

Exhibit 5

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF KERSHAW)

Albert H. Hough, Individually)
and as Personal Representative)
of the Estate of Harold W.)
Hough, and as Personal)
Representative of the Estate)
of Elizabeth P. Hough; George)
J. Hough and Angela Hough,)

Plaintiffs,)

vs.)

Richard Wesley Hough, Joel)
Pitts Hough, and Mary)
Louise Robinson,)

Defendants.)

C/A #2011-CP-28-073

 ORIGINAL

**SPECIAL REFEREE HEARING
BEFORE JOHN K. DUBOSE, III**

Tuesday, May 6, 2014
3:05 p.m. - 3:35 p.m.

The telephonic Special Referee Hearing, taken on behalf of the parties, on the 6th day of May, 2014, before Judy R. Urso, Certified Court Reporter and Notary Public in and for the State of South Carolina, pursuant to Notice of Deposition.

APPEARANCES

B. Michael Brackett, Esquire
Moses & Brackett
Post Office Box 100261
Columbia, South Carolina 29202
Attorney for the Plaintiffs

Kathleen M. McDaniel, Esquire
Callison, Tighe & Robinson
Post Office Box 1390
Columbia, South Carolina 29202
Attorney for the Defendant Richard Hough

Elizabeth Shields, Esquire
Rankin Law Firm
Post Office Box 1445
Camden, South Carolina 29021
Attorney/Guardian for Joel Hough

ALSO PRESENT ON CONFERENCE CALL WERE: Albert Hough and
Angela Hough

EXHIBITS

No Exhibits were marked during this deposition.

STIPULATIONS

It is stipulated and agreed that this deposition is
being taken pursuant to the South Carolina Rules of Civil
Procedure.

1 point, I'm sure you all will take that up with the
2 court in any event, but I, I'm fine proceeding, Mr.
3 Brackett, Ms. McDaniel, and I'll hear from you now
4 on your Motion to Disallow and Strike, Mr. Brackett.

5 **MR. BRACKETT:** Thank you, Your Honor. May it
6 please the court. This, this motion was filed in
7 response to a notice that was served by Defendant
8 Richard Hough on the last Friday, May the 2nd, at
9 approximately 4:00 p.m. It was a notice pursuant to
10 code section 15-61-25(a) that would give a party to
11 a partition case an opportunity to I guess express
12 an interest in purchasing the property rather than
13 having the property partitioned. I have on
14 behalf of the plaintiffs, I have moved to have that
15 notice stricken or disallowed as being untimely
16 served, and I have given the court previously a
17 memorandum of law, but it has to do, Your Honor, the
18 issue has to do with how, how the time computation
19 is made based upon the language of that statute, 15-
20 61-25(a), and it requires that the notice must be
21 delivered to the court no later than 10 days prior
22 to the date set for the trial of the case. The, the
23 no later than 10 days prior is the key phrase in
24 that statute. Now the general time computation rule
25 these days is found in Rule 6 of the Rules of Civil