

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

**RECEIVED**

JUN - 9 2014

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Appeal from Richland County  
Joseph M. Strickland, Master-In-Equity  
James F. Barber Jr., Supervising Circuit Court Judge  
Case No. 2009-CP-40-05911  
Case No. 2010-CP-40-02889

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**S.C. Supreme Court**

Appellate Case No. 2014-000965

1634 Main, LP, Appellant

Vs.

Shirley Hammer, Respondent

Vs.

Howard Hammer, Appellant

and

Howard Hammer Appellant

Vs.

Shirley Hammer, Respondent.

---

**REPLY:**  
**RETURN TO MOTION TO DISMISS**

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Respondent Shirley Hammer (hereafter "Shirley") replies to the Return of 1634 Main LP and Howard Hammer<sup>1</sup> (hereafter "Howard") as follows, and in so doing, renews her motion to dismiss the appeal, although it now appears dismissal should be pursuant to

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<sup>1</sup> The return appears to be signed by Art Aiken, both for himself and for Howard Hammer, although no distinction is made nor is any authorization for signature referenced. If, in fact, Mr. Hammer has not timely filed a response to the motion (in that Mr. Aiken signed for both of them, *albeit* improperly), this Court may treat the motion to be unopposed by Howard Hammer. Rule 240(e), SCACR. The response reflects that Mr. Aiken represents only 1634 Main LP.

Rule 208a)(1), SCACR. In support of her reply and renewed request, Shirley would show:

1. Appellants' Return reveals that Appellants had all of the transcripts in their possession prior to the filing of the Notice of Appeal. See Paragraph 4 (which incorrectly states the Shirley took possession of the real property "[a]fter issuance of the last Order subject to this appeal"<sup>2</sup>).
2. On closer reading of Mr. Aiken's letter of May 12, 2014, Mr. Aiken acknowledges that the transcripts had been "already supplied" at the time he wrote his letter to the Court Reporter. Thus, the May 12, 2014 letter was not the letter required by Rule 207(a)(1).
3. Since Appellants had the transcripts in their possession before the Notices of Appeal were filed, their initial briefs were due no later than May 24, 2014. Rule 208(a)(1). Appellants, via Mr. Aiken, requested second copies of the transcripts two weeks before the May 24, 2014 deadline because they could not locate their existing copies of the transcript. (Exhibit A to Motion to

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<sup>2</sup> The Master in Equity issued his deed to Shirley Hammer on January 21, 2014, and it was recorded the following day. (Richland County ROD Book 1922, Page 1520). Shirley attempted no access to the building until the following week. On Monday, January 27, 2014, a locksmith employed by Shirley came to the building at 1634 Main to begin the process of changing the locks on the building. Howard was present, and removed some of his personal belongings from his law office at that time. (Exhibit A). Howard had at least eight (8) full days to remove items from his former offices. (Exhibits B and C). He was specifically told there is "no time pressure" to remove his property. (Exhibit D). This Court issued an order on April 3, 2014 appointing the Commission's receiver to collect client files that remained in Howard's former office. However, the Notices of Appeal had already been filed when the Supreme Court's order of April 3, 2014 was issued, so Shirley had nothing to do with allowing (or restricting) Howard's access to the building after the Notices of Appeal were filed. Moreover, as discussed in Paragraph 6, it now appears that Howard had the transcripts before the Notices of Appeal were filed.

Dismiss<sup>3</sup>). Appellants blame Shirley for their inability to locate their copies of the transcript (obtained before the Notice of Appeals were filed).

4. In researching her records to prepare this reply, Shirley (through counsel) located correspondence between the court reporter and Mr. Hammer whereby Mr. Hammer was advised that the complete transcripts were available to be picked up on March 17, 2014 (and presumably were picked up), well before the Notices of Appeal were filed.. Thus Appellant's had the transcripts almost two months before Aiken wrote his letter to the Court Reporter requesting a second copy of the transcripts. (Exhibit E<sup>4</sup>).
5. Appellant's return, therefore, reveals a more significant reason for dismissal of this appeal; Appellants did not file their initial briefs within the time period required by Rule 208(a)(1). The return suggests their delays should be ignored and instead, that Appellants should have the benefit of the sixty (60) days provided to the Court Reporter to prepare the transcript (Rule 207(a)(2). In essence, they assert their own failure to abide by the rules should be forgiven.

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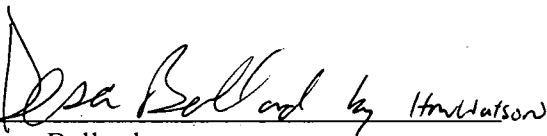
<sup>3</sup> This explains why the May 12 2014 letter was not copied to the Court. It was not intended to be the letter required by Rule 207(a)(1). It was a request for a second copy of the transcripts. Mr. Aiken's letter of January 23, 2014 (*sic*), attached as Exhibit B to the Motion to Dismiss, confirms this is a second request for copies of the transcripts.

<sup>4</sup> The Court Reporter graciously kept Shirley's counsel informed of the production of the transcripts; neither Mr. Hammer nor Mr. Aiken copied Shirley's counsel with their communications regarding the request for the transcripts.

6. The return also reveals that Mr. Aiken (and Howard, if he authorized the filing of the return, *see* footnote 1), is attempting to mislead the Court into believing that Shirley is somehow responsible for Howard being unable to locate his original copies of the transcripts (by locking him out of the real property). It is now apparent Appellants obtained the original transcripts after Shirley took possession of the building; his attempt to claim restricted access to the building somehow contributed to his inability to locate the transcripts is a request for this Court to accept an alternate theory of reality.
7. It is now apparent that Mr. Aiken requested a second copy of the transcripts on May 12, 2014, two weeks before Appellant's initial briefs were due in accordance with Rule 208(a)(1). Appellants were likely attempting to meet the deadline of May 24, 2014 for their initial brief and discovered they could not locate the transcript they had obtained before the Notices of Appeal were filed. The letter from Mr. Aiken to this Court dated January 23, 2014 (misdated, *see* Exhibit B to Motion to Dismiss) was an attempt to buy time, and it almost worked. However, a closer reading of both the May 12, 2014 letter to the Court Reporter, and the Return to this motion reveals the transcripts were obtained before the Notices of Appeal were filed and the May 12<sup>th</sup> request was for a second copy of the transcripts.
8. Howard Hammer's abuse of the judicial system (as noted by this Court in its order dated September 7, 2012) simply continues. Shirley will not waste this Court's time with a recitation of the many, many abuses committed by Howard

(and his counsel) during this litigation. However, she would point out that this particular attempt by Mr. Aiken to mislead this Court and Mrs. Hammer is perhaps the most egregious of all.

Based on the admissions of Appellants in their prior correspondence and in their Return, Shirley renews her request to dismiss this appeal pursuant to Appellant's failure to comply with Rule 208(a)(1). In addition, because of Appellants' attempt to mislead the Court to buy more time, Shirley requests an award of attorney fees and costs pursuant to Rule 222(a), SCACR, as a part of the order dismissing the appeal.

  
Desa Ballard

**Ballard & Watson Attorneys at Law**  
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West Columbia, SC 29171  
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Email: [desab@desaballard.com](mailto:desab@desaballard.com)  
Bar # 000498

ATTORNEY FOR SHIRLEY HAMMER

June 5, 2014

Desa Ballard

---

**From:** Desa Ballard  
**Sent:** Tuesday, January 28, 2014 7:51 AM  
**To:** 'art@aikenandhightower.com'; 'lipscomblaw@gmail.com'; howham1945@gmail.com  
**Cc:** Stephanie Weissenstein; Beth Cogan; Terrie Stafford  
**Subject:** 1634 Main Street

**Importance:** High

**AmicusDealtWith:** Yes  
**AmicusFileIds:** 1230  
**AmicusFileName:** Hammer, Shirley (Main Street)  
**AmicusId:** 308348  
**AmicusStatus:** Saved

Dear All:

I understand Mr. Hammer retrieved some of his personal belongings from the suite he formerly occupied at 1634 Main yesterday before the locks were changed. Please contact Marion Turbeville to arrange to remove whatever other personal property, including files in the basement that Mr. Hammer wishes to obtain from the building.

Please insure this occurs within two weeks from today. The move can be arranged at Mr. Turbeville's convenience. It will be supervised. All moving expenses shall be Mr. Hammer's responsibility. We expect the suite to be left in good condition.

Any details regarding Mr. Hammer obtaining his remaining personal property from 1634 Main should be addressed to Mr. Turbeville.

Desa Ballard

**Desa Ballard**

---

**From:** Desa Ballard  
**Sent:** Wednesday, February 26, 2014 3:12 PM  
**To:** Thomas W. Bunch, II; Howard Hammer; mturbeville@danvillebusinessadvisors.com  
**Cc:** Stephanie Weissenstein; Beth Cogan; Mara Ballard; Terrie Stafford; Terrie Stafford;  
Terrie Stafford  
**Subject:** RE: Schedule for 2-18-14 and 2-19-14  
**Attachments:** Letter from Court 2-25-2014.pdf

Tommy, the Supreme Court has asked Howard (via Tommy Pope) to submit a response regarding the client files located at 1634 Main Street. I don't know why Tommy Pope was chosen, but perhaps he was representing Howard at some point in the past (in my short period of time being involved, we have had about a dozen lawyers people contact us on his behalf but Tommy Pope was not one of them). See attached. We copied our letter to Howard via email when we sent it to the Court. If Howard disputes that, I'll find the transmittal and send it to you.

The Commission has responded and asked that the Commission's receiver be appointed to take possession of the client files that are located at 1634 Main Street. I am confident the Court will not have ruled by this Saturday and even if they do, whoever is appointed won't have time to remove the files from the building. So, we will have to postpone Howard's date to move things from the building. We will need to wait until the court rules and whoever is appointed does whatever s/he has to do before we can allow Howard to re-access the building.

I am sorry about the delay. We're not happy about it either because we want to lease that space and this slows us down.

db

Desa Ballard  
Ballard Watson Weissenstein  
Telephone 803.796.9299  
Facsimile 803.796.1066  
E-mail: desab@desaballard.com, copy to terrie@desaballard.com

---

**From:** Thomas W. Bunch, II [mailto:TBunch@robinsonlaw.com]  
**Sent:** Wednesday, February 19, 2014 7:03 PM  
**To:** Desa Ballard; Howard Hammer; mturbeville@danvillebusinessadvisors.com  
**Cc:** Stephanie Weissenstein; Beth Cogan; Mara Ballard; Terrie Stafford; Terrie Stafford  
**Subject:** RE: Schedule for 2-18-14 and 2-19-14

I'll ask him about that date.




P: 803-227-1103  
F: 803-744-1545  
TBunch@robinsonlaw.com  
v-card

Columbia, South Carolina 29202

## Exhibit B

P: (803) 779-8900

 MERITAS' LAW FIRMS WORLDWIDE

---

**From:** Desa Ballard [<mailto:desab@desaballard.com>]  
**Sent:** Wednesday, February 19, 2014 6:41 PM  
**To:** Thomas W. Bunch, II; Howard Hammer; [mturbeville@danvillebusinessadvisors.com](mailto:mturbeville@danvillebusinessadvisors.com)  
**Cc:** Stephanie Weissenstein; Beth Cogan; Mara Ballard; Terrie Stafford; Terrie Stafford  
**Subject:** RE: Schedule for 2-18-14 and 2-19-14

I'm sorry Tommy, our resources simply won't allow us to do it until 3-1-2014. Does Howard want that date or not?

db

Desa Ballard  
Ballard Watson Weissenstein  
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E-mail: [desab@desaballard.com](mailto:desab@desaballard.com), copy to [terrie@desaballard.com](mailto:terrie@desaballard.com)

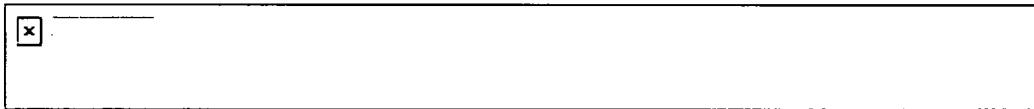
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**From:** Thomas W. Bunch, II [<mailto:TBunch@robinsonlaw.com>]  
**Sent:** Wednesday, February 19, 2014 4:19 PM  
**To:** Desa Ballard; Howard Hammer; [mturbeville@danvillebusinessadvisors.com](mailto:mturbeville@danvillebusinessadvisors.com)  
**Cc:** Stephanie Weissenstein; Beth Cogan; Mara Ballard; Terrie Stafford  
**Subject:** RE: Schedule for 2-18-14 and 2-19-14

Desa,

As mentioned in my earlier email, Howard would be working in his office organizing papers to move. This would not entail any disruption of tenant parking, or the tenants. The logic of denying him access to his office does not follow. Will the office be open to him beginning at 9:30 on Friday?

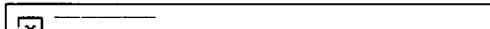
Tommy



**Thomas W. Bunch, II**  
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Columbia, South Carolina 29202

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---

**From:** Desa Ballard [<mailto:desab@desaballard.com>]  
**Sent:** Wednesday, February 19, 2014 12:18 PM  
**To:** Thomas W. Bunch, II; Howard Hammer; [mturbeville@danvillebusinessadvisors.com](mailto:mturbeville@danvillebusinessadvisors.com)  
**Cc:** Stephanie Weissenstein; Beth Cogan; Mara Ballard; Terrie Stafford; Terrie Stafford; Terrie Stafford  
**Subject:** RE: Schedule for 2-18-14 and 2-19-14

We can schedule this for 3-1-2014. Tenants were not happy about having to move their cars to accommodate a moving truck that never showed up. That's why we have to do a Saturday.

It has been reported to me that Howard has spent most of his time in the office on the phone and on the computer and not doing anything to pack up or move. I think he has had about 5 days so far to move things and has moved very little.

Let's make arrangements to get it all done in one day, on 3-1-2014. Please confirm that Howard hires a truck and whoever he needs to actually move the furniture.

db

Desa Ballard  
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E-mail: [desab@desaballard.com](mailto:desab@desaballard.com), copy to [terrie@desaballard.com](mailto:terrie@desaballard.com)

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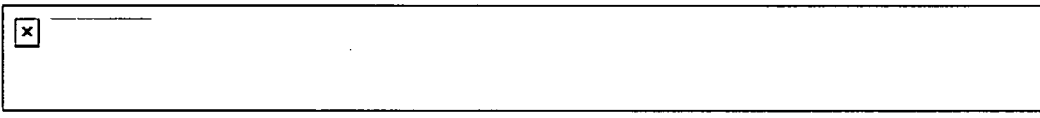
**From:** Thomas W. Bunch, II [<mailto:TBunch@robinsonlaw.com>]  
**Sent:** Wednesday, February 19, 2014 11:54 AM  
**To:** Desa Ballard; Howard Hammer; [mturbeville@danvillebusinessadvisors.com](mailto:mturbeville@danvillebusinessadvisors.com)  
**Cc:** Stephanie Weissenstein; Beth Cogan; Mara Ballard; Terrie Stafford; Terrie Stafford  
**Subject:** RE: Schedule for 2-18-14 and 2-19-14

Desa,

Howard has spoken with his doctor and believes he will be able to handle limited work on Friday. Part of what he needs to do for the demand that he vacate the property is move papers into bins/boxes so the papers and then the furniture can be moved. He would be working solely in his office and should not interact with any tenants in the building (unless they solicit something from him). Thus, we are requesting access this Friday from approximately 9:30 a.m. until 2 p.m. If you wish to hire security, this should afford you sufficient time to line that up. As far as disturbing tenants, the only issue I am aware of involves a conference room type table that was loaned to a tenant that now cannot be located. If you are aware of other matters, please advise.

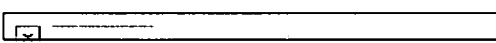
Thank you in advance.

Tommy



**Thomas W. Bunch, II**  
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---

**From:** Desa Ballard [<mailto:desab@desaballard.com>]  
**Sent:** Wednesday, February 19, 2014 10:39 AM  
**To:** Thomas W. Bunch, II; Howard Hammer; [mturbeville@danvillebusinessadvisors.com](mailto:mturbeville@danvillebusinessadvisors.com)

**Cc:** Stephanie Weissenstein; Beth Cogan; Mara Ballard; Terrie Stafford; Terrie Stafford  
**Subject:** RE: Schedule for 2-18-14 and 2-19-14

**Exhibit B**

Excellent, thank you.

db

Desa Ballard  
Ballard Watson Weissenstein  
Telephone 803.796.9299  
Facsimile 803.796.1066  
E-mail: [desab@desaballard.com](mailto:desab@desaballard.com), copy to [terrie@desaballard.com](mailto:terrie@desaballard.com)

---

**From:** Thomas W. Bunch, II [<mailto:TBunch@robinsonlaw.com>]  
**Sent:** Wednesday, February 19, 2014 10:29 AM  
**To:** Desa Ballard; Howard Hammer; [mturbeville@danvillebusinessadvisors.com](mailto:mturbeville@danvillebusinessadvisors.com)  
**Cc:** Stephanie Weissenstein; Beth Cogan; Mara Ballard; Terrie Stafford  
**Subject:** RE: Schedule for 2-18-14 and 2-19-14

Desa,

I received your email that security was not available today, and assume that is the message you are referring to. I have not received other messages.

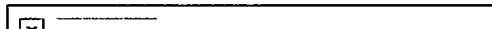
If I am asked for input on a settlement, I'll assist in that.

Tommy



**Thomas W. Bunch, II**  
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F: 803-744-1545  
[TBunch@robinsonlaw.com](mailto:TBunch@robinsonlaw.com)  
v-card

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Columbia, South Carolina 29202  
P: (803) 779-8900



---

**From:** Desa Ballard [<mailto:desab@desaballard.com>]  
**Sent:** Wednesday, February 19, 2014 10:12 AM  
**To:** Thomas W. Bunch, II; Howard Hammer; [mturbeville@danvillebusinessadvisors.com](mailto:mturbeville@danvillebusinessadvisors.com)  
**Cc:** Stephanie Weissenstein; Beth Cogan; [Mara@desaballard.com](mailto:Mara@desaballard.com); Terrie Stafford  
**Subject:** RE: Schedule for 2-18-14 and 2-19-14

Tommy:

I hope you got my message last night. I hope Howard's medical procedure goes well tomorrow. Whatever it is, I'm sure it is not pleasant.

~~This morning, following several conversations and emails with Hyman Rubin last week and this week, I forwarded to Hyman a global settlement proposal that he requested. He advised he intends to share it with whoever is assisting Howard at the moment. If accepted, our request that Howard vacate the building will be held in abeyance until the~~

~~property is sold at a public sale to be held by the Master in Equity. In that event, Howard can deal with whoever purchases the building about whether he vacates, when, and other details.~~

~~If the global resolution cannot be accomplished, Howard can resume his efforts to vacate the building. I understand that very little has actually been moved from the suite Howard formerly occupied. The efforts at moving thus far have been disturbing to the tenants, and for that reason we would want to limit future moving to Saturdays. We cannot do it this Saturday, so the earliest move date we can accommodate would be March 1<sup>st</sup>. That works out well, because it gives the parties time to fully consider and, hopefully, accept the global settlement proposal. As I am sure you can tell, this matter needs to end. If the proposal is accepted, the property will be sold by the Master in Equity at the next available judicial sale (I don't know exactly when that would be but I think it's monthly).~~

~~I hope you can remain involved and assist us in reaching a global resolution. Oral arguments at the Supreme Court are scheduled for March 6, 2014, so our window to do this is short.~~

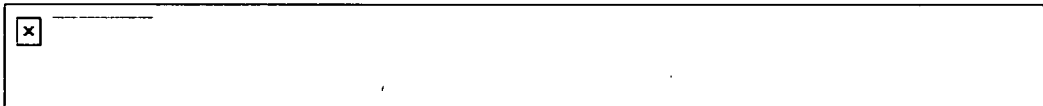
db

Desa Ballard  
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Facsimile 803.796.1066  
E-mail: [desab@desaballard.com](mailto:desab@desaballard.com), copy to [terrie@desaballard.com](mailto:terrie@desaballard.com)

---

**From:** Thomas W. Bunch, II [<mailto:TBunch@robinsonlaw.com>]  
**Sent:** Tuesday, February 18, 2014 6:40 PM  
**To:** Desa Ballard; Howard Hammer; [mturbeville@danvillebusinessadvisors.com](mailto:mturbeville@danvillebusinessadvisors.com)  
**Cc:** Terrie Stafford; Terrie Stafford  
**Subject:** RE: Schedule for 2-18-14 and 2-19-14

Thanks. Please let us know.



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---

**From:** Desa Ballard [<mailto:desab@desaballard.com>]  
**Sent:** Tuesday, February 18, 2014 6:34 PM  
**To:** Thomas W. Bunch, II; Howard Hammer; [mturbeville@danvillebusinessadvisors.com](mailto:mturbeville@danvillebusinessadvisors.com)  
**Cc:** Terrie Stafford; Terrie Stafford  
**Subject:** RE: Schedule for 2-18-14 and 2-19-14

Sorry for the delay I have been in class. Marion can try to get the same security person for tomorrow – I won't know whether he can do that right away. I'm copying him with this email so he can see what he can do

No one has touched the files, and I agree the momentum should continue. If for some reason we cannot get security back there for tomorrow, we can make arrangements for next week.

Is he actually moving furniture out yet? Or is he still just dealing with file? No one is going to touch the files, I can assure you.

db

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E-mail: [desab@desaballard.com](mailto:desab@desaballard.com), copy to [terrie@desaballard.com](mailto:terrie@desaballard.com)

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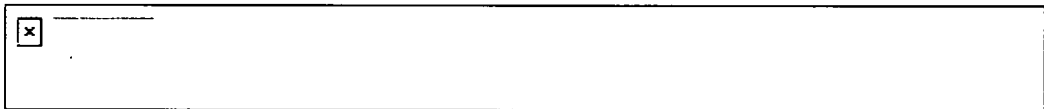
**From:** Thomas W. Bunch, II [<mailto:TBunch@robinsonlaw.com>]  
**Sent:** Tuesday, February 18, 2014 5:14 PM  
**To:** Desa Ballard; Howard Hammer; [mturbeville@danvillebusinessadvisors.com](mailto:mturbeville@danvillebusinessadvisors.com)  
**Cc:** Terrie Stafford  
**Subject:** RE: Schedule for 2-18-14 and 2-19-14

Desa,

Howard has made good progress over the last two days in moving personal property. He would like to return tomorrow as he has arranged for a truck to get some heavier items. Aside from the legal issues arising from your client's actions, it would be good to keep this momentum going. Howard has a medical procedure scheduled for Thursday and does not expect to be able to work the balance of the week. Please advise if the premises will be available to him tomorrow. If the premises will not be available, we would ask that you not move any of his files. Aside from any confidentiality and privilege type issues, I think he is organizing files and property for moving.

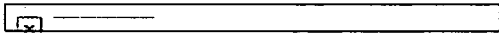
Please advise. Thank you in advance,

Tommy Bunch



**Thomas W. Bunch, II**  
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---

**From:** Desa Ballard [<mailto:desab@desaballard.com>]  
**Sent:** Friday, February 14, 2014 10:38 AM  
**To:** Howard Hammer; [mturbeville@danvillebusinessadvisors.com](mailto:mturbeville@danvillebusinessadvisors.com)  
**Cc:** Thomas W. Bunch, II; Terrie Stafford  
**Subject:** Schedule for 2-18-14 and 2-19-14

Marion has arranged to have security present at 1634 on Monday and Tuesday from 9:30 to 5:00 to allow you access to the suite you formerly occupied for moving of your furniture and files.

## Exhibit B

Please acknowledge you have received this communication and will be present on those dates.

Thanks.

db

Desa Ballard  
Ballard Watson Weissenstein  
Telephone 803.796.9299  
Facsimile 803.796.1066  
E-mail: [desab@desaballard.com](mailto:desab@desaballard.com), copy to [terrie@desaballard.com](mailto:terrie@desaballard.com)

**From:** Howard Hammer [<mailto:howham1945@gmail.com>]  
**Sent:** Thursday, February 13, 2014 3:26 PM  
**To:** Desa Ballard; [mturbeville@danvillebusinessadvisors.com](mailto:mturbeville@danvillebusinessadvisors.com)  
**Subject:**

I want to begin Monday Feb 17 beginning 9:30 thru 5:00 continuing 9:30 thru 5:00 Tuesday after which I can determine status.

I reiterate removal is under protest.

Howard

**Desa Ballard**

---

**From:** Desa Ballard  
**Sent:** Thursday, February 13, 2014 11:23 AM  
**To:** TBunch@robinsonlaw.com; howham1945@gmail.com  
**Cc:** mturbeville@danvillebusinessadvisors.com; Stephanie Weissenstein; Mara Ballard (Mara@desaballard.com) (Mara@desaballard.com); Terrie Stafford  
**Subject:** Access to 1634 Main  
**Importance:** High

Tommy and Howard:

We certainly don't want the snow or anything else to impede Howard's ability to get his personal property from 1634 Main. The snow and ice are trying to interfere. Marion and I have communicated because he had agreed to provide Howard access to the building tomorrow and Saturday from 8:30 to 5:00 pm, but Howard did not confirm so that opportunity has been lost.

Marion needs confirmation today by 2 of the new suggested dates so he can make arrangements. Howard can have access to remove his belongings on Tuesday (2-18-2014) and Wednesday (2-19-2014) from 9:30 am to 5:00 pm.

Can we have confirmation that those dates and times will work?

db

Desa Ballard

**From:** Desa Ballard  
**Sent:** Tuesday, February 18, 2014 2:58 PM  
**To:** mturbeville@danvillebusinessadvisors.com; Howard Hammer  
**Cc:** Stephanie Weissenstein  
**Subject:** Re:

There is no time pressure from our perspective. If you need more time to get your things out we can make that happen.

Sent from my BlackBerry 10 smartphone.

---

**From:** [mturbeville@danvillebusinessadvisors.com](mailto:mturbeville@danvillebusinessadvisors.com)  
**Sent:** Tuesday, February 18, 2014 2:56 PM  
**To:** Howard Hammer  
**Cc:** Sue Williams; Desa Ballard; Stephanie Weissenstein; Laura Kovacich  
**Subject:** RE:

Howard,

I did not remove the conference table and don't know where the one in the basement came from. I only mentioned that there is one down there and it has been there a long time. Sue Williams has been emphatic that her space was completely vacant when she moved into it. I cannot either confirm nor deny because I did not go in the space before CTF moved in. Laura Kovicich has no recollection as per her earlier email. This is not a building manager dispute and suggest you approach Sue directly if you have a different opinion.

Marion

----- Original Message -----

**Subject:**  
**From:** Howard Hammer <[howham1945@gmail.com](mailto:howham1945@gmail.com)>  
**Date:** Tue, February 18, 2014 2:26 pm  
**To:** "[mturbeville@danvillebusinessadvisors.com](mailto:mturbeville@danvillebusinessadvisors.com)"  
<[mturbeville@danvillebusinessadvisors.com](mailto:mturbeville@danvillebusinessadvisors.com)>

In all due respect it is my recollection you were building Manager if we are talking about 2007 as you have earlier so notified me.

If you have as you represent no specific knowledge of precise description of conference table in conference room in child trust space although you unequivocally recalled presence of one thinking it to be stored down stairs when we talked last week, then as building manager at time I urge that you make arrangement for me to obtain that most valuable piece of furniture. I appreciate your busy schedule for today, February 18,2014, but in view of time constriction, I urge that you call Sue and thereafter advise when this can be resolved. I look to hear from you later this afternoon.

Obviously all cannot be removed today. I am open to complete discussion to amicably resolve.  
Howard

**Exhibit D**

**Desa Ballard**

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**From:** Robin Reibold <ReiboldR@rcgov.us>  
**Sent:** Friday, March 14, 2014 4:51 PM  
**To:** Howard Hammer; art@aikenandhightower.com; Mara Ballard; Desa Ballard; TBunch@robinsonlaw.com  
**Subject:** RE:

Mr. Hammer,

I will have the complete transcript ready for you to pick up on Monday afternoon at 1:00. I will either call ahead with an invoice amount or I will email a copy of the invoice beforehand. If you prefer, I can include a copy of all exhibits along with the transcript. And, indeed, the affidavit of Mr. Ackerman was included as an exhibit after the conclusion of the hearing, by agreement of all parties.

Robin Reibold

**From:** Howard Hammer [<mailto:howham1945@gmail.com>]  
**Sent:** Friday, March 14, 2014 4:46 PM  
**To:** Robin Reibold  
**Subject:** Fwd:

Second correspondence also already copied to all

----- Forwarded message -----

**From:** "Howard Hammer" <[howham1945@gmail.com](mailto:howham1945@gmail.com)>  
**Date:** Mar 14, 2014 2:51 PM  
**Subject:**  
**To:** <[rkreibold@rcgov.us](mailto:rkreibold@rcgov.us)>, <[rhreibold@rcgov.us](mailto:rhreibold@rcgov.us)>  
**Cc:** "Thomas W. Bunch, II" <[TBunch@robinsonlaw.com](mailto:TBunch@robinsonlaw.com)>, "[art@aikenandhightower.com](mailto:art@aikenandhightower.com)" <[art@aikenandhightower.com](mailto:art@aikenandhightower.com)>

Ms. Reibold,

Per our conversation today, this is to request a full transcript of the last hearing (I think the date was January 9, 2014) in the case of Hammer v. Hammer; and, 1634 Main Street v. S. Hammer v. H. Hammer.

As I confirmed with you in an earlier conversation, the Affidavit of Bernie Ackerman was delivered to Judge Strickland's Clerk shortly after the hearing and turned over to you for inclusion as an Exhibit admitted in evidence without objection at the hearing. It is my recollection that at least one other document was admitted in evidence without objection. I had understood you to tell me that the documents offered in evidence were not in your possession. I would appreciate it if you could obtain copies to attach to transcript. If you are unable to do so I would appreciate your simply noting admittance of documents in evidence with advise as to how I might obtain them.

You explained to me that the costs for the expedited transcript that you would have for me on Monday, March 17, 2014, would be a courtesy rate of \$4.25 per page, for which I thank you. I'll call before coming over to pick up so that I can bring you full amount of cost.

Thanks,  
Howard Hammer

**Exhibit E**

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

**RECEIVED**

JUN - 9 2014

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Appeal from Richland County  
Joseph M. Strickland, Master-In-Equity  
James F. Barber Jr., Supervising Circuit Court Judge  
Case No. 2009-CP-40-05911  
Case No. 2010-CP-40-02889

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**S.C. Supreme Court**

Appellate Case No. 2014-000965

1634 Main, LP, Appellant

Vs.

Shirley Hammer, Respondent

Vs.

Howard Hammer, Appellant

and

Howard Hammer Appellant

Vs.

Shirley Hammer, Respondent.

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**CERTIFICATE OF SERVICE**

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I, Mara Ballard, an employee of Ballard & Watson Attorneys at Law, do hereby certify that on June 5, 2014, I served a copy of the **Reply to Return to Motion to Dismiss** in the above-captioned case on the following individuals by regular United States Mail, with sufficient first class postage affixed, addressed as follows:

**Arthur K. Aiken Esquire  
Aiken & Hightower**

**2231 Devine St.  
Ste. 201  
Columbia South Carolina 29205**

**Howard Hammer  
1609 Catawba Street  
Columbia South Carolina 29205**

  
Mara T. Ballard, FA, CFE, CMA

June 5, 2014  
West Columbia, South Carolina