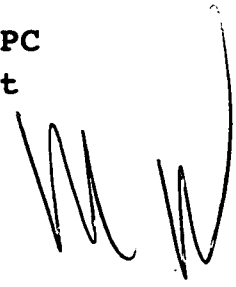
Woods v. John D. Hinson, others

Trial Court Case Number: 2010-CP-12-00595

Court of Appeals Internal Tracking Number: 2012 212429

I hereby certify that I have on the 17 day of April, 2014, served the respondents with a true copy of the within and foregoing *Petition for Rehearing*, by placing the copy in the U.S. Mail with sufficient postage addressed to:

Moses Koon & Brackett, PC
C/O: B. Michael Brackett
P.O. Box 100261
Columbia, SC 29202



Mell Woods

P.O. Box 2603
Lancaster, SC 29721

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