

STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

RECEIVED

AUG 21 2014

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS

Joseph M. Strickland, Presiding Circuit Court Judge

Appellant Case No.: 2014-000628

Common Pleas No.: 2010-CP-40-06592

Delores Nelson Appellant

vs.

Bernard Richardson Respondent

**MOTION FOR ADDITIONAL TIME TO REQUEST TRIAL
TRANSCRIPT AND RESPONSE TO THE
COURT'S LETTER DATED AUGUST 14, 2014**

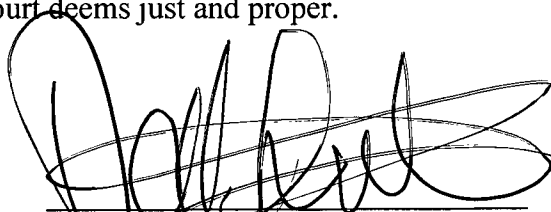
NOW COMES the attorney for Appellant, and responding to the courts letter dated August 14, 2014 (*see Exhibit A*) who shows unto the court as follows:

1. That the Appellant filed and served Notice of Intent to Appeal on March 21, 2014 with the Richland County Trial and the South Carolina Court of Appeals herein (*see Exhibit B*).
2. That the Appellant also filed and serves a Notice of Motion and Motion pursuant to Rule 59(e) SCRCP and filed and served the same with the Clerk of Court for Richland County and the attorney for the Respondents, Ian McVey, at his office in Columbia, S.C. and with Judge Strickland, Trial Judge (*see Exhibit C*).
3. That the attorney for the Respondent filed and served a Motion to Dismiss and Suspend the Briefing Schedule (*see Exhibit D*).

4. The attorney for Appellant in turn filed an Affidavit in opposition to Motion to Dismiss and Suspend Briefing Schedule (*see Exhibit E*). This Affidavit was critical for the Motion to dismiss as its contents are relevant to the 59(e) Motion.
5. That the Court of Appeal in its order dated May 14, 2014 denied the Respondent's Motion to Dismiss (*see Exhibit F*).
6. That the trial court has not held a hearing on the merits of my Rule 59(e) Motion so that we can settle the record on the issues and facts that gave rise to the trial court's findings of fact and conclusions of law.
7. That the undersigned relied on the case of Camp v. Camp 386 S.C. 571, 2010, which states, among other things, "Service of the Notice of Appeal is a Jurisdictional requirement and this court has no authority to extend or expand the time in which the Notice of Intent must be served." A timely Post-trial Motion including a Motion to Alter or Amend the Judgment pursuant to Rule 59(e) SCRPC stays the time for an appeal for all parties until receipt of written notice or the entry of the order granting or denying such motion (See Elam v. South Carolina Department of Transportation, 361 S.C. 9, 15 602 SE 2nd 772, 775 (2004)).
8. As of the filing of this Motion, no written order granting or denying the motion has been received.

WHEREFORE, the undersigned attorney for Appellant asks the court to grant a reasonable extension of time to request the Transcript after the written order is received from the Trial Court.

For Such other and further relief as the court deems just and proper.



Nathaniel Roberson
1708 Richland Street
Columbia, S.C. 29201
803-252-4449
Attorney for Appellant

Columbia, South Carolina
August 21, 2014

STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS

Joseph M. Strickland, Presiding Circuit Court Judge

Appellant Case No.: 2014-000628

Common Pleas No.: 2010-CP-40-06592

Delores Nelson Appellant

vs.

Bernard Richardson Respondent

RECEIVED

AUG 21 2014

SC Court of Appeals

CERTIFICATE OF SERVICE

This is to certify that I, **Chelise K. Hardy**, have this day served the foregoing **Motion For Additional Time to Request Trial Transcript and Response to the Court's Letter Dated August 14, 2014**, in connection with the above-captioned case, by placing said document in the United States Mail with proper postage affixed thereto, upon the following persons at the following addresses:

Ian McVey, Esquire
Callison, Tigh & Robinson, LLC
PO Box 1390
Columbia, S.C. 29202

The Honorable Joe Strickland
PO Box 192
Columbia, S.C. 29202

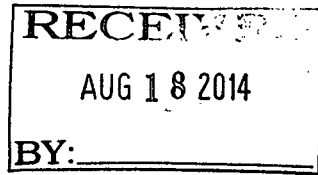


Chelise Hardy
Legal Assistant

Columbia, South Carolina
August 21, 2014

EXHIBIT

A



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

August 14, 2014

Mr. Nathaniel Roberson, Esquire
1708 Richland St.
Columbia SC 29201

Re: Bernard Richardson v. Deloris Nelson
Appellate Case No. 2014-000628

Dear Counsel:

Our records indicate that the transcript in the above matter should have been delivered. As of today's date, we have not received any information indicating that the court reporter has been granted an extension. Further, you have not notified us that you have failed to receive the transcript, nor have we received your initial brief.

If you have not yet received the transcript, Rule 207 of the South Carolina Appellate Court Rules requires you to contact the Office of Court Administration. The address for Court Administration is as follows:

South Carolina Office of Court Administration
1015 Sumter Street, Suite 201
Columbia, SC 29201

W-10

Be sure to copy the Court and opposing counsel with all correspondence concerning the transcript.

Please advise the Court of the status of the transcript within ten (10) days of the date of this letter, or your appeal will be dismissed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Ian Douglas McVey, Esquire

EXHIBIT

B

STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM RICHLAND COUNTY
MASTER-IN-EQUITY

Joseph M. Strickland, Presiding Circuit Court Judge

RECEIVED

MAR 21 2014

SC Court of Appeals

Indictment No.: 2010-CP-40-06592

Delores Nelson..... Appellant

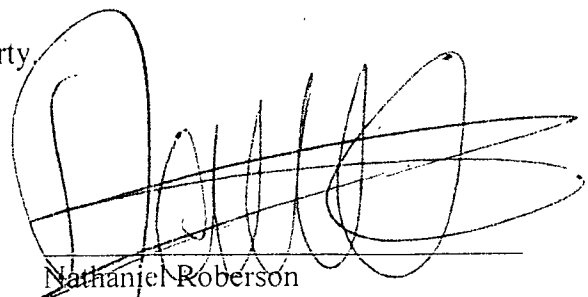
vs.

Bernard Richardson..... Respondent

NOTICE OF INTENT TO APPEAL

RICHLAND COUNTY
FILED
2014 MAR 21 PM 4:50
JEANETTE W. MCGRADIE
C.C.P. & G.S.

Delores Nelson, Appellant, appeals from the findings of facts and conclusion of law and the Order of the Honorable Joseph M. Strickland, Master-in-Equity for Richland County on February 7, 2014. Appellant received written Notice of this Order on March 18, 2014, which was served on the sister of the Appellant at the subject property.



Nathaniel Roberson
1708 Richland Street
Columbia, S.C. 29201
803-252-4449
Attorney for Appellant

Other Counsel of Record:

Ian McVey, Esquire
Callison, Tighe & Robinson, LLC
PO. Box 1390
Columbia, South Carolina 29202

STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM RICHLAND COUNTY
MASTER-IN-EQUITY

Joseph M. Strickland, Presiding Circuit Court Judge

RECEIVED

MAR 21 2014

SC Court of Appeals

Indictment No.: 2010-CP-40-06592

Delores Nelson..... Appellant

vs.

Bernard Richardson..... Respondent

PROOF OF SERVICE

I certify that I have served Notice of Appeal on Bernard Richardson, by depositing a copy of it in the United States Mail, postage prepaid on March 21, 2014 addressed to the attorney of record, Ian McVey, Callison, Tighe & Robinson, LLC, P.O. Box 1390, Columbia, South Carolina 29202.

March 21, 2014

/s/Nathaniel Roberson
1708 Richland Street
Columbia, South Carolina 29201
803-252-4449
Attorney for Appellant

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 Bernard Richardson)
)
 Plaintiff,)
)
 v.)
)
 Deloris Nelson)
)
 Defendant.)

IN THE COURT OF COMMON PLEAS

RECEIVED

MAR 21 2014

Case No.: 2010-CP-40-06592

SC Court of Appeals

ORDER

JEANETTE W. McBRIDE
 C. P. & G. S.
 2014 FEB 10 AM 9:55
 RICHLAND CO. FILED

THIS MATTER CAME BEFORE THE COURT for trial on the merits. Present at the trial were the Plaintiff, Bernard Richardson, and his counsel, Ian D. McVey and Hugh M. Cooper. Defendant Deloris Nelson was not present; however, her father, Napoleon Deveaux, was present along with counsel for the Defendant, Nathaniel Roberson. At trial, the Plaintiff testified on his own behalf as did his surveyor, Ben Whetstone. Mr. Deveaux took the stand on behalf of the Defendant. Based upon the evidence present including the exhibits admitted into evidence and the testimony presented by the witnesses, I find, order and conclude as follows:

PROCEDURAL HISTORY

This matter was commenced by the filing of a Summons and Complaint for Trespass in the Magistrate's Court in Eastover, South Carolina. Defendant filed her Answer and Counterclaim wherein she asserted title to the property which is the subject of this Action. Thereafter, the Eastover Magistrate issued an order removing the case to the Circuit Court for Richland County pursuant to S.C. Code Ann. §22-3-20.

By consent of the parties, the matter was referred to the undersigned, and this Court jurisdiction over this matter pursuant to said Consent Order of Reference.

2014 FEB 10 AM 11:39
 RICHLAND CO. FILED

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Plaintiff is the owner of the following described real property ("Subject Property") by virtue of that certain deed from Thelma Scott Nance to Bernard Richardson and Brian Richardson dated May 14, 2007 and recorded on June 21, 2007 in the office of the Register of Deeds for Richland County in Book 1327 at page 2201:

All that certain piece, parcel or lot of land with improvements thereon, situate, lying and being in the Town of Eastover, County of Richland, State of South Carolina, being shown and delineated on a plat prepared for Bernard Richardson and Brian Richardson by Donald G. Platt, RLS, dated May 14, 2007 and recorded on June 21, 2007 in the office of the Register of Deeds Richland County in Plat Book 1327 at page 2203; said lot having such metes and bounds as shown on said plat, which is being incorporated herein by reference as part of this description.

This being a major portion of the property conveyed to Thelma Scott Nance by Deed of Blanche S. Dickerson, Blondell S. Thornton, Gloria S. Hight and Jeffery D. Scott recorded on August 1, 1988 in the office of the Register of Deeds for Richland County in Deed Book D898 at Page 705.

TMS #: 36802-01-01

2. Defendant claims an interest in the following described property by virtue of a deed from D.F. Deschamps to Emma Rawlinson dated December 17, 1924 and recorded on December 30, 1924 in the office of the Register of Deeds for Richland County in Book CQ at page 84:

All that certain piece, parcel or lot of land in the Town of Eastover, County of Richland, State of South Carolina known as Lot #11 in Block R on a plat of the Ray Subdivision made by J.C. Covington, C.E., November 2nd, 1918 for C.G. Rowland measuring and bounding as follows, to wit: North by Lot #10 on which it measures 180 feet, more or less, South by Lot #12 on which it measures 180 feet, more or less; East by a Fifty (50) foot street on which it measures 70 feet, more or less; and on the West by a Twenty (20) foot street or alley on which it measures 70 feet, more or less.

3. Ms. Rawlinson died intestate leaving behind no will or other form of devise.
4. As is indicated by the Richland County Assessor's office, Defendant is the owner of

that certain mobile home ("Mobile Home") described as 1996 Fleetwood, Serial Number NCFLT41A3544OFE11 which is currently located on the Subject Property.

5. Ms. Nelson claims she is entitled to locate the Mobile Home on the Subject Property by virtue of being a Fourth (4th) generation heir of Ms. Rawlinson.

6. As a threshold matter, none of the heirs of Ms. Rawlinson have any claim to the Subject Property. Any claim they may have is to Lot 11 as indicated above which is located directly to the North of the Subject Property and does not encompass any portion of the Subject Property.

7. Further, Defendant has no claim to Lot 11. According to the testimony of Mr. Deveaux, Defendant's mother is a descendant of Emma Rawlinson and still living. As such, any interest Ms. Nelson may have in Lot 11 has not yet vested.

8. Therefore, I find the Plaintiff has prevailed on the merits as is entitled to the relief requested in the Complaint and a finding that Defendant and any others claiming through her is trespassing on the Subject Property.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

1. Plaintiff is the owner in fee simple along with Brian Richardson of the Subject Property free and clear of any claims of the heirs of Emma Rawlinson.

2. Defendant has no claim or interest in the Subject Property.

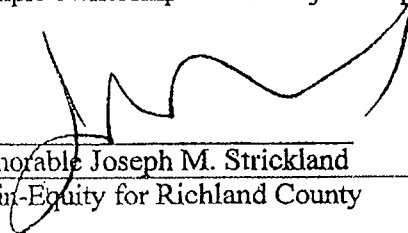
3. Defendant shall remove the Mobile Home and all personal belongings and structures within fifteen (15) days of the entry of this Order.

4. Any tenants of the Defendant, persons claim through her or any others occupying the Subject Property shall likewise vacate the Subject Property within fifteen (15) days of the entry of this order taking with them all their belongings.

5. The Sheriff of Richland County is directed to take such steps as are necessary to effectuate the intent of this Order and place the Plaintiff in peaceable possession of the Subject Property.

6. The Clerk of Court and Register of Deeds shall index said order in the records for Richland County so as to reflect the Plaintiff's fee simple ownership of the Subject Property.

AND IT IS SO ORDERED.



The Honorable Joseph M. Strickland
Master-in-Equity for Richland County

Feb 2, 2014
~~September 2, 2013~~
Columbia, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2010 CP-40-06592

Bernard Richardson

Deloris Nelson

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Ian D. McVey, Esquire

Attorney for : Plaintiff Defendant
or
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

2014 FEB 19 AM 8:55
FILED
RICHLAND COUNTY
CLERK OF COURT
COURT HOUSE
111 N. 39

EXHIBIT

C

STATE OF SOUTH CAROLINA)

COUNTY OF Richland)

Bernard Richardson)
Plaintiff,)

vs.)

Delores Nelson)
Defendant.)

IN THE COURT OF COMMON PLEAS

5th JUDICIAL CIRCUIT

CASE NO.: 2010 -CP- 40-6592

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Plaintiff's Attorney: _____, Bar No. _____	Defendant's Attorney: <u>NATHAN FEEBER</u> , Bar No. <u>664679</u>
Address: _____	Address: <u>1708 Richland St. Columbia, SC</u>
Phone: _____ Fax _____	Phone: <u>252 4449</u> Fax <u>252 6266</u>
E-mail: _____ Other: _____	E-mail: _____ Other: _____

MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information
 Nature of Motion: 59(e) SCR
 Estimated Time Needed: 30 minutes Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type
 Written motion attached
 Form Motion/Order
 I hereby move for relief or action by the court as set forth in the attached proposed order.
 Signature of Attorney for Plaintiff / Defendant [Signature] Date submitted 3-28-2014, 2014

SECTION III: Motion Fee
 PAID - AMOUNT: \$ 25.00
 EXEMPT: (check reason)
 Rule to Show Cause in Child or Spousal Support
 Domestic Abuse or Abuse and Neglect
 Indigent Status State Agency v. Indigent Party
 Sexually Violent Predator Act Post-Conviction Relief
 Motion for Stay in Bankruptcy
 Motion for Publication Motion for Execution (Rule 69, SCRCP)
 Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
 Name of Court Reporter: _____
 Other: 59(e) rule

JUDGE'S SECTION
 Motion Fee to be paid upon filing of the attached order.
 Other: _____
 JUDGE CODE _____
 Date: _____, 20____

CLERK'S VERIFICATION
 Collected by: _____ Date Filed: _____, 20____

MOTION FEE COLLECTED: \$ _____
 CONTESTED - AMOUNT DUE: \$ _____

FILED
 2014 MAR 28 PM 12:33
 RICHLAND COUNTY

COPY

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Bernard Richardson)
)
Plaintiff(s),)
)
vs.)
)
Deloris Nelson)
)
Defendant(s))

IN THE COURT OF COMMON PLEAS
CASE NUMBER 2010-CP-40-6592

**DEFENDANT'S MOTION
PURSUANT TO
RULE 59 (e) SCRPC**

JEANETTE W. McBRIDE
C.C.P. & C.S.
2014 MAR 28 PM 12:33
RICHLAND COUNTY
FILED

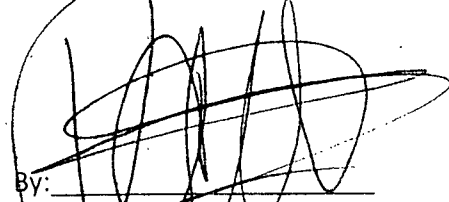
TO THE DEFENDANTS ABOVE-NAMED AND IAN MCVEY, ESQUIRE, THEIR ATTORNEY: YOU WILL PLEASE TAKE NOTICE that the defendant, Deloris Nelson, by and through her undersigned counsel, will move before the Honorable Joseph M. Strickland at 10:00 a. m. o'clock in the forenoon, or as soon thereafter as counsel may be heard, for an Order of the court altering or amending his Order of February 7, 2014 which was filed on February 10, 2014 by recalling and setting the same aside. The motion will be based upon, but not limited to the following:

1. That the plaintiff was allowed to elicit an expert opinion from his witness that he conferred with two (2) real estate officers and they came to the conclusion to measure the property lines at a place they agreed upon with no legal or factual basis there for.
2. That the judge's order does not include the testimony of the defendant's father that his wife and mother of the defendant is the surviving heir of the original owner (Ms. Rawlinson) and they have paid the taxes and maintained the property for over five (5) years. The defendant is on the property with permission of her mother heir.
3. That the defendant/occupant of the property in question of the property was occupied at the property was purchased by the plaintiff and no consideration was given to the original sub-division plat that is in evidence.

The motion will further be based upon the pleadings, correspondence, case law, the arguments of counsel, legal memorandum, and such other evidence as the court may allow.

Columbia, South Carolina
3-28, 2014

Nathaniel Roberson


By: _____
Nathaniel Roberson
1708 Richland Street
Columbia, S.C. 29201
Telephone: (803) 252-4449

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Bernard Richardson)
)
Plaintiff(s),)
)
vs.)
)
Deloris Nelson)
)
Defendant(s))

IN THE COURT OF COMMON PLEAS
CASE NUMBER 2010-CP-40-6592

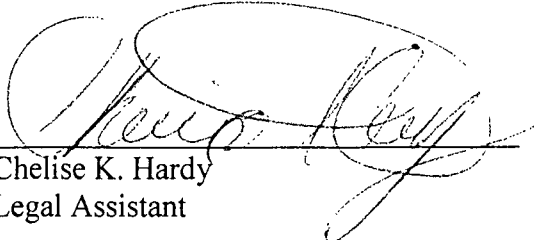
CERTIFICATE OF SERVICE

RICHLAND COUNTY
FILED
2014 MAR 28 PM 12:39
JEANETTE W. McBRIDE
C.C. & G.S.

This is to certify that I, **Chelise K. Hardy**, have this day served the foregoing **Defendant's Motion Pursuant to Rule 59 (e) SCRPC** in connection with the above-captioned case, by placing said document in the United States Mail with proper postage affixed thereto, upon the following person(s) at the following address(es):

Ian McVey, Esquire
Callison, Tigh & Robinson, LLC
PO Box 1390
Columbia, S.C. 29202

The Honorable Joe Strickland
P.O. Box 192
Columbia, S.C. 29202


Chelise K. Hardy
Legal Assistant

Columbia, South Carolina
March 28, 2014

EXHIBIT

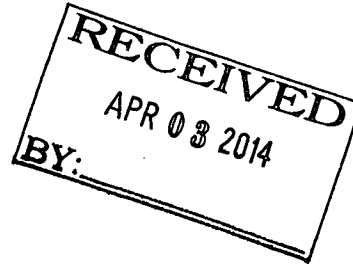
D

IAN D. MCVEY, ESQUIRE
803-404-6900 ext. 3016
ianmcvey@callisontighe.com

CALLISON  TIGHE

April 2, 2014

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211



Re: **Bernard Richardson v. Deloris Nelson**
Appellate Case No.: 2014-000628
Our File No.: 5564.001

Dear Ms. Kitchings:


Enclosed for filing please find the original and seven (7) copies of the **Respondent's Motion to Dismiss and Suspend Briefing Schedule** along with our **Proof of Service** in connection with the above-referenced matter. Please file the original and seven (7) copies and then return a clocked copy to me in the enclosed stamped self-addressed envelope provided. I have also enclosed our firm's check for the \$25.00 filing fee.

By copy of this letter, I am serving a copy of the same upon counsel for the Appellant.

Thank you for your assistance in this matter.

With kind regards, I am

Yours very truly,


CALLISON TIGHE & ROBINSON, LLC

Ian D. McVey,
Attorney for Respondent Bernard Richardson

IDM/tah
Enclosures
cc: Nathaniel Roberson, Esquire
Hugh Cooper, Esquire

STATE OF SOUTH CAROLINA
The South Carolina Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Joseph M. Strickland, Master-in-Equity for Richland County

Case No. 2010-CP-40-06592

Bernard Richardson..... Respondent,

v.

Deloris Nelson Appellant.

**MOTION TO DISMISS
AND
SUSPEND BRIEFING SCHEDULE**

NOW COMES THE RESPONDENT, Bernard Richardson, by and through its undersigned counsel and pursuant to Rule 203(b)(1) and (4) FCACR, who hereby respectfully move to dismiss the instant Appeal.

This Motion is based upon the following:

1. The above-referenced matter was tried before the Honorable Joseph M. Strickland, Master-in-Equity for Richland County, on June 17, 2013.
2. On February 7, 2014, the Master-in-Equity issued an Order ("Order") in favor of Respondent, the same being recorded on February 10, 2014. **See Exhibit A.**
3. Thereafter, Counsel for Respondent served a copy of the Order on Counsel for the

Appellant by correspondence dated February 11, 2014. **See Exhibit B.**

4. The Certificate of Service was filed with the Clerk of Court for Richland County on February 28, 2014 verifying that the Order was served on Counsel for the Appellant by U.S. Mail. **See Exhibit C.**

5. Rule 203(b) (1) and (4), FCACR, requires that a Notice of Appeal be served on all Respondents within thirty (30) days after receipt by the Appellant of written notice of the entry of the Order for Judgment for which an Appeal is sought.


6. Further, Rule 5(b)(1), SCRCR provides “[w]henver under these rules service is required or permitted to be made upon a party represented by an attorney the service shall be made upon the attorney unless service upon the party himself is ordered by the court. Service upon the attorney or upon a party shall be made by the delivering a copy to him or by mailing it to him at his last known address or if no address is none, by leaving it with the Clerk of Court....Service by mail is complete upon mailing of all pleadings and papers subsequent to the service of the original Summons and Complaint.”

7. Respondent would respectfully submit that the above-referenced Appeal is not timely and therefore should be dismissed. See USAA Property & Casualty Insurance Company v. Deborah J. Clegg, et. al, 377 S.C. 643, 661 S.E. 2d 491 (2008). (“Rule 203(b), SCACR, requires a party to serve his Notice of Appeal within thirty (30) days after receiving written notice of the entry of a Final Order or Judgment, and failure to do so divests this court of subject matter jurisdiction and results in dismissal of the appeal. The requirement of service of the notice of appeal is jurisdictional, i.e. if a party misses the deadline, the Appellate Court lacks jurisdiction to consider the Appeal and has no authority or discretion to ‘rescue’ the delinquent party by extending or ignoring the deadline for service of the notice.”)(Internal citations omitted).

WHEREFORE, the Respondent would respectfully request that the Court dismiss the Appeal of the Appellant.

Respectfully submitted,

CALLISON TIGHE & ROBINSON, LLC



Ian D. McVey, SC Bar No. 71196
1812 Lincoln Street
P.O. Box 1390
Columbia, South Carolina 29202
Tel. (803) 404-6900
Fax (803) 404-6902
E-mail: ianmcvey@callisontighe.com

Hugh M. Cooper, SC Bar No. 1384
1812 Lincoln Street, First Floor
Columbia, SC 29201
Tel. (803) 779-3456
Fax (803) 929-3544

Attorneys for Respondent Bernard Richardson

April 2, 2014
Columbia, South Carolina

Bernard Richardson

Deloris Nelson

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Ian D. McVey, Esquire

Attorney for : Plaintiff Defendant
 or
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

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 Affirmed; Reversed; Remanded; Other

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IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.
 Additional Information for the Clerk :

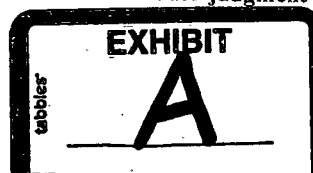
INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.



2014 FEB 10 AM 8:55
 ANNE STEVENSON
 CLERK OF COURT
 RICHLAND COUNTY
 FILED

2097

2/7/14

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of February, 2014 and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of February, 2014 to attorneys of record or to parties (when appearing pro se) as follows:

Ian D. McVey, Esquire

Callison Tighe & Robinson, LLC

PO Box 1390, Columbia, SC 29202

ATTORNEY(S) FOR THE PLAINTIFF(S)

Nathaniel Roberson, Esquire

Law Office of Nathaniel Roberson

1708 Richland Street, Columbia, SC 29201

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Bernard Richardson)
)
)
Plaintiff,)
)
v.)
)
Deloris Nelson)
)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS

Case No.: 2010-CP-40-06592

ORDER

JEANETTE M. McBRIDE
C. C. P. & G. S.
2014 FEB 10 AM 8:55
FILED
RICHLAND COUNTY

THIS MATTER CAME BEFORE THE COURT for trial on the merits. Present at the trial were the Plaintiff, Bernard Richardson, and his counsel, Ian D. McVey and Hugh M. Cooper. Defendant Deloris Nelson was not present; however, her father, Napoleon Deveaux, was present along with counsel for the Defendant, Nathaniel Roberson. At trial, the Plaintiff testified on his own behalf as did his surveyor, Ben Whetstone. Mr. Deveaux took the stand on behalf of the Defendant. Based upon the evidence present including the exhibits admitted into evidence and the testimony presented by the witnesses, I find, order and conclude as follows:

PROCEDURAL HISTORY

This matter was commenced by the filing of a Summons and Complaint for Trespass in the Magistrate's Court in Eastover, South Carolina. Defendant filed her Answer and Counterclaim wherein she asserted title to the property which is the subject of this Action. Thereafter, the Eastover Magistrate issued an order removing the case to the Circuit Court for Richland County pursuant to S.C. Code Ann. §22-3-20.

By consent of the parties, the matter was referred to the undersigned, and this Court jurisdiction over this matter pursuant to said Consent Order of Reference.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Plaintiff is the owner of the following described real property ("Subject Property") by virtue of that certain deed from Thelma Scott Nance to Bernard Richardson and Brian Richardson dated May 14, 2007 and recorded on June 21, 2007 in the office of the Register of Deeds for Richland County in Book 1327 at page 2201:

All that certain piece, parcel or lot of land with improvements thereon, situate, lying and being in the Town of Eastover, County of Richland, State of South Carolina, being shown and delineated on a plat prepared for Bernard Richardson and Brian Richardson by Donald G. Platt, RLS, dated May 14, 2007 and recorded on June 21, 2007 in the office of the Register of Deeds Richland County in Plat Book 1327 at page 2203; said lot having such metes and bounds as shown on said plat, which is being incorporated herein by reference as part of this description.

This being a major portion of the property conveyed to Thelma Scott Nance by Deed of Blanche S. Dickerson, Blondell S. Thornton, Gloria S. Hight and Jeffery D. Scott recorded on August 1, 1988 in the office of the Register of Deeds for Richland County in Deed Book D898 at Page 705.

TMS #: 36802-01-01

2. Defendant claims an interest in the following described property by virtue of a deed from D.F. Deschamps to Emma Rawlinson dated December 17, 1924 and recorded on December 30, 1924 in the office of the Register of Deeds for Richland County in Book CQ at page 84:

All that certain piece, parcel or lot of land in the Town of Eastover, County of Richland, State of South Carolina known as Lot #11 in Block R on a plat of the Ray Subdivision made by J.C. Covington, C.E., November 2nd, 1918 for C.G. Rowland measuring and bounding as follows, to wit: North by Lot #10 on which it measures 180 feet, more or less, South by Lot #12 on which it measures 180 feet, more or less; East by a Fifty (50) foot street on which it measures 70 feet, more or less; and on the West by a Twenty (20) foot street or alley on which it measures 70 feet, more or less.

3. Ms. Rawlinson died intestate leaving behind no will or other form of devise.

4. As is indicated by the Richland County Assessor's office, Defendant is the owner of

that certain mobile home ("Mobile Home") described as 1996 Fleetwood, Serial Number NCFLT41A3544OFE11 which is currently located on the Subject Property.

5. Ms. Nelson claims she is entitled to locate the Mobile Home on the Subject Property by virtue of being a Fourth (4th) generation heir of Ms. Rawlinson.

6. As a threshold matter, none of the heirs of Ms. Rawlinson have any claim to the Subject Property. Any claim they may have is to Lot 11 as indicated above which is located directly to the North of the Subject Property and does not encompass any portion of the Subject Property.

7. Further, Defendant has no claim to Lot 11. According to the testimony of Mr. Deveaux, Defendant's mother is a descendant of Emma Rawlinson and still living. As such, any interest Ms. Nelson may have in Lot 11 has not yet vested.

8. Therefore, I find the Plaintiff has prevailed on the merits as is entitled to the relief requested in the Complaint and a finding that Defendant and any others claiming through her is trespassing on the Subject Property.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

1. Plaintiff is the owner in fee simple along with Brian Richardson of the Subject Property free and clear of any claims of the heirs of Emma Rawlinson.

2. Defendant has no claim or interest in the Subject Property.

3. Defendant shall remove the Mobile Home and all personal belongings and structures within fifteen (15) days of the entry of this Order.

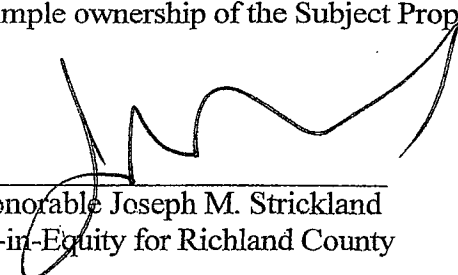
4. Any tenants of the Defendant, persons claim through her or any others occupying the Subject Property shall likewise vacate the Subject Property within fifteen (15) days of the entry of this order taking with them all their belongings.

5. The Sheriff of Richland County is directed to take such steps as are necessary to effectuate the intent of this Order and place the Plaintiff in peaceable possession of the Subject Property.

6. The Clerk of Court and Register of Deeds shall index said order in the records for Richland County so as to reflect the Plaintiff's fee simple ownership of the Subject Property.

AND IT IS SO ORDERED.

Feb. 7, 2014
~~September 2, 2013~~
Columbia, South Carolina



The Honorable Joseph M. Strickland
Master-in-Equity for Richland County

Tamekia A. Hunter - Paralegal
803-404-6900 ext. 3024
tamekiahunter@callisontighe.com

February 11, 2014

Nathaniel Roberson, Esquire
Law Office of Nathaniel Roberson
1708 Richland Street
Columbia, SC 29201

RE: Bernard Richardson vs. Deloris Nelson
Case No. 2010-CP-40-6592
Our File No. 5564.001


Dear Mr. Roberson:

Enclosed please find a clock copy of Judge Strickland's Order regarding the trial of the merits in the above-referenced matter.

With kind regards, I am

Yours very truly,

CALLISON TIGHE & ROBINSON, LLC


Tamekia A. Hunter,
Paralegal to Ian D. McVey

TAH/
Enclosure
cc: (w/encls.) Hugh Cooper, Esquire



STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 Bernard Richardson)
)
 Plaintiff,)
)
 v.)
)
 Deloris Nelson)
)
 Defendant.)
 _____)

IN THE COURT OF COMMON PLEAS
 Case No.: 2010CP4006592


CERTIFICATE OF SERVICE

RICHLAND COUNTY
 FILED
 2014 FEB 28 PM 12: 25
 JEANNETTE W. MCBRIDE
 C.C.P. & G.S.

I, Tamekia A. Hunter, an employee of Callison Tighe & Robinson LLC, Attorneys for the Plaintiff, do hereby certify that I have served a **clocked** copy of the **ORDER** signed by Judge Strickland dated February 7, 2014 and filed February 10, 2014 in this matter on Counsel for the Defendant by causing copies to be placed in the United States Mail, first-class postage affixed, addressed as follows, on **February 11, 2014**:

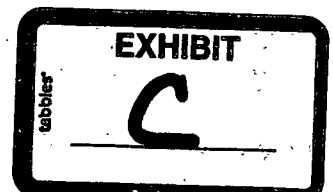
PARTIES SERVED:

**Nathaniel Roberson, Esquire
 Roberson Law Firm
 1708 Richland Street
 Columbia, SC 29201**



 Tamekia A. Hunter,
Paralegal to Ian D. McVey, Esquire

February 26, 2014
 Columbia, South Carolina



STATE OF SOUTH CAROLINA
The South Carolina Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Joseph M. Strickland, Master-in-Equity for Richland County

Case No. 2010-CP-40-06592

Bernard Richardson Respondent,

v.

Deloris Nelson Appellant.

PROOF OF SERVICE

I, Ian D. McVey, an attorney with the law firm of Callison, Tighe & Robinson, LLC, certify that I have served **Respondent's Motion to Dismiss and Suspend Briefing Schedule** on the Appellant herein, by causing copies of same to be placed in the United States Mail, first-class postage affixed, to its attorneys of record:

Nathaniel Roberson, Esquire
Law Office of Nathaniel Roberson
1708 Richland Street
Columbia, SC 29201

CALLISON TIGHE & ROBINSON, LLC

Ian D. McVey, SC Bar No. 71196
1812 Lincoln Street
P.O. Box 1390
Columbia, South Carolina 29202
Tel. (803)404-6900
Fax (803)404-6902
E-mail: ianmcvey@callisontighe.com
Attorneys for Respondent Bernard Richardson

April 2, 2014
Columbia, South Carolina

EXHIBIT

E

COPY

STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS

Joseph M. Strickland, Presiding Circuit Court Judge

Appellate Case No. 2014-000628

Indictment No.: 2010-CP-40-06592

Bernard Richardson Appellant

vs

Delores Nelson..... Respondent

RECEIVED
APR 24 2014
SC Court of Appeals

**AFFIDAVIT IN OPPOSITION TO MOTION
TO DISMISS AND SUSPEND BRIEFING SCHEDULE**

NOW COMES the undersigned attorney for the Appellant who first being duly sworn and under oath deposes and says:

1. That I began representing the Appellant in the Magistrate Court in Richland County in Eastover, South Carolina;
2. After many delays and postponements, the Honorable Judge Jeff Simons, Eastover Magistrate, referred the case to the Honorable Joseph Strickland, Master-in-Equity for Richland County for his finding of facts and Conclusion of Law;
3. The case was tried before Judge Strickland on June 17, 2013 starting at 9:30 o'clock a.m. until its conclusion.

4. At the end of the case, including closing arguments from both sides, Judge Strickland made his finding of facts and conclusions of law orally from the bench and asked the attorneys for the plaintiff to prepare the Order based on his oral ruling.

5 Sometime in August, 2013, I reviewed an unsigned copy of the Order written by the plaintiff's attorney. (a copy is attached as exhibit A)

6 I was concerned that there was no reference made to the controlling issues in the case, that is, the correct location of Lot 11 in the sub-division in question in Eastover, South Carolina.

7 That issues was resolved with the admission into evidence of the sub-division plat and was the controlling argument by both sides in their closing arguments.

8 As a result of the unsigned order and the inadequate consideration give to the controlling issue in the case, I hand-delivered a letter to Judge Strickland's office on September 25, 2013 outlining my arguments and my presentation at the trial (a copy of two letter on the same subject is marked Exhibit B)

9 I had on several occasions seen Judge Strickland and less opportunity to see the plaintiff's attorney and asked if the Order had been signed to which the answer was no

10 On November 14, 2013, I received a call from the Receptionist/Secretary of Judge Strickland asking if I had submitted a proposed order (*Not certain of her name*) My reply was no because I was not asked to do so I told her I would fax my proposed requested addition to the unsigned order and, I instead, printed the items in number 8 above and I hand-delivered them to Judge Strickland Receptionist/Secretary since I was going to the courthouse anyway since to the judge and I also hand-delivered a copy (*Copies attached hereto*).

11 I asked the Receptionist/Secretary to call me when the Order is signed and I would pick it up.

12 I never received the call or the Order that was signed by Judge Strickland;

13 I received a call from the father of the Appellant stating that an Order was served on the sister of the Appellant demanding, among other things, that the property be vacated. This took place on March 18, 2014. I had him fax me the Order and I received it on March 19, 2014.

14 On March 19, 2014, I wrote and faxed to Judge Strickland and asked that he send to me a copy of the Order. I did not hear back from him. (a copy is attached as exhibit C)

15 Having not heard from Judge Strickland, I went to the Clerk of Court's Office to see if a Certificate of Service was in the file to confirm if service of the order had been made on me. I found no such certificate of service and only his signed order.

16 I then filed Notice of Intent to Appeal and served it on the plaintiff's attorney.

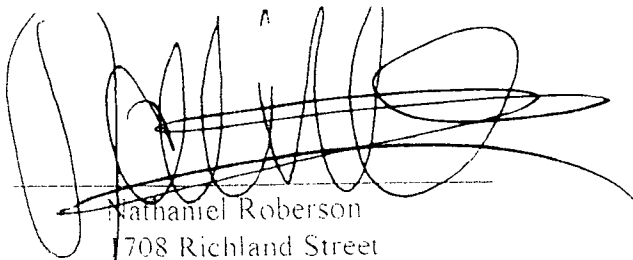
17 I also filed a 59 (e) Motion under SCRCP to compliment my hand-delivered notices as exhibits shown above (see exhibit D)

18 I filed and served the Notice of Appeal on March 21, 2014.

19 I received a letter dated February 26, 2014, addressed to the Clerk of Court of Richland County which did not include Judge Strickland Order and a Certificate of Service (*see attached documents marked exhibit E*). This information was received by March 8, 2014.

20 I contend (without admitting that the appeal is untimely) that neither party is prejudiced given that all parties were on notice and knew that the case would be appealed (see *Camp v Camp*, 386 S.C. 571, 689 S.E. 2d 634 (2010) for direction on overly applying technical reading of rules.

The undersigned moves based on this Affidavit that the Motion to Dismiss the Appeal and Suspend Briefing be denied and allow the process to continue.



Nathaniel Roberson
1708 Richland Street
Columbia, S.C 29201
803-252-4449
Attorney for Appellant

Sworn to before me this 24th day of April, 2014

Christy C. Sumner
NOTARY PUBLIC FOR SOUTH CAROLINA

My commission expires July 11, 2021

EXHIBIT

A

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

Bernard Richardson)
)
Plaintiff,)

Case No.: 2010-CP-40-06592

v.)

ORDER

Deloris Nelson)
)
Defendant.)
_____)

THIS MATTER CAME BEFORE THE COURT for trial on the merits. Present at the trial were the Plaintiff, Bernard Richardson, and his counsel, Ian D. McVey and Hugh M. Cooper. Defendant Deloris Nelson was not present; however, her father, Napoleon Deveaux, was present along with counsel for the Defendant, Nathaniel Roberson. At trial, the Plaintiff testified on his own behalf as did his surveyor, Ben Whetstone. Mr. Deveaux took the stand on behalf of the Defendant. Based upon the evidence present including the exhibits admitted into evidence and the testimony presented by the witnesses, I find, order and conclude as follows:

PROCEDURAL HISTORY

This matter was commenced by the filing of a Summons and Complaint for Trespass in the Magistrate's Court in Eastover, South Carolina. Defendant filed her Answer and Counterclaim wherein she asserted title to the property which is the subject of this Action. Thereafter, the Eastover Magistrate issued an order removing the case to the Circuit Court for Richland County pursuant to S.C. Code Ann. §22-3-20.

By consent of the parties, the matter was referred to the undersigned, and this Court jurisdiction over this matter pursuant to said Consent Order of Reference.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Plaintiff is the owner of the following described real property ("Subject Property") by virtue of that certain deed from Thelma Scott Nance to Bernard Richardson and Brian Richardson dated May 14, 2007 and recorded on June 21, 2007 in the office of the Register of Deeds for Richland County in Book 1327 at page 2201:

All that certain piece, parcel or lot of land with improvements thereon, situate, lying and being in the Town of Eastover, County of Richland, State of South Carolina, being shown and delineated on a plat prepared for Bernard Richardson and Brian Richardson by Donald G. Platt, RLS, dated May 14, 2007 and recorded on June 21, 2007 in the office of the Register of Deeds Richland County in Plat Book 1327 at page 2203; said lot having such metes and bounds as shown on said plat, which is being incorporated herein by reference as part of this description.

This being a major portion of the property conveyed to Thelma Scott Nance by Deed of Blanche S. Dickerson, Blondell S. Thornton, Gloria S. Hight and Jeffery D. Scott recorded on August 1, 1988 in the office of the Register of Deeds for Richland County in Deed Book D898 at Page 705.

TMS #: 36802-01-01

2. Defendant claims an interest in the following described property by virtue of a deed from D.F. Deschamps to Emma Rawlinson dated December 17, 1924 and recorded on December 30, 1924 in the office of the Register of Deeds for Richland County in Book CQ at page 84:

All that certain piece, parcel or lot of land in the Town of Eastover, County of Richland, State of South Carolina known as Lot #11 in Block R on a plat of the Ray Subdivision made by J.C. Covington, C.E., November 2nd, 1918 for C.G. Rowland measuring and bounding as follows, to wit: North by Lot #10 on which it measures 180 feet, more or less, South by Lot #12 on which it measures 180 feet, more or less; East by a Fifty (50) foot street on which it measures 70 feet, more or less; and on the West by a Twenty (20) foot street or alley on which it measures 70 feet, more or less.

3. Ms. Rawlinson died intestate leaving behind no will or other form of devise.

4. As is indicated by the Richland County Assessor's office, Defendant is the owner of

that certain mobile home ("Mobile Home") described as 1996 Fleetwood, Serial Number NCFLT41A3544OFE11 which is currently located on the Subject Property.

5. Ms. Nelson claims she is entitled to locate the Mobile Home on the Subject Property by virtue of being a Fourth (4th) generation heir of Ms. Rawlinson.

6. As a threshold matter, none of the heirs of Ms. Rawlinson have any claim to the Subject Property. Any claim they may have is to Lot 11 as indicated above which is located directly to the North of the Subject Property and does not encompass any portion of the Subject Property.

7. Further, Defendant has no claim to Lot 11. According to the testimony of Mr. Deveaux, Defendant's mother is a descendant of Emma Rawlinson and still living. As such, any interest Ms. Nelson may have in Lot 11 has not yet vested.

8. Therefore, I find the Plaintiff has prevailed on the merits as is entitled to the relief requested in the Complaint and a finding that Defendant and any others claiming through her is trespassing on the Subject Property.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

1. Plaintiff is the owner in fee simple along with Brian Richardson of the Subject Property free and clear of any claims of the heirs of Emma Rawlinson.

2. Defendant has no claim or interest in the Subject Property.

3. Defendant shall remove the Mobile Home and all personal belongings and structures within fifteen (15) days of the entry of this Order.

4. Any tenants of the Defendant, persons claim through her or any others occupying the Subject Property shall likewise vacate the Subject Property within fifteen (15) days of the entry of this order taking with them all their belongings.

5. The Sheriff of Richland County is directed to take such steps as are necessary to effectuate the intent of this Order and place the Plaintiff in peaceable possession of the Subject Property.

6. The Clerk of Court and Register of Deeds shall index said order in the records for Richland County so as to reflect the Plaintiff's fee simple ownership of the Subject Property.

AND IT IS SO ORDERED.

Joseph M. Strickland
Master-in-Equity for Richland County

August ____, 2013
Columbia, South Carolina

EXHIBIT

B

November 14, 2013

Via Facsimile

**TO: Judge Strickland (#576-1865)
Master-in-Equity for Richland County**

**Ian D. McVey (#404-6902)
Attorney for Plaintiff**

FROM: Nathaniel Roberson

**RE: Richardson v. Nelson
Case No.: 2010-CP-40-6592**

Gentlemen:

Plaintiff called a surveyor and had him qualified as an expert. He testified that he and two (2) other surveyors agreed that a starting point for the measurement was the middle of the railroad track across the street from the original subdivision and the plot of the subdivision is in evidence

Defendant objected to the starting point being the middle of the railroad track that has no basis for such calculations. Further, that the original subdivision plat had iron stakes alongside the street in front of the railroad track

The defendant's reasoning was stated to be that any starting point of measurement other than the stakes alongside the street would serve to misrepresent the ownership of property in the subdivision so as to justify the property claimed the plaintiff

The judge over-ruled the object and the plaintiff's claim to his property was the basis for his ruling that the defendant was occupying plaintiff's land

It is also incorrect to state defendant has no interest in the subject property to which she never claimed interest

Lastly, the defendant's father testified that the defendant's mother has paid the taxes on the property for more than ten (10) years. The defendant's mother is a heir to the original owner and is in possession of the property with her mother's permission

September 25, 2013

HAND-DELIVERED

**TO: Judge Strickland
Master-in-Equity for Richland County**

FROM: Nathaniel Roberson

**RE: Richardson v. Nelson
Case No.: 2010-CP-40-6592**

Gentlemen:

Plaintiff called a surveyor and had him qualified as an expert. He testified that he and two (2) other surveyors agreed that a starting point for the measurement was the middle of the railroad track across the street from the original subdivision and the plot of the subdivision is in evidence.

Defendant objected to the starting point being the middle of the railroad track that was no basis for such calculations. Further, that the original subdivision plat had iron stakes alongside the street in front of the railroad track.

The defendant's reasoning was stated to be that any starting point of measurement other than the stakes alongside the street would serve to misrepresent the ownership of property in the subdivision so as to justify the property claimed the plaintiff.

The judge over-ruled the object and the plaintiff's claim to his property was the basis for his ruling that the defendant was occupying plaintiff's land.

It is also incorrect to state defendant has no interest in the subject property to which she never claimed interest.

Lastly, the defendant's father testified that the defendant's mother has paid the taxes on the property for more than ten (ten) years. The defendant's mother is a heir to the original owner and is in possession of the property with her mother's permission.

These facts need to be added to your order so the record might reflect the basis for your ruling.

Thanks for your consideration.

With kind regards, I am

Very truly yours,

Nathaniel Roberson

EXHIBIT

C



Nathaniel Roberson

Attorney At Law
1708 Richland St.
Columbia, S.C. 29201

Office: (803) 252-4449
E-Mail: RobersonLawFirm@sc.rr.com

Home: (803) 865-0163

Fax (803) 252-6266

March 19, 2014

Via Facsimile #576-1865 & US Mail

The Honorable Joseph Strickland
Master-in-Equity
Richland County Judicial Center
1701 Main St.
Columbia, S.C. 29201

RE: *Richardson v. Nelson*
Case No: 2010-CP-40-6592

Dear Judge Strickland:

My client called me last night (March 18, 2014) and informed me that he had received an Order removing him from the property in question.

I had him to fax the Order to my office and it appears that it was filed in the Office of the Clerk of Court on February 10, 2014.

This is a great surprise to me as I have not received a copy of the Order from your office and was therefore unable to affect my Appeal and my 59(E) challenges since the time has expired to file the same.

Specifically, I have not filed an Appeal because I have not been served with a copy of your Order.

Please serve me with a copy of the Order so that I can protect my client's rights as I have maintained all along. I will appeal your ruling from the bench.

With kindest regards, I am.

Very truly yours,


Nathaniel Roberson

NR/ckh

ROBERSON FAX

LAW OFFICE OF NATHANIEL ROBERSON
1708 RICHLAND STREET
COLUMBIA, SOUTH CAROLINA 29201
OFFICE: 803-252-4449
FAX: 803-252-6266

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Judge Strickland Master-in-Equity	Nathaniel Roberson
COMPANY:	DATE:
Richland County Judicial Center	3.19.14
FAX NUMBER:	NO. OF PAGES (INCLUDING COVER)
576-1865	2
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	252-4449
RE:	TIME:
Case No: 2010-CP-40-6592	2:50 p.m.

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

MESSAGE:

If you do not receive all of the pages in this fax, please call (803) 252-4449 immediately

The information contained in this transmission is intended for the use of the addressee. This fax contains legal, confidential information. Any misuse of this information is strictly prohibited. If you have received this fax in error, please call the sender immediately and return the original to the above address. Thank you.

ROBERSON FAX

LAW OFFICE OF NATHANIEL ROBERSON
 1708 RICHLAND STREET
 COLUMBIA, SOUTH CAROLINA 29201
 OFFICE: 803-252-4449
 FAX: 803-252-6266

FACSIMILE TRANSMITTAL SHEET

TO:
Judge Strickland
Master-in-Equity

FROM:
 Nathaniel Roberson

COMPANY:
 Richland County Judicial Center

DATE:
 3.19.14

FAX NUMBER:
 576-1865

NO. OF PAGES (INCLUDING COVER)
 2

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:
 252-4449

RE:
 Case No: 2010-CP-40-6592

TIME:
 2:50 p.m.

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

03/19/2014 15:13 8032526266

NROBERSON

P.001

 *** TX REPORT ***

JOB NO.	MODE	NO.	DESTINATION TEL/ID	START TIME	PAGE	RESULT
2647	TX	ECM 001	5761865	03/19 15:12	002	OK 00:30

EXHIBIT

D

STATE OF SOUTH CAROLINA

COUNTY OF Richland

IN THE COURT OF COMMON PLEAS
5th JUDICIAL CIRCUIT

CASE NO. 2010 -CP- 40-6592

Bernard Richardson

Plaintiff.

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

vs.

Delanos Nelson

Defendant.

Plaintiff's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: <u>NATHAN FELDER</u> , Bar No. <u>664739</u> Address: <u>1708 Richland St. Columbia SC 29208</u> Phone: <u>252 4449</u> Fax <u>252 69266</u> E-mail: _____ Other: _____										
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and II) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)											
SECTION I: Hearing Information Nature of Motion: <u>59(e) SCRP</u> Estimated Time Needed: <u>30 minutes</u> Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO											
SECTION II: Motion/Order Type <input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. <u>[Signature]</u> Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant Date submitted <u>3-28-2014</u> , 20 <u>14</u>											
SECTION III: Motion Fee <input checked="" type="checkbox"/> PAID - AMOUNT: \$ <u>25.00</u> <input type="checkbox"/> EXEMPT: (check reason) <table border="0"> <tr> <td><input type="checkbox"/> Rule to Show Cause in Child or Spousal Support</td> <td><input type="checkbox"/> State Agency v. Indigent Party</td> </tr> <tr> <td><input type="checkbox"/> Domestic Abuse or Abuse and Neglect</td> <td><input type="checkbox"/> Post-Conviction Relief</td> </tr> <tr> <td><input type="checkbox"/> Indigent Status</td> <td><input type="checkbox"/> Motion for Stay in Bankruptcy</td> </tr> <tr> <td><input type="checkbox"/> Sexually Violent Predator Act</td> <td><input type="checkbox"/> Motion for Execution (Rule 69, SCRCP)</td> </tr> <tr> <td><input type="checkbox"/> Motion for Publication</td> <td><input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions</td> </tr> </table> Name of Court Reporter: _____ <input type="checkbox"/> Other: <u>59(e) n/r</u>		<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support	<input type="checkbox"/> State Agency v. Indigent Party	<input type="checkbox"/> Domestic Abuse or Abuse and Neglect	<input type="checkbox"/> Post-Conviction Relief	<input type="checkbox"/> Indigent Status	<input type="checkbox"/> Motion for Stay in Bankruptcy	<input type="checkbox"/> Sexually Violent Predator Act	<input type="checkbox"/> Motion for Execution (Rule 69, SCRCP)	<input type="checkbox"/> Motion for Publication	<input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
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JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____, 20____										
CLERK'S VERIFICATION Collected by: _____ Date Filed: _____, 20____											
<input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____											

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 Bernard Richardson)
)
 Plaintiff(s),)
)
 vs.)
)
 Deloris Nelson)
)
 Defendant(s))

IN THE COURT OF COMMON PLEAS
CASE NUMBER 2010-CP-40-6592

**DEFENDANT'S MOTION
 PURSUANT TO
 RULE 59 (e) SCRPC**

JEANETTE W. MURPHY
 C.C.P. & G.S.

2014 MAR 28 PM 12:34

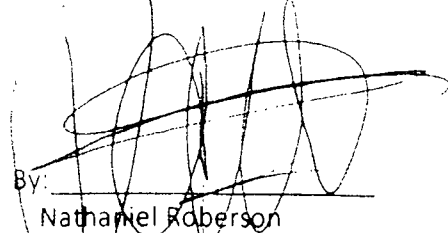
FILED

TO THE DEFENDANTS ABOVE-NAMED AND IAN MCVEY, ESQUIRE, THEIR ATTORNEY: YOU WILL PLEASE TAKE NOTICE that the defendant, Deloris Nelson, by and through her undersigned counsel, will move before the Honorable Joseph M. Strickland at 10:00 a. m. o'clock in the forenoon, or as soon thereafter as counsel may be heard, for an Order of the court altering or amending his Order of February 7, 2014 which was filed on February 10, 2014 by recalling and setting the same aside. The motion will be based upon, but not limited to the following:

1. That the plaintiff was allowed to elicit an expert opinion from his witness that he conferred with two (2) real estate officers and they came to the conclusion to measure the property lines at a place they agreed upon with no legal or factual basis there for.
2. That the judge's order does not include the testimony of the defendant's father that his wife and mother of the defendant is the surviving heir of the original owner (Ms. Rawlinson) and they have paid the taxes and maintained the property for over five (5) years. The defendant is on the property with permission of her mother heir.
3. That the defendant/occupant of the property in question of the property was occupied at the property was purchased by the plaintiff and no consideration was given to the original sub-division plat that is in evidence.

The motion will further be based upon the pleadings, correspondence, case law, the arguments of counsel, legal memorandum, and such other evidence as the court may allow.

Nathaniel Roberson



By: _____

Nathaniel Roberson
1708 Richland Street
Columbia, S.C. 29201
Telephone: (803) 252-4449

Columbia, South Carolina
3-28, 2014

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Bernard Richardson)
)
Plaintiff(s),)
)
vs.)
)
Deloris Nelson)
)
Defendant(s))

IN THE COURT OF COMMON PLEAS
CASE NUMBER 2010-CP-40-6592

CERTIFICATE OF SERVICE

JEANETTE W. HOSKINS
C.C.P. & G.S.

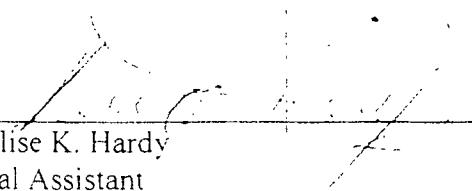
2014 MAR 28 PM 12:34

RICHLAND
FILED

This is to certify that I, Chelise K. Hardy, have this day served the foregoing **Defendant's Motion Pursuant to Rule 59 (e) SCRPC** in connection with the above-captioned case, by placing said document in the United States Mail with proper postage affixed thereto, upon the following person(s) at the following address(es):

Ian McVey, Esquire
Callison, Tigh & Robinson, LLC
PO Box 1390
Columbia, S.C. 29202

The Honorable Joe Strickland
P.O. Box 192
Columbia, S.C. 29202




Chelise K. Hardy
Legal Assistant

Columbia, South Carolina
March, 2014

EXHIBIT

E

COPY

CALLISON  TIGHE

Tamekia A. Hunter - Paralegal
803-404-6900 ext. 3024
tamekiahunter@callisontighe.com

February 26, 2014

The Honorable Jeannette McBride
Clerk of Court for Richland County
P.O. Box 2766
Columbia, SC 29202

RE: Bernard Richardson vs. Deloris Nelson
Case No. 2010-CP-40-6592
Our File No. 5564.001

Dear Ms. McBride:

Enclosed herewith please find the original and one (1) copy of the **Certificate of Service**, in the above-referenced matter. Please file the original and return the clocked-in copy to me in the self-addressed envelope provided.

By copy of this correspondence to counsel for Defendant, I am verifying that on February 11, 2014 I served a clocked copy of Judge Strickland's Order regarding the trial on the merits on counsel.

Of course, should you have any questions or comments, please do not hesitate to contact me.

With kind regards, I am

Yours very truly,

CALLISON TIGHE & ROBINSON, LLC



Tamekia A. Hunter,
Paralegal to Ian D. McVey

TAH/
Enclosures
cc: (w/encls.) Nathaniel Roberson, Esquire
cc: (w/encls.) The Honorable Joseph M. Strickland
cc: (w/encls.) Hugh Cooper, Esquire

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND)

Case No.: 2010CP4006592

Bernard Richardson)

Plaintiff,)

CERTIFICATE OF SERVICE

v.)


Deloris Nelson)

Defendant.)

I, Tamekia A. Hunter, an employee of Callison Tighe & Robinson LLC, Attorneys for the Plaintiff, do hereby certify that I have served a **clocked** copy of the **ORDER** signed by Judge Strickland dated February 7, 2014 and filed February 10, 2014 in this matter on Counsel for the Defendant by causing copies to be placed in the United States Mail, first-class postage affixed; addressed as follows, on **February 11, 2014**:

PARTIES SERVED:

Nathaniel Roberson, Esquire
Roberson Law Firm
1708 Richland Street
Columbia, SC 29201



Tamekia A. Hunter,
Paralegal to Ian, D. McVey, Esquire

February 26, 2014
Columbia, South Carolina

STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM RICHLAND COUNTY
MASTER-IN-EQUITY

Joseph M. Strickland, Presiding Circuit Court Judge

Appellate Case No. 2014-000628

Indictment No.: 2010-CP-40-06592

Bernard Richardson..... Appellant

vs.

Delores Nelson..... Respondent

PROOF OF SERVICE

I certify that I have served Notice of Appeal on Bernard Richardson, by depositing a copy of it in the United States Mail, postage prepaid on April 24, 2014 addressed to the attorney of record, Ian McVey, Callison, Tighe & Robinson, LLC, P.O. Box 1390, Columbia, South Carolina 29202.

April 24, 2014

/s/Nathaniel Roberson
1708 Richland Street
Columbia, South Carolina 29201
803-252-4449
Attorney for Appellant

EXHIBIT

F

The South Carolina Court of Appeals

Bernard Richardson, Respondent,

v.

Deloris Nelson, Appellant.

Appellate Case No. 2014-000628

ORDER

Respondent has filed a motion to dismiss this appeal, arguing this Court lacks jurisdiction because Appellant failed to timely serve the notice of appeal. Appellant filed a return.

Because Appellant's counsel has certified he served the notice of appeal within thirty days of receipt of written notice of entry of the underlying order, Respondent's motion is denied. *See* Rule 203(b)(1) & (4), SCACR.



FOR THE COURT

Columbia, South Carolina

cc:
Nathaniel Roberson, Esquire
Ian Douglas McVey, Esquire

