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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**

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.**

Rule 240(f) SCACR Reply

Court Of Appeals Internal Tracking Number: 2012 212429

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

1. *Contrary to the respondent counsel's assertion that appellant failed to cite the Record in support of the Argument as to Issue 2 (in the final Brief) -- page two of the Reply Brief is pasted on the next page, which shows the citation to the Record by page number; in addition this reference to the Record was first made in the Initial Brief filed on August 09, 2012, page 5 of the Initial Brief, by Hearing Transcript page numbers.*

-- pasted from pg. 2 of the Reply Brief --

The Record clearly shows (Hearing Transcript, pg. 42 lines 12-13), R.751 that the trial court relied only on what the Respondent Counsel Mr. Brackett's statements of fact of what was on file in the case instead of looking at the record; "and in making this ruling, the court adopts the arguments made by defendant on that motion."

Mr. Brackett tries to get around what the trial court actually stated on the record by trying to say the court meant something else, when it is obvious from the record that the trial court only relied on argument instead of evidence. *Statements of counsel are not evidence*, and where 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 and McManus v. Bank of Greenwood, 171 S.C. 84, 171 S.E. 473 (1933).

[pg. 2 of this Rule 240(f) SCACR Reply]

2. 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, Petition for Rehearing, also the papers and Briefs filed by respondent, and incorporates the listed documents as part of this Rule 240(f) SCACR Reply.

Respectfully submitted,

This 25 day of April, 2014.



Mell Woods

P.O. Box 2603
Lancaster, SC 29721

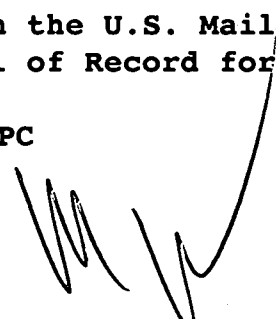
CERTIFICATE OF SERVICE:

Woods v. John D, Hinson, others

Trial Court Case Number: 2010-CP-12-00595
Court of Appeals Number 2012-212429

I hereby certify that I have on the 25 day of April, 2014, served the respondents with a copy of the within and foregoing Reply to the Return, by placing the copy in the U.S. Mail with sufficient postage addressed to the Counsel of Record for respondents, to wit:

Moses Koon & Brackett, PC
C/O B. Michael Brackett
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Mell Woods

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