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GREENVILLE, SC 29601

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(864) 271-9136

May 9, 2012

RECEIVED

MAY 11 2012

S.C. Supreme Court

The Honorable Daniel E. Shearouse  
Clerk, Supreme Court of South Carolina  
PO Box 11330  
Columbia, SC 29211

RE: *Sue Taylor Colson Widenhouse, Respondent vs.*  
*Tammy Batson Colson, Appellant*  
C.A. No.: 2011-CP-23-5359

Dear Mr. Shearouse:

Pursuant to Rule 210(b) and 211(a), SCACR, enclosed please find the following:

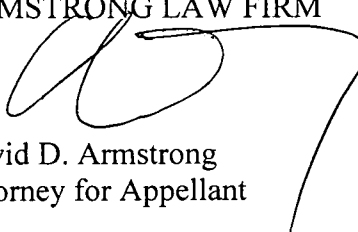
1. Record on Appeal with attached Certificate of Counsel (unbound original and 14 bound copies);
2. Final Brief of Appellants (unbound original and 14 bound copies).

Previously one copy of the Record on Appeal and one copy of the Final Brief of Appellants were served on counsel for the Respondent. The corresponding Proofs of Service have already been filed.

If you need anything further, please let me know.

Yours truly,

ARMSTRONG LAW FIRM

  
David D. Armstrong  
Attorney for Appellant

DDA/kas  
11-6325

cc: Tammy Colson (w/o copies)  
Scott M. Tyler, Esq. (w/o copies)  
Matthew D. Lincoln, Esq. (w/o copies)

**RECEIVED**

**THE STATE OF SOUTH CAROLINA**  
In the Supreme Court

MAY 11 2012

**S.C. Supreme Court**

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas  
D. Garrison Hill, Circuit Court Judge

---

Case No. 2011-CP-23-5359

---

Sue Taylor Colson Widenhouse.....Respondent,

v.

Tammy Batson Colson.....Appellant.

---

**RECORD ON APPEAL**

---

David D. Armstrong, Esq.  
SC Bar #416  
ARMSTRONG LAW FIRM  
Post Office Box 10855  
Greenville, South Carolina 29603  
Telephone: (864) 241-0633  
Facsimile: (864) 271-9136  
Attorney for Appellant

Matthew D. Lincoln, Esquire  
Scott M. Tyler, Esquire  
Moore & Van Allen PLLC  
100 North Tryon Street, Suite 4700  
Charlotte, NC 28202  
Telephone: (704) 331-3562  
Facsimile: (704) 339-5979  
Attorneys for Respondent

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STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
CIVIL CASE NUMBER 11-CP-23-5359

2011 NOV 10 P 2:58

SUE TAYLOR COLSON  
WIDENHOUSE,

Plaintiff,

v.

TAMMY BATSON COLSON,

Defendant.

)  
)  
) FILED-CLERK OF COURT  
) GREENVILLE CO. S.C.  
) SUE TAYLOR WIDENHOUSE  
)  
)  
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)

ORDER

This matter is before the Court on (a) the Motion for Relief filed by Defendant Tammy Batson Colson on September 8, 2011, and (b) the Motion to Enforce Foreign Judgment filed by Plaintiff Sue Taylor Colson Widenhouse on October 14, 2011, both motions relating to the foreign judgment filed by Plaintiff against Defendant on August 11, 2011. Upon consideration of Defendant's motion, Plaintiff's motion, the parties' supporting memoranda, the record, and the arguments of counsel at the hearing conducted October 27, 2011; and pursuant to S.C. Code § 15-35-900 *et seq.*, it is hereby ORDERED that:

- (1) Defendant's Motion for Relief is DENIED;
- (2) Plaintiff's Motion to Enforce Foreign Judgment is GRANTED; and
- (3) the foreign judgment filed by Plaintiff against Defendant on August 11, 2011 shall be docketed and indexed as a judgment in this County and State, and shall have the same effect and be enforced and satisfied in this State in the same manner as a judgment of this State.

This the 9<sup>th</sup> day of Nov., 2011.

D. Hamilton  
Cir. J.

11/15/11

STATE OF SOUTH CAROLINA

JUDGMENT IN A CIVIL CASE

COUNTY OF GREENVILLE

CASE NO: 2011CP2305359

2011 NOV 10 P 2:58

IN THE COURT OF COMMON PLEAS

Sue Taylor Colson Widenhouse vs. Tammy Batson Colson

CHECK ONE:

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.

- 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.
- 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;  Statement of Judgment by the Court:

Dated at Greenville, South Carolina, this .

Court Reporter: \_\_\_\_\_

\_\_\_\_\_  
PRESIDING JUDGE -

This judgment was entered on the 10th day of November, 2011, and a copy mailed first class this 10th day of November, 2011, to attorneys of record or to parties (when appearing pro se) as follows:

\_\_\_\_\_  
Scott Michael Tyler Moore & Van Allen, PLLC 100  
N. Tryon St., 47th Floor Charlotte, NC 28202

\_\_\_\_\_  
David D. Armstrong Armstrong Law Firm Po Box  
10855 Greenville, SC 29603

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

\_\_\_\_\_  
Paul B. Wickensimer. Greenville County Clerk Of Court  
- Clerk of Court

174/11

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

JUDGMENT IN A CIVIL CASE

CASE NO: 2011CP235359-CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENSIMER

Sue Taylor Colson Widenhouse vs. Tammy Batson Colson

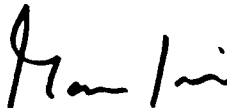
CHECK ONE:

- 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.
- 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: \_\_\_\_\_

IT IS ORDERED AND ADJUDGED:  See attached order;  Statement of Judgment by the Court:  
Motion to enforce foreign judgment is granted. Mr. Lincoln is requested to submit a proposed order in WORD format to [ghillj@sccourts.org](mailto:ghillj@sccourts.org) on or before November 18, 2011, with a copy to Mr. Armstrong.

Dated at Greenville, South Carolina, this .

Court Reporter: Hollie Jenkins



PRESIDING JUDGE - D. GARRISON HILL

This judgment was entered on the 11/2/11, and a copy mailed first class this 11/2/11, to attorneys of record or to parties (when appearing pro se) as follows:

Matthew D. Lincoln, Esquire  
Suite 4700  
100 North Tryon Street  
Charlotte, NC 28202-4003

David D. Armstrong, Esquire  
201 East North Street  
P.O. Box 10855  
Greenville, SC 29603

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Paul B. Wickensimer Greenville County Clerk Of Court  
- Clerk of Court

FILED

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

2010 JUL -8 AM 10: 09

SUPERIOR COURT DIVISION

COUNTY OF CABARRUS

09-CVS-3281

CABARRUS CO. P.S.C.

SUE TAYLOR COLSON WIDENHOUSE )

Plaintiff, )

vs. )

TAMMY BATSON COLSON, )

Defendant. )

FILED CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL R. WIDENSTEIN  
2011 AUG 10 AM 10: 02

**JUDGMENT**

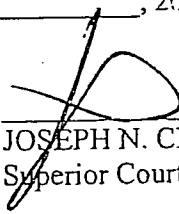
THIS MATTER was heard before the Honorable Joseph N. Crosswhite, the undersigned Judge and a Jury duly impaneled and the Jury has answered the issues as shown in the record.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. That Plaintiff have and recover of Defendant the sum of Two Hundred and Sixty-Six Thousand and no/100 Dollars (\$266,000.00) with interest from the date that the Complaint was filed, that being August 6, 2009; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that costs be taxed against the Defendant as by law provided.

This the 5<sup>th</sup> day of July, 2010.

  
\_\_\_\_\_  
JOSEPH N. CROSSWHITE,  
Superior Court Judge Presiding

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

SUE TAYLOR COLSON  
WIDENHOUSE,

Plaintiff,

vs.

TAMMY BATSON COLSON,

Defendant.

) IN THE COURT OF COMMON PLEAS


) CIVIL CASE NUMBER: 11-CP-23-5359

NOTICE OF FILING  
FOREIGN JUDGMENT

FILED - CLERK OF COURT  
GREENVILLE COUNTY  
SOUTH CAROLINA  
2011 AUG 10 AM 10:02

This Notice of Filing is made pursuant to the South Carolina Code § 15-35-900 through § 960 and states the following:

1. The judgment creditor is Sue Taylor Colson Widenhouse, whose address is 142 Cottontail Lane, Concord, NC 28025.
2. The attorney for Sue Taylor Colson Widenhouse is Scott M. Tyler, whose address is Moore & Van Allen, PLLC, 100 N. Tryon Street, Charlotte, NC 28202.
3. The foreign judgment, originally entered in the Superior Court of Cabarrus County, North Carolina, has been filed in the Office of the Clerk of Court for Greenville County, South Carolina.
4. That the judgment attached hereto has been filed in the office of the Clerk of Court of Greenville County, South Carolina; that the judgment debtor, Tammy Batson Colson, has thirty (30) days from the date of receipt of this notice to seek relief from the enforcement of the Judgment; and that if the Judgment is not satisfied and no such relief is sought within that thirty (30) days, the Judgment will be enforced in this State in the same manner as any judgment of this State.

  
 Scott M. Tyler  
 SC Bar No. 12037  
 MOORE & VAN ALLEN, PLLC  
 100 N. Tryon Street, Suite 4700  
 Charlotte, NC 28202-4003  
 Telephone: (704) 331-1000  
 Facsimile: (704) 331-1159  
 Email: [scotttyler@mvalaw.com](mailto:scotttyler@mvalaw.com)  
 ATTORNEYS FOR PLAINTIFF

Charlotte, North Carolina  
July 26, 2011

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

SUE TAYLOR COLSON  
WIDENHOUSE,

Plaintiff,

vs.

TAMMY BATSON COLSON,

Defendant.

) IN THE COURT OF COMMON PLEAS

) CIVIL CASE NUMBER: 11-CP-23-5359

AFFIDAVIT

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL R. WIDENHOUSE

2011 AUG 10 AM 10:02

The undersigned, being duly sworn, says:

1. That he is an attorney for Plaintiff Sue Taylor Colson Widenhouse; that he is familiar with the matters involving the Defendant; that he is not a minor and is authorized to make this Affidavit.

2. That the Judgment entered in this matter on July 5, 2010, in the Superior Court of Cabarrus County, North Carolina is a final Judgment, is unsatisfied in whole or in part and the judgment is not further contested; that the amount remaining unpaid on said Judgment is \$266,000.00, with interest from the date that the Complaint was filed, that being August 6, 2009, and the costs of the North Carolina action, plus the costs of this action.

This the 26 day of July, 2011.

Scott M. Tyler  
Scott M. Tyler

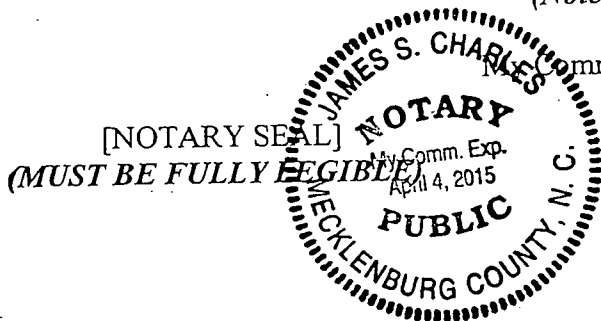
Witness my hand and official stamp or seal this 26 day of July, 2011.

James S. Charles  
Notary Public

Print Name: James S. Charles

(Note: Notary must sign exactly as on notary seal)

Commission Expires: 4/4/2015



**STATE OF NORTH CAROLINA**

In The General Court Of Justice

Cabarrus County

**EXEMPLIFICATION**

U.S. Code Title 28-1738

As Clerk of the Superior Court of this County, State of North Carolina, I certify that the attached copies of the documents described below are true and accurate copies of the originals now on file in this office.

*Number And Description Of Attached Documents*

Judgment, 1 page

SEAL

Date	06-30-2011	
Signature	<i>Rikki Atwell</i>	
Name (Type Or Print)	Rikki Atwell	
<input checked="" type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Clerk Of Superior Court

As a Judge of the General Court of Justice, State of North Carolina, I certify that the signature appearing above is that of the Clerk, Assistant Clerk, or Deputy Clerk of Superior Court for this County, who is duly sworn. I further certify that the seal affixed to the certificate appearing above is the seal of this Court and that it has been used here in good form by the proper officer.

Date	7-1-2011
Signature Of Judge	<i>D Brent Cloninger</i>
Name Of Judge (Type Or Print)	D Brent Cloninger

As Clerk of the Superior Court of this County, State of North Carolina, I certify that the signature appearing above is that of a duly sworn Judge of the General Court of Justice, State of North Carolina.

SEAL

Date	06-30-2011
Signature	<i>Patricia A. Essarey</i>
Name Of Clerk (Type Or Print)	Patricia A. Essarey
<input checked="" type="checkbox"/> Assistant CSC	<input type="checkbox"/> Clerk Of Superior Court



copy of the verified Complaint and Civil Summons is attached as Exhibit B. She instituted this suit in North Carolina, prior to the expiration of the Statute of Limitations, which upon information and belief, would have occurred on or about September 15, 2009. (North Carolina General Statutes § 52-13 (b). Cf. § 1-52 (5) (?))

Judgment was entered against the Defendant on July 5, 2010, in the sum of \$266,000.00. There was no apportionment of compensatory damages as to either cause of action. No punitive damages are indicated in the Judgment.

Now, over a year after the Judgment was entered in North Carolina, Plaintiff seeks to enforce it in South Carolina pursuant to the Uniform Enforcement of Foreign Judgments Act, § 15-35-900, *et seq.*

#### THE LAW

...“The judgment creditor [the Plaintiff] has the burden of proving that the foreign judgment is entitled to full faith and credit [in South Carolina]”. § 15-35-940 (B).

Plaintiff cannot meet the burden.

Section 15-35-960 states:

The provisions of this article do not apply to foreign judgments based on claims which are contrary to the public policies of this State.

In 1988, § 15-3-150 became law:

No civil action may be brought in this State for the tort of criminal conversation.

And in 1992, the South Carolina Supreme Court held that Alienation of Affections is no longer a viable cause of action in South Carolina.

The public policy of this State is to foster and protect marriage, to make it a permanent and public institution, to encourage the parties to live together, and to prevent separation. (Citation omitted.) We find, however, that the torts of criminal conversation and alienation of affections have outlived any usefulness they may have possessed in regard to preventing the dissolution of marriages. We discern that the public policy of this State is consistent with the modern course of the law moving away from “heart balm” causes of action. In fact, the legislature already has dispensed with causes of action for criminal conversation. (Citation omitted.) We join the majority of states in abolishing the “heart balm” tort of alienation of affections for causes of action accruing after the date of filing of this opinion. [September 21, 1992] *Russo v. Sutton*, 310 S.C. 200, 204-205, 422 S.E.2d 750, 753 (S.C. 1992).

The Court of Appeals of North Carolina recognized:

...It is important to note that plaintiff cannot bring the claims for alienation of affections and criminal conversation in South Carolina (defendant's resident state) since that state has abolished those causes of actions. *Russo v. Sutton*, 310 S.C. 200, 422 S.E. 2d 750 (1992). *Cooper v. Shealy*, 140 N.C.App. 729, 735, 537 S.E.2d 854, 858 (N.C.App. 2000).

The Supreme Court of South Carolina further noted:

Causes of action for criminal conversation and alienation of affections present opportunities for blackmail. They are often brought for mercenary or vindictive reasons. (Citation omitted.) The remedies of alienation of affections and criminal conversation foster bitterness, promote vexatious lawsuits, put marriages on the marketplace, and use marriages as a means of character assassination. (Citations omitted.) *Russo* at 203-204, 753.

#### ARGUMENT

The procedural time line is enlightening. Plaintiff remarried on July 11, 2009, verified her Complaint on July 30, 2009, and caused the underlying action to be filed in North Carolina on August 6, 2009, before the Statute of Limitations expired. She portrays a storybook marriage and herself a jilted woman, but at no place did she candidly allege her subsequent relationship and ultimate marriage on July 11, 2009, before she instituted suit.

Assuming the North Carolina Judgment against Defendant is valid in North Carolina, it is void against public policy in South Carolina. Chief Justice Harwell was prescient in his observation, *Id.* Is this an action by a vindictive plaintiff who remarried before instituting the suit? Is she attempting to blackmail a South Carolina defendant, with a vexatious suit that fosters bitterness contrary to South Carolina Law? Is she pursuing a character assassination of a South Carolina defendant?

The North Carolina Court of Appeals recognizes she is without a direct remedy in South Carolina. Yet, out of mercenary and/or vindictive motives, she seeks to indirectly obtain relief, contrary to South Carolina Law. In fact, her uncandid filing with this Court makes no mention that the Judgment was entered in North Carolina, granting her relief for Alienation of Affection and/or Criminal Conversation.

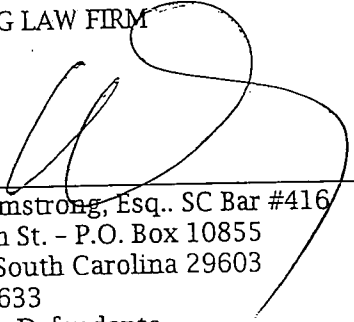
This Court must bring this opportunistic Plaintiff's pursuit to a rapid end in South Carolina.

CONCLUSION

Defendant is entitled to this Court's Order barring the Judgment from entry in South Carolina; rendering the Judgment as currently filed within the Greenville County Clerk of Court's Office null and void *ab initio*, as of date of filing; barring any enforcement of the Judgment; and ordering all public records of the filing of the Judgment to be expunged.

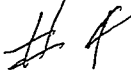
Respectfully submitted,

ARMSTRONG LAW FIRM



---

David D. Armstrong, Esq., SC Bar #416  
201 E. North St. - P.O. Box 10855  
Greenville, South Carolina 29603  
(864) 241-0633  
Attorney for Defendants



Greenville, South Carolina

Dated: \_\_\_\_\_

*September 8, 2011*

IMPORTANT: 1. Items 1-20, use type \_\_\_\_\_ if possible; otherwise, ball point pen must be used.  
 2. Remove carbons, give first and second copies to applicants.

# APPLICATION, LICENSE AND CERTIFICATE OF MARRIAGE

STATE OF NORTH CAROLINA  
 DEPARTMENT OF HEALTH AND HUMAN SERVICES - NC VITAL RECORDS

09-00650  
 LICENSE NUMBER

CABARRUS COUNTY, NC  
 COUNTY

MALE APPLICANT

1. NAME FIRST <b>CHARLES</b>	MIDDLE <b>MARTIN</b>		LAST <b>WIDENHOUSE</b>	
2a. RESIDENCE-STATE <b>NC</b>		2b. COUNTY <b>CABARRUS</b>	2c. CITY, TOWN, OR LOCATION <b>KANNAPOLIS</b>	
2d. INSIDE CITY LIMITS (Specify Yes or No) <b>YES</b>				
2a. STREET AND NUMBER <b>913 WOODGLEN ROAD</b>		3. BIRTHPLACE (COUNTY & STATE) <b>CABARRUS, NC</b>	4a. DATE OF BIRTH (Month, Day, Year) <b>05/20/1954</b>	4b. AGE <b>55</b>
5a. FATHER-NAME <b>PHIL WELDON WIDENHOUSE SR</b>		5b. STATE OF BIRTH <b>NC</b>	5c. ADDRESS (if Living) <b>DECEASED</b>	
6a. MOTHER-MAIDEN NAME <b>LOIS CARPENTER WIDENHOUSE</b>		6b. STATE OF BIRTH <b>NC</b>	6c. ADDRESS (if Living) <b>824 LIVINGSTONE COURT/CONCORD, NC</b>	
7. RACE (Optional) <b>WHITE</b>	8. NUMBER OF THIS MARRIAGE - FIRST, SECOND, ETC. (Specify) <b>2ND</b>	9a. LAST MARRIAGE ENDED BY: Death, Divorce, Or Annulment (Specify) <b>DIVORCE</b>	9b. DATE MONTH YEAR <b>04/2006</b>	10. EDUCATION-SPECIFY HIGHEST GRADE COMPLETED ELEMENTARY HIGH SCHOOL COLLEGE (0,1,2,3,4, - or 5) (1, 2, 3, or 4) (1, 2, 3, 4, or 5) <b>4</b>

FEMALE APPLICANT

11a. NAME FIRST <b>JUANITA</b>	MIDDLE <b>SUE</b>		LAST <b>COLSON</b>	
12a. RESIDENCE-STATE <b>NC</b>		12b. COUNTY <b>CABARRUS</b>	12c. CITY, TOWN, OR LOCATION <b>CONCORD</b>	
12d. INSIDE CITY LIMITS (Specify Yes or No) <b>YES</b>				
12a. STREET AND NUMBER <b>142 COTTONTAIL LANE</b>		13. BIRTHPLACE (COUNTY & STATE) <b>STANLY, NC</b>	14a. DATE OF BIRTH (Month, Day, Year) <b>11/21/1953</b>	14b. AGE <b>55</b>
15a. FATHER-NAME <b>HENRY CLAY TAYLOR</b>		15b. STATE OF BIRTH <b>VA</b>	15c. ADDRESS (if Living) <b>DECEASED</b>	
16a. MOTHER-MAIDEN NAME <b>JUNE MARSHALL TAYLOR</b>		16b. STATE OF BIRTH <b>VA</b>	16c. ADDRESS (if Living) <b>DECEASED</b>	
17. RACE (Optional) <b>WHITE</b>	18. NUMBER OF THIS MARRIAGE - FIRST, SECOND, ETC. (Specify) <b>2ND</b>	19a. LAST MARRIAGE ENDED BY: Death, Divorce, Or Annulment (Specify) <b>DIVORCE</b>	19b. DATE MONTH YEAR <b>12/2007</b>	20. EDUCATION-SPECIFY HIGHEST GRADE COMPLETED ELEMENTARY HIGH SCHOOL COLLEGE (0,1,2,3,4, - or 5) (1, 2, 3, or 4) (1, 2, 3, 4, or 5) <b>5</b>

WE HEREBY MAKE APPLICATION TO THE REGISTER OF DEEDS FOR A MARRIAGE LICENSE AND SOLEMNLY SWEAR THAT ALL OF THE STATEMENTS CONTAINED IN THE ABOVE APPLICATION ARE TRUE. WE FURTHER MAKE OATH THAT THERE IS NO LEGAL IMPEDIMENT TO SUCH MARRIAGE.

SIGNATURE OF MALE APPLICANT: *Charles Martin Widenhouse*  
 SIGNATURE OF FEMALE APPLICANT: *Sue Taylor Colson*

To any ordained minister of any religious denomination, minister authorized by a church, federally or state recognized Indian nation or tribe, magistrate, or any other person authorized to solemnize a marriage under the laws of this State, you are hereby authorized, at any time within 60 days from the date hereof, to celebrate the proposed marriage at any place within this State. The minister or other person celebrating this marriage is required within 10 days to return this license to the Register of Deeds who issued the license. Failure to do so subjects person celebrating marriage to a forfeiture of \$200.00 to anyone who sues for the same.

SWORN TO AND SUBSCRIBED BEFORE ME THIS June 18, 2009  
 LINDA F. McABEE REGISTER OF DEEDS  
 Ellen B. Bunnell DEPUTY ASSISTANT

OFFICIANT

WITNESSES

21a. I CERTIFY THAT THE ABOVE NAMED PERSONS WERE MARRIED ON MONTH DAY YEAR <b>07 11 2009</b>	21b. PLACE OF MARRIAGE - COUNTY <b>Forest Hill UMC - Cabarrus</b>
21c. SIGNATURE OF OFFICIANT <i>David C. Hockett</i>	21d. TITLE <b>Senior Pastor</b>
21e. NAME OF OFFICIANT (PRINT/TYPE) <b>David C. Hockett</b>	21f. ADDRESS <b>265 Union St. N. Concord, NC 28025</b>
22a. SIGNATURE OF WITNESS <i>Walter Clifton Odell, III</i>	22b. SIGNATURE OF WITNESS <i>Vickie Dawn Taylor</i>
22c. NAME OF WITNESS (PRINT/TYPE) <b>Walter Clifton Odell, III</b>	22d. NAME OF WITNESS (PRINT/TYPE) <b>Vickie Dawn Taylor</b>
22e. ADDRESS OF WITNESS <b>795 Rothmoor Concord NC</b>	22f. ADDRESS OF WITNESS <b>3Arenel Ct Simpsonville SC 29681</b>

DATE RETURNED TO REGISTER OF DEEDS 7-17-09 RECEIVED BY *Shirley Clemens, Deputy*  
 DHHS 2132 (Substitute ROD 013)  
 VITAL RECORDS VS-60 (Revised 8/04)

REGISTER OF DEEDS COPY

File No.

STATE OF NORTH CAROLINA

CABARRUS County

In The General Court of Justice

District  Superior Court Division

Name of Plaintiff  
SUE TAYLOR COLSON WIDENHOUSE

CIVIL SUMMONS

Alias and Pluries Summons

Address  
142 Cottontail Lane  
City, State, Zip  
Concord, North Carolina 28025

G.S. 1A-1, Rules 3, 4

VERSUS  
Name of Defendant(s)  
TAMMY BATSON COLSON

Date Original Summons Issued

Date(s) Subsequent Summon(es) Issued

To Each of The Defendant(s) Named Below:

Name And Address of Defendant 1  
TAMMY BATSON COLSON  
108 Wayline Court  
Greenville, South Carolina 29605

Name And Address of Defendant 2

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address of Plaintiff's Attorney (If None, Address of Plaintiff)  
EDWIN H. FERGUSON, JR.  
Ferguson, Scarbrough, Hayes, Hawkins & DeMay, P.A.  
P.O. Box 444  
Concord, North Carolina 28026-0444

Date Issued  
8-6-09  
Time  
3:26  AM  PM  
Signature  
C. Steel Hull  
 Deputy CSC  Assistant CSC  Clerk of Superior Court

ENDORSEMENT

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date of Endorsement  
Time  
 AM  PM  
Signature  
 Deputy CSC  Assistant CSC  Clerk of Superior Court

NOTE TO PARTIES: Many Counties have MANDATORY ARBITRATION programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

STATE OF NORTH CAROLINA  
COUNTY OF CABARRUS

FILED

09 AUG -6 PM 3:26

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

SUE TAYLOR COLSON WIDENHOUSE, )

Plaintiff, )

vs. )

TAMMY BATSON COLSON, )

Defendant. )

---

COMPLAINT

---

The Plaintiff complaining of Defendant alleges and says:

JURISDICTION, PARTIES AND VENUE

1. The Plaintiff is a citizen and resident of Concord, Cabarrus County, North Carolina and has been a resident of North Carolina for more than six (6) months preceding the institution of this action.
2. The Defendant is a citizen and resident of 108 Wayline Court, Greenville, Greenville County, South Carolina.
3. This Court has jurisdiction of the subject matter, as well as parties, under and pursuant to North Carolina General Statute § 1-75.4(3)(4). Additionally, actions and conduct of the Defendant occurred in North Carolina as well as South Carolina.
4. The Plaintiff was married to Dale Edward Colson on June 20, 1981.
5. The Plaintiff and Dale Edward Colson separated on September 15, 2006 and were divorced on December 20, 2007.
6. The Plaintiff and Dale Edward Colson were husband and wife.

7. From the date of their marriage until the occurrences set forth in this Complaint, the Plaintiff lived with her husband, was a faithful and dutiful wife, and provided a comfortable and happy home and environment for her husband, as well as herself.

8. From the date of their marriage until the Defendant's wrongful and intentional conduct as herein after more particularly set forth, the Plaintiff and her husband were happily married, and a genuine love and affection existed between them.

9. From the time of the marriage of the Plaintiff and her husband, until the occurrences set forth in this Complaint, the Plaintiff loved her spouse very much.

10. Upon information and belief, the Defendant and Plaintiff's above named spouse were involved in an affair and in a romantic relationship with each other.

11. Upon information and belief, this relationship between the Defendant and Plaintiff's husband existed continuously from May, 2005 up until the date of the divorce between the Plaintiff and her husband and thereafter the Defendant and the Plaintiff's husband were married.

12. Upon information and belief, the Defendant engaged in sexual relations with Plaintiff's husband prior to Plaintiff's husband separating from the Plaintiff on or about September 15, 2006.

13. Upon information and belief, the Defendant has engaged in sexual relations with Plaintiff's husband since September 15, 2006 and prior to the divorce between the Plaintiff and her husband..

14. At all times mentioned herein, the Defendant had actual knowledge that Plaintiff's husband was Plaintiff's husband.

15. The Defendant, while knowing Plaintiff's husband to be the Plaintiff's husband unlawfully gained the affection of the Plaintiff's husband, alienated his affections from the Plaintiff and induced him to neglect the Plaintiff and her home; and the Defendant has wrongfully and maliciously alienated the love and affection which existed between the Plaintiff and her husband.

16. That such acts of the Defendant include, but are not limited to the following:

- a. The Plaintiff is informed and believes that there were numerous communications between the Defendant and Plaintiff's husband prior to the date the Plaintiff's husband separated from the Plaintiff and began an open and public relationship with the Defendant.
- b. The Plaintiff is informed and believes that the Defendant on numerous occasions prior to Plaintiff's husband separating from the Plaintiff gave to Plaintiff's

Husband numerous gifts and accepted and received numerous gifts from Plaintiff's husband.

- c. Maintaining a continuous romantic relationship with Plaintiff's husband from on or about May, 2005 up to the date Plaintiff's husband separated from Plaintiff as well as thereafter which resulted in a marriage between Plaintiff's husband and the Defendant herein.
- d. Plaintiff is informed and believes that as a result of this illicit relationship being maintained by the Defendant with Plaintiff's husband that on September 15, 2006, as a result of the influence and illicit relationship being maintained by the Defendant with Plaintiff's husband, that Plaintiff's husband advised the Plaintiff that he was not in love with Plaintiff and that he was leaving the marital home. At the time these statements were made to the Plaintiff, Plaintiff recently had foot surgery and could barely walk with crutches. She was at home in a wheelchair and needed assistance; notwithstanding, the Defendant being fully aware of the Plaintiff's health situation as well as recent surgery, left the marital premises as a result of the direct influence of the Defendant. At the time of departure there was no food in the house that the Plaintiff could prepare. Comparatively, in June, 2006, the Plaintiff and her husband celebrated their 25<sup>th</sup> wedding anniversary by a week at North Myrtle Beach at which time Plaintiff and her husband sought out beach property to purchase together as Husband and Wife for retirement purposes. At that time, Plaintiff's husband professed his love for the Plaintiff as well as planning for the future and retirement living for both he and Plaintiff.
- e. Notwithstanding the occurrences in June, 2006, the Defendant's illicit relationship with Plaintiff's husband continued in July, 2006 that resulted in Plaintiff's husband leaving the marital home and abandoning the Plaintiff in September, 2006.

**FIRST CLAIM FOR RELIEF  
(ALIENATION OF AFFECTION)**

17. That by reason of the Defendant's malicious and unlawful conduct with Plaintiff's husband, the Defendant has alienated Plaintiff's husband's affections from the Plaintiff; has deprived the Plaintiff of the comfort, society, aid, services and love and affections of her husband; and has destroyed Plaintiff's happiness and her home. By reason of Defendant's above mentioned conduct, Plaintiff has suffered emotional distress; humiliation and shame; and Plaintiff has been damaged in an amount in excess of \$15,000.00.

18. The acts of the Defendant were malicious; unlawful; willful and wanton; evidenced ill will; spite and rudeness in oppression against the Plaintiff; were done with the careless and reckless conscience and intentional disregard of and indifference to the rights of the

Plaintiff. By reason thereof, the Plaintiff is entitled to recover from the Defendant punitive damages.

**SECOND CLAIM FOR RELIEF**  
**(CRIMINAL CONVERSATION)**

19. The Plaintiff repeats and realleges the allegations contained in paragraphs one through eighteen in the first claim for relief.

20. Upon information and belief, the Defendant, well knowing that Plaintiff's husband was the husband of the Plaintiff, has engaged in sexual intercourse without the consent of Plaintiff.

21. Upon information and belief, the Defendant, well knowing that Plaintiff's husband was the husband of the Plaintiff engaged in sexual relations and sexual intercourse with Plaintiff's husband on more than one occasion prior to and subsequent to September 15, 2006.

22. That by reason of Defendant's criminal conversation with the Plaintiff's husband, Plaintiff has been damaged in a sum in excess of \$15,000.00.

**THIRD CLAIM FOR RELIEF**  
**PUNITIVE DAMAGES**

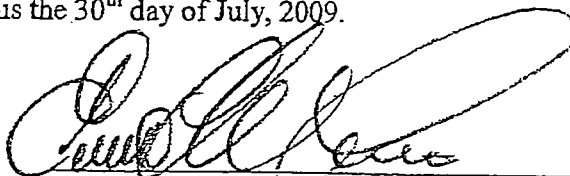
23. The acts of the Defendant as alleged above were malicious; unlawful; willful and wanton; evidenced ill will, spite and rudeness and oppression against the Plaintiff; and were done with the careless and reckless and conscious and intentional disregard of and indifference to the rights of the Plaintiff and her marriage and such acts and conduct by the Defendant were made with knowledge that such acts and conduct would likely result in injury, damage, or harm to the Plaintiff. That by reason thereof, the Plaintiff is entitled to recover from the Defendant punitive damages.

WHEREFORE, the Plaintiff respectfully prays the Court:

1. That pursuant to Plaintiff's First Claim for Relief, the Plaintiff have and recover from the Defendant compensatory damages in the sum in excess of \$15,000.00;.
2. That pursuant to Plaintiff's First Claim for Relief, the Plaintiff have and recover from the Defendant punitive damages in an amount to be determined by the Jury;.
3. That pursuant to Plaintiff's Second Claim for Relief, the Plaintiff have and recover from the Defendant compensatory damages in the sum in excess of \$15,000.00;.

4. That pursuant to Plaintiff's Second Claim for Relief, the Plaintiff have and recover from the Defendant punitive damages in an amount to be determined by the Jury.
5. That all of the issues in this case be tried by a Jury.
6. That cost of this action be taxed against the Defendant; and
7. For such other and further relief as the Court may deem just and proper.

Respectfully submitted this the 30<sup>th</sup> day of July, 2009.



---

EDWIN H. FERGUSON, JR.  
Ferguson, Scarbrough, Hayes,  
Hawkins & DeMay, P.A.  
Attorney for Plaintiff  
65 McCachern Blvd., S.E.  
P.O. Box 444  
Concord, North Carolina 28026-0444  
Telephone: 704-788-3211  
State Bar No. 6148

VERIFICATION

STATE OF NORTH CAROLINA

COUNTY OF CABARRUS

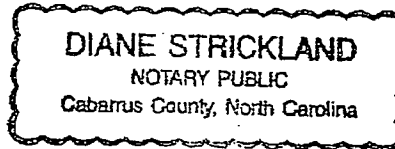
SUE TAYLOR COLSON WIDENHOUSE, being duly sworn, deposes and says:

That the contents of the foregoing Complaint is true to her own knowledge except as to those matters stated on information and belief, and as to those matters, she believes it to be true.

Sue Taylor Colson Widenhouse  
SUE TAYLOR COLSON WIDENHOUSE

Sworn to and subscribed before me  
this the 30<sup>th</sup> day of July, 2009.

Diane Strickland  
Notary Public



My Commission Expires: 12/7/2013

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
CIVIL CASE NUMBER 11-CP-23-5359

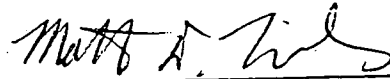
SUE TAYLOR COLSON )  
WIDENHOUSE, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
TAMMY BATSON COLSON, )  
 )  
Defendant. )  
\_\_\_\_\_ )

**MOTION TO ENFORCE  
FOREIGN JUDGMENT**

This motion is filed on behalf of Plaintiff Sue Taylor Colson Widenhouse pursuant to S.C. Code Ann. § 15-35-940(B). The undersigned moves the Court for an Order directing that the Foreign Judgment filed in this Court on August 10, 2011 from the State of North Carolina is final and enforceable as a judgment of this State. In support of this Motion, the undersigned shows the Court as follows:

1. Plaintiff filed the Notice of Filing Foreign Judgment (the "Notice") on August 10, 2011.
2. Defendant was properly served with the Notice by certified mail, restricted delivery, on August 22, 2011.
3. Plaintiff has submitted a properly authenticated foreign judgment, which is presumptively valid, binding, and entitled to full faith and credit in this State.
4. Defendant's Motion for Relief filed September 8, 2011 fails to state adequate grounds to grant the relief requested, or to deny Plaintiff's Motion.

WHEREFORE, the undersigned requests that the Court enter an Order directing that the Foreign Judgment filed in this matter is enforceable and entitled to full faith and credit in the State of South Carolina.



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Matthew D. Lincoln, S.C. Bar No. 74949  
[mattlincoln@mvalaw.com](mailto:mattlincoln@mvalaw.com)  
MOORE & VAN ALLEN PLLC  
100 North Tryon Street, Suite 4700  
Charlotte, NC 28202-4003  
Phone: (704) 331-1000  
Fax: (704) 331-1159

ATTORNEYS FOR PLAINTIFF

Charlotte, North Carolina  
Dated: October 12, 2011.



Motion for Relief on September 8, 2011, seeking to bar enforcement of the Foreign Judgment in South Carolina. Plaintiff filed her Motion to Enforce Foreign Judgment on October 14, 2011.

### ARGUMENT

#### **I. DEFENDANT CANNOT MEET HER BURDEN OF PROVING THAT THE FOREIGN JUDGMENT IS NOT ENTITLED TO FULL FAITH AND CREDIT.**

It is Defendant, rather than Plaintiff, who carries the burden with respect to enforcement of the Foreign Judgment in South Carolina. The South Carolina Code contains a provision stating that “[t]he judgment creditor has the burden of proving that the foreign judgment is entitled to full faith and credit.” S.C. Code. § 15-35-940(B). Defendant asserts this provision in support of her motion for relief. (Def.’s Mot. at 2.) But in 2009, the South Carolina Supreme Court struck that language from the statute as violative of the federal Constitution. *Law Firm of Paul L. Erickson, P.A.*, 383 S.C. at 504-05, 681 S.E.2d at 579-80 (citing S.C. Code § 15-35-940(B)). Under the United States Constitution’s Full Faith and Credit Clause, “the burden of undermining the decree of a sister state ‘rests heavily on the assailant.’” *Id.* at 504, 681 S.E.2d at 579 (quoting *Cook v. Cook*, 342 U.S. 126, 128 (1951)). Thus, in the present case, it is Defendant’s burden to prove that the Foreign Judgment is not entitled to full faith and credit, rather than Plaintiff’s burden to prove that it is.

Defendant cannot meet her burden. “The law against which a foreign judgment is evaluated for viability and effect is the law of the State rendering the judgment.” *Law Firm*, 383 S.C. at 500 n.2, 681 S.E.2d at 577 n.2. Thus, as discussed in Section II, *infra*, that South Carolina has abolished the torts of criminal conversation and alienation of affections does not impact the enforceability of the Foreign Judgment, which is a final, valid, and enforceable civil judgment from North Carolina. Defendant’s queries into the procedural timeline of the underlying North Carolina case and speculations as to Plaintiff’s possible motivations for

bringing the action are similarly of no consequence. Defendant offers no challenge to the validity of the Foreign Judgment that would be permissible under a Full Faith and Credit analysis, such as whether the North Carolina court had jurisdiction or whether the Foreign Judgment was procured by fraud. This Court is thus required to enforce the Foreign Judgment pursuant to the Full Faith and Credit Clause.

## II. THE FULL FAITH AND CREDIT CLAUSE MANDATES ENFORCEMENT OF THE FOREIGN JUDGMENT.

### A. The Federal Constitution, A Federal Statute, And The U.S. Supreme Court All Mandate Recognition Of Sister States' Judgments.

Article IV of the United States Constitution provides that "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State." U.S. Const. art. IV, § 1. A federal statute implements this requirement. 28 U.S.C. § 1738. The U.S. Supreme Court has stated that the overarching purpose of the Full Faith and Credit Clause was to replace the previously existing discretionary doctrine of comity with a constitutional command for the recognition of sister state judgments. *See, e.g., Sun Oil Co. v. Wortman*, 486 U.S. 717, 723 n.1 (1988); *Estin v. Estin*, 334 U.S. 541, 546 (1948). "In order to fulfill this mandate[,] 'the judgment of a state court should have the same credit, validity and effect, in every other court of the United States, which it had in the state where it was pronounced.'" *Alladin Plastics, Inc. v. Wintenna, Inc.*, 301 S.C. 90, 91, 390 S.E.2d 370, 371 (Ct. App. 1990) (quoting *Hampton v. McConnel*, 16 U.S. (3 Wheat.) 234, 235, (1818) (Marshall, C.J.)). In fact, "the full faith and credit clause of the Constitution precludes any inquiry into the merits of the cause of action, the logic or consistency of the decision, or the validity of the legal principles upon which the judgment is based." *Id.* at 93 n.5, 390 S.E.2d at 372 n.5 (quoting *Hamilton v.*

*Patterson*, 236 S.C. 487, 492, 115 S.E.2d 68, 70 (1960)); *Security Credit Leasing, Inc. v. Armaly*, 339 S.C. 533, 540, 529 S.E.2d 283, 287 (Ct. App. 2000) (same).

**B. South Carolina's Nonrecognition Of Claims For Alienation Of Affections And Criminal Conversation Is Not A Basis To Deny Enforcement Of The Foreign Judgment.**

The U.S. Supreme Court has long held that the unavailability of a cause of action in one state is not a basis for denying enforcement of a foreign judgment from a sister state based on that cause of action. *Union Nat'l Bank v. Lamb*, 337 U.S. 38, 42 (1949) (“[T]he State of the forum could not defeat the foreign judgment because it was obtained by a procedure hostile to or inconsistent with that of the forum or because it was based on a cause of action which the forum itself would not have recognized.”); *Kenney v. Supreme Lodge of The World*, 252 U.S. 411, 415 (1920) (“[T]he fact that here the original cause of action could not have been maintained in Illinois is not an answer to a suit upon the judgment.”). Courts have rationalized this principle by describing a suit to enforce a foreign judgment not as a suit on the underlying cause of action, but as a suit to collect money owed, with the cause of action merged into the judgment. See *Milwaukee County v. M. E. White Co.*, 296 U.S. 268, 275 (1935) (“[T]he validity of the claim upon which [a foreign judgment] was founded is not open to inquiry, whatever its genesis. Regardless of the nature of the right which gave rise to it, the judgment is an obligation to pay money . . . .”); *Titus v. Wallick*, 306 U.S. 282, 291-92 (1939) (describing the judgment creditor as “standing upon a different footing”).

Here, Defendant's Motion for Relief is based entirely on an inquiry into the merits of the underlying causes of action. Moreover, the fact that South Carolina has abolished claims for alienation of affections and criminal conversation is irrelevant. As the U.S. Supreme Court has made clear, this Court should not consider South Carolina's position on the substantive law

supporting the Foreign Judgment, and should enforce the Foreign Judgment as the Full Faith and Credit Clause requires.

**C. No Exception To The Full Faith And Credit Clause Applies To The Foreign Judgment In This Case.**

Exceptions to the Full Faith and Credit clause exist, but are extremely limited, and none applies here. U.S. Supreme Court jurisprudence “has been reluctant to admit exceptions in case of judgments rendered by the courts of a sister state, since the ‘very purpose’ of Art. IV, § 1 was ‘to alter the status of the several states as independent foreign sovereignties, each free to ignore obligations created under the laws or by the judicial proceedings of the others, and to make them integral parts of a single nation.’” *Williams v. North-Carolina*, 317 U.S. 287, 295 (1942) (quoting *M. E. White Co.*, 296 U.S. at 276-77) (emphasis in original). The U.S. Supreme Court has excepted from the general rule cases in which the court rendering the judgment lacked personal jurisdiction over the defendant or subject matter jurisdiction. *See, e.g., Grover & Baker Sewing Machine Co. v. Radcliffe*, 137 U.S. 287, 294-95 (1890); *Milliken v. Meyer*, 311 U.S. 457, 462 (1940). There is also authority suggesting that judgments procured by fraud are excepted. *Treinius v. Sunshine Mining Co.*, 308 U.S. 66, 78 (1939); *M. E. White Co.*, 296 U.S. at 275-76. These exceptions have not even been alleged by Defendant.

Instead, Defendant relies on S.C. Code § 15-35-960, which states that “[t]he provisions of [the Uniform Enforcement of Foreign Judgments Act] do not apply to foreign judgments based on claims which are contrary to the public policies of this State.” This statutory provision would appear to carve out a public policy exception to the Full Faith and Credit clause. Importantly, this provision has not been cited in any reported opinion by any court. Moreover, the Full Faith and Credit Clause (*i.e.*, the United States Constitution) and U.S. Supreme Court case law clearly supersede any relevance of Section 15-35-960.

The U.S. Supreme Court has not recognized a “public policy” exception to the Full Faith and Credit Clause and, in fact, has expressly rejected it. “[C]onsiderations of policy of the forum which would defeat a suit upon the original cause of action are not involved in a suit upon the judgment and are insufficient to defeat it.” *M. E. White Co.*, 296 U.S. at 277. Indeed, the “very purpose” of the Full Faith and Credit Clause “ought not lightly to be set aside out of deference to a local policy which, if it exists, would seem to be too trivial to merit serious consideration when weighed against the policy of the constitutional provision . . . .” *Id.* While “[a] court may be guided by the forum State’s ‘public policy’ in determining the law applicable to a controversy[,] our decisions support no roving ‘public policy exception’ to the full faith and credit due judgments.” *Baker v. GMC*, 522 U.S. 222, 233 (1998) (emphasis in original).

Likewise, the U.S. Supreme Court is “aware of [no] considerations of local policy or law which could rightly be deemed to impair the force and effect which the full faith and credit clause and the Act of Congress require to be given to [a money] judgment outside the state of its rendition.” *Id.* at 234 (citations omitted); *see also Johnson v. Muelberger*, 340 U.S. 581, 584 (1951) (“Local policy must at times be required to give way, such is part of the price of our federal system.”) (citations omitted); *Fauntleroy v. Lum*, 210 U.S. 230, 239-40 (1908) (White, J., dissenting) (lamenting the majority’s decision, “since the effect will be to endow each State with authority to overthrow the public policy . . . of the others”). A foreign judgment, if valid where rendered, must be enforced in other states even if the judgment is “repugnant to its own statutes.” *Roche v. McDonald*, 275 U.S. 449, 452 (1928); *see also Estin v. Estin*, 334 U.S. 541, 546 (1948) (The Full Faith and Credit clause “ordered submission . . . even to hostile policies reflected in the judgment of another State, because the practical operation of the federal system, which the Constitution designed, demanded it.”). Justice Rutledge aptly explained the rationale of the rule:

The very function of the clause is to compel the states to give effect to the contrary policies of other states when these have been validly embodied in judgment. To this extent the Constitution has foreclosed the freedom of the states to apply their own local policies. The foreclosure was not intended only for slight differences or for unimportant matters. It was also for the most important ones. The Constitution was not dealing with puny matters or inconsequential limitations. If the impairment of the power of the states is large, it is one the Constitution itself has made. Neither the states nor we are free to disregard it. The "local public policy" exception is not an exception, properly speaking.

*Williams v. North Carolina*, 325 U.S. 226, 254-55 (1945) (Rutledge, J., dissenting).<sup>1</sup>

Numerous state courts have followed the lead of the U.S. Supreme Court, giving full faith and credit to judgments of sister states based on claims contrary to the forum states' public policy. *E.g.*, *Kelly v. First Astri Corp.*, 72 Cal. App. 4th 462, 476-77 (1999); *Craven v. S. Farm Bureau Cas. Ins. Co.*, 117 P.3d 11, 14 (Colo. Ct. App. 2004); *Trauger v. A.J. Spagnol Lumber Co.*, 442 So. 2d 182, 183-84 (Fla. 1983); *Boyer v. Korsunsky, Frank, Erickson Architects*, 382 S.E.2d 362, 363-64 (Ga. Ct. App. 1989); *Pelczynski v. Dolatowski*, 721 N.E.2d 196, 199-200 (Ill. Ct. App. 1999); *Hankin v. Graphic Tech., Inc.*, 222 P.3d 523, 531-32 (Kan. Ct. App. 2010); *Int'l Recovery Sys. v. Gabler*, 210 Mich. App. 422, 424 (1995); *Desert Palace v. Weiss*, 17 Pa. D. & C.4th 51, 52-53 (1992); *Coghill v. Boardwalk Regency Corp.*, 396 S.E.2d 838, 838-40 (Va. 1990); *Conquistador Hotel Corp. v. Fortino*, 298 N.W.2d 236, 238-39 (Wis. Ct. App. 1980); Restatement (Second) of Conflict of Laws § 117.

Courts have even found foreign judgments based on the very claims at issue in the Foreign Judgment, alienation of affections and criminal conversation, to be entitled to Full Faith and Credit despite being expressly contrary to that state's public policy. For example, in *Burdick v. Nicholson*, 680 P.2d 589 (Nev. 1984), the Supreme Court of Nevada reversed the trial court which had refused—on public policy grounds—to enforce a North Carolina foreign judgment

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<sup>1</sup> The majority in *Williams* held that the foreign judgment could be challenged on what it interpreted to be jurisdictional grounds.

based on an alienation of affections claim. The Supreme Court of Nevada held that “the action to enforce the judgment is an action to enforce a debt, not the underlying cause of action.” *Id.* at 589. Thus, despite a Nevada statute describing the abolishment of alienation of affections and criminal conversation as serving “the public policy of the state,” Nev. Rev. Stat. Ann. § 41.370, enforcement of the foreign judgment would not violate the state’s public policy. *Id.* at 589-90. Similarly, in *Parker v. Hoefler*, 142 N.E.2d 194 (N.Y. 1957), the Court of Appeals of New York (New York’s highest court) held that a Vermont judgment based on alienation of affections and criminal conversation claims, claims abolished in New York, was enforceable because the foreign judgment was “a debt which the defendant was under obligation to pay,” and the action to enforce it in New York was “upon an entirely different cause of action from that merged in the judgment.” *Id.* at 197. The court ruled in this fashion even though article 2-A of the Civil Practice Act abolished the claims as contrary to the public policy of New York. *Id.*; *see also* *Neporany v. Kir*, 173 N.Y.S.2d 146, 147 (App. Div. 1958).

Here, the Court should decline the invitation to pigeon-hole the Foreign Judgment into S.C. Code § 15-35-960. In the same fashion that South Carolina Supreme Court has found the final sentence of S.C. Code § 15-35-940(B) to violate the federal Constitution, *see* Section I, *supra*, Section 15-35-960 improperly “extend[s] greater protection to South Carolina citizens in the enforcement of foreign judgments and impacts the earlier presumption of validity . . . .” *Law Firm of Paul L. Erickson, P.A. v. Boykin*, 383 S.C. 497, 501-02, 681 S.E.2d 575, 578 (2009). The Court should instead follow the mandate of the U.S. Supreme Court, the final arbiter on the Full Faith and Credit Clause, and enforce the Foreign Judgment.

CONCLUSION

For the foregoing reasons, the Court should grant Plaintiff's Motion to Enforce Foreign Judgment and deny Defendant's Motion for Relief.



Scott M. Tyler, S.C. Bar No. 12037  
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Matthew D. Lincoln, S.C. Bar No. 74949  
[mattlincoln@mvalaw.com](mailto:mattlincoln@mvalaw.com)  
MOORE & VAN ALLEN PLLC  
100 North Tryon Street, Suite 4700  
Charlotte, NC 28202-4003  
Phone: (704) 331-1000  
Fax: (704) 331-1159

ATTORNEYS FOR PLAINTIFF

Charlotte, North Carolina  
Dated: October 21, 2011.

P R O C E E D I N G S

1  
2 THE COURT: The next case is 2011-CP-23-05359,  
3 Widenhouse v. Colson.

4 Okay. There are, actually, two motions here, I  
5 believe.

6 MR. ARMSTRONG: Judge, I filed mine first, which is a  
7 motion for relief.

8 THE COURT: All right.

9 MR. ARMSTRONG: It was followed by an answer and a  
10 motion to enforce.

11 THE COURT: Go ahead, sir, Mr. Armstrong.

12 MR. ARMSTRONG: Thank you, Your Honor.

13 This case has its origins in the marriage of my  
14 client's current husband and his ex-wife. The man and the  
15 woman were married up in North Carolina. They separated  
16 and divorced in 2007.

17 In 2009, my client's ex-wife -- excuse me, the  
18 Plaintiff in this case remarried and instituted an action  
19 in North Carolina for alienation of affections and  
20 criminal conversation. A judgment was entered in North  
21 Carolina on those causes of action in the sum of \$266,000.  
22 That has been reduced to a judgment in North Carolina.

23 The current action before you is the Plaintiff's  
24 attempt to enforce that judgment in the State of South  
25 Carolina. I have made a motion here for relief under

1 Section 15-35-900, Your Honor, which is the statutory  
2 scheme within this state which controls the enforcement of  
3 foreign judgments.

4 A couple of key words that need to be thought of in  
5 this case, number one, this is a case really about the  
6 interpretation of Section 15-35-960, which says, "The  
7 provisions of this article do not apply to foreign  
8 judgments based on claims which are contrary to the public  
9 policies of this state." The second word I think that is  
10 important here is the word "local." And I'll talk about  
11 that in a moment here.

12 Back to the alienation of affections and criminal  
13 conversation causes of action. South Carolina by statute,  
14 in 1988, abrogated or voided the action for criminal  
15 conversation under Section 15-3-150. In 1992, the Supreme  
16 Court of South Carolina held that alienation of affections  
17 is no longer a viable cause of action in South Carolina.  
18 And it's -- the case that is -- holds that is Russo v.  
19 Sutton, 310 S.C. 200, 422 S.E.2d 750, South Carolina,  
20 1992. I'm going to hand a copy up for you.

21 This opinion was written by Chief Justice Harwell, at  
22 the time. And I quoted into the -- my motion the relevant  
23 terms which I think are applicable to this particular  
24 case. Judge Harwell acknowledges and holds for the  
25 Supreme Court that, We discern the public policy of this

1 state is consistent with the modern course of law moving  
2 away from heart balm causes of action, acknowledging,  
3 also, that the legislature has gotten rid of criminal  
4 conversation.

5 He goes on to say in that decision, Your Honor, it  
6 says, Causes of action for criminal conversation and  
7 alienation of affections present opportunities for  
8 blackmail. They're often brought for mercenary or  
9 vindictive reasons. The remedies of alienation of  
10 affections and criminal conversation foster bitterness,  
11 promote factious lawsuits, put marriages on the  
12 marketplace, and use marriages as a means of character  
13 assassination. Clearly, within the State of South  
14 Carolina, both causes of action are no longer viable and  
15 have not been for 20 years.

16 The Plaintiff seeks to enforce this judgment in North  
17 Carolina, which is, clearly, based on those causes of  
18 action. And we submit that that is contrary to South  
19 Carolina law, specifically, the statutory language of  
20 Section 15-35-960.

21 In my memorandum, I have cited a section on --  
22 15-35-940(b) where I incorrectly stated and I would  
23 correct, for the record, that the judgment creditor has  
24 the burden of proving the foreign judgment is entitled to  
25 a full faith and credit in South Carolina. I,

1 unfortunately, missed the case of the Law Firm of Paul L.  
2 Erickson v. Boykin, 383 S.C. 497, 681 S.E.2d 3575, 2009,  
3 which has found that particular portion of South Carolina  
4 law to be Unconstitutional. Nonetheless, that's not the  
5 issue.

6 The Defendant readily accepts the burden to challenge  
7 this particular enforcement. What, also, comes to bear,  
8 Your Honor, is the full faith and credit clause of the  
9 U.S. Constitution. And I credit my opponent with having a  
10 very good dissertation in his brief starting on Page 5,  
11 and talking about the no exceptions of the full faith and  
12 credit clause applies to foreign judgments in this case.

13 He correctly notes that the exceptions of enforcement  
14 under full faith and credit are lack of personal  
15 jurisdiction, lack of subject matter jurisdiction, and  
16 fraud. But he recognizes that there's no exception at  
17 this time for public policy provisions. And, as the Court  
18 is probably well aware by this time, Section 15-35-960,  
19 which this case is all about has no -- has not been tested  
20 in the courts. And, hence, here is the test.

21 He goes on to cite, Your Honor, about the public  
22 policy, which the Supreme Court has talked about in many  
23 cases. Many of the cases which he cites are older cases.  
24 But all of them -- and I quote on Page 6 -- and, again,  
25 this is a synopsis here. He's talking about local policy

1 in the various United States Supreme Court cases. And the  
2 problem here is local policy.

3 What the full faith and credit provision of the  
4 Supreme Court rulings and United States Constitution is  
5 this, that if there is a valid judgment within the state,  
6 then it is enforceable in another state with certain  
7 exceptions. We submit that the way the court decisions  
8 are written, they're talking about local policies. If it  
9 was some minuscule local policy, city ordinance, or  
10 something like that, we would state that there is no  
11 exception.

12 But there should be an exception in the just  
13 prudential body of law for this reason: Number one, the  
14 legislature and the Supreme Court of this state have both  
15 spoken and stated that these two causes of action are not  
16 allowed in the State of South Carolina. That's not local,  
17 that's a state.

18 But, more importantly -- and I would cite to you the  
19 Russo case. In the footnotes on Russo, Justice Harwell in  
20 his decision on Page 3 of the decision I've handed up goes  
21 into an extensive list of cases and statutes passed by  
22 various states throughout the country, including the  
23 District of Columbia, that have abolished the action for  
24 criminal conversation as of June the 30th, 1988, in this  
25 decision, and, also, statutes abolishing criminal

1 conversation. Also, on the next footnote, he talks about  
2 and notes that the various courts which have abolished  
3 both of these causes of action.

4 I would submit I've not had time to fully research it  
5 since I got opponent's brief at the beginning of the week,  
6 but I would suspect that the list has broadened. I have  
7 heard anecdotally that North Carolina is, perhaps, one of  
8 two states in the United States that still have this  
9 antiquated, distasteful form of relief in the form of  
10 criminal conversation and alienation of affections.

11 So I would suggest to the Court and firmly believe  
12 that the holdings of these Supreme Court cases under the  
13 full faith and credit clause of the United States  
14 Constitution address local policies and local stuff. And  
15 I know "stuff" is inarticulate. But it could be a  
16 statute. It could be an ordinance, or it could be a low  
17 court ruling here.

18 But there's a ground swell in this country and has  
19 been for a good many years abolishing these two causes of  
20 action. And North Carolina is behind the eight ball. And  
21 I would submit that there is in the body of law or should  
22 be recognized an exception to enforce alienation of  
23 affections and/or criminal conversation judgments in a  
24 state which has abolished them, again, under our law, but,  
25 also, under the interpretation of these statutes.

1 I further would note that North Carolina itself,  
2 which I've cited in my brief, has stated they recognize in  
3 Cooper v. Shealy, 140 N.C. App. 729, 537 S.E.2d 854, North  
4 Carolina Appellate Court, 2000, "It is important to note  
5 that the Plaintiff cannot bring the claims for alienation  
6 of affections and criminal conversation in South Carolina,  
7 which was Defendant's resident state, since that state has  
8 abolished those causes of action." And it cites the Russo  
9 case, which I've handed up.

10 So what are we asking the Court to do today? In our  
11 motion for relief, we're asking for the following: Number  
12 one, that this Court finds as a matter of public policy --  
13 and there should be an exception under the full faith and  
14 credit clause of the United States Constitution that this  
15 is not some local whim here, but rather a national trend  
16 of which South Carolina is a part, and North Carolina,  
17 obviously, isn't, therefore, barring the entry of judgment  
18 from enrollment in South Carolina. Obviously, barring the  
19 enforcement of it, rendering it null and void, ab initio  
20 to the date that the filing attempt was made, and to  
21 expunge any public records or any indicia indicating that  
22 this particular cause of action or this judgment is in  
23 existence.

24 A remedy exists for the Plaintiff, she can seek to  
25 enforce it in North Carolina. But as far as trying to do

1 it in South Carolina, contrary to South Carolina law, but  
2 contrary to the overwhelming trend within the country, we  
3 stand on firm ground, and ask you to so recognize.

4 THE COURT: Thank you, Mr. Armstrong.

5 Mr. Lincoln.

6 MR. LINCOLN: Yes, Your Honor.

7 Matt Lincoln here on behalf of Ms. Widenhouse, who's  
8 here with me today.

9 As Mr. Armstrong said, this is an action regarding a  
10 foreign judgment, Plaintiff's motion to enforce that  
11 foreign judgment, and Defendant's motion for relief from  
12 that foreign judgment. And, as Mr. Armstrong  
13 acknowledged, I want to reiterate that it's clear from the  
14 Law Firm of Paul Erickson's case that the burden here is  
15 on the Defendant to prove that the foreign judgment is not  
16 entitled to enforcement in this state, and that that  
17 burden is, indeed, a heavy burden.

18 The full faith and credit clause, Your Honor, as  
19 you've heard, mandates that all states judgments have the  
20 same credit, viability, and effect in all states as they  
21 had in the state that rendered that judgment. And there's  
22 a wealth of not only South Carolina Supreme Court, but  
23 U.S. Supreme Court case law that I've cited in the brief  
24 submitted to the Court that follows that mandate.

25 The full faith and credit clause precludes any

1 inquiry into the merits of the underlying cause of action.  
2 The time for addressing the merits of the causes of action  
3 brought is in that underlying cause of action where the  
4 judgment is rendered.

5 I think it's worth noting that the Defendant in this  
6 case did not defend those causes of action at trial. That  
7 was their choice. The language from the Alladin Plastics  
8 case, which I have a copy of, if Your Honor would like --  
9 actually, Your Honor, I'll hold off on doing that. The  
10 Court is fully aware of the mandate of the full faith and  
11 credit clause. And I'll shorten this by just reiterating  
12 that that is a case that's on point for that principle.

13 The unavailability of the causes of action in the  
14 underlying judgment in this case in South Carolina is,  
15 also, of no consequence. There are plenty of courts that  
16 have held that that's the case, that South Carolina has  
17 abandoned alienation of affections, and criminal  
18 conversation does not matter, nor do any of the potential  
19 motivations that Ms. Widenhouse may have had, or the  
20 timetable of the underlying case. That's simply all just  
21 an impermissible consideration at this stage, Your Honor.

22 The rationale being that foreign judgments are simply  
23 collection actions. There is a debt that has been  
24 established by that judgment. And the alienation of  
25 affections and criminal conversation claims in this case,

1 Your Honor, have merged into that foreign judgment. And  
2 Ms. Widenhouse is here simply trying to collect on a debt.

3 As Mr. Armstrong mentioned, there are some exceptions  
4 to full faith and credit if the judgment rendered in court  
5 lacked jurisdiction, either personal or subject matter, if  
6 the judgment was procured by fraud. Those have all been  
7 acknowledged. And, even in those cases, the analysis is  
8 done under the law of the judgment rendering state, not of  
9 the forum state.

10 The U.S. Supreme Court has never recognized and, in  
11 fact, has expressly rejected the exception based on public  
12 policy. And there's a number of cases that are cited in  
13 the brief for that. The statute that Mr. Armstrong  
14 references, Section 960, has never been cited by any case  
15 or any reported case by any court, so far as we can tell.

16 On the flip side of that coin, there are numerous  
17 state courts that have been in the exact same situation as  
18 we've got here where they are being forced to enforce  
19 sister states judgments that are contrary to their express  
20 public policies. Two that are cited in the brief, Your  
21 Honor, that I think are absolutely on all fours here, the  
22 Burda [phonetic] from the Supreme Court of Nevada, and the  
23 Parker case from the Court of Appeals in New York.

24 Both cases were dealing with foreign judgments based  
25 on alienation of affections and criminal conversation.

1 Those two states, Nevada and New York, expressly abandoned  
2 those claims by statute as being contrary to the public  
3 policy of those states. Yet, those courts held that  
4 foreign judgments were enforceable under the full faith  
5 and credit clause. And those courts are, I think, very  
6 persuasive authority here.

7 I do not see the local distinction being raised by  
8 Mr. Armstrong in the cases that have addressed the public  
9 policy issue. What is clear is that the U.S. Supreme  
10 Court has not acknowledged a public policy exception be it  
11 local or statewide.

12 So we would submit to the Court, Your Honor, that the  
13 Court should follow the mandate of the full faith and  
14 credit clause as described by the appellate courts, namely  
15 the U.S. Supreme Court, and enforce the foreign judgment  
16 at issue here, which, at this stage, is nothing more than  
17 an action to collect a debt. And we would ask the Court  
18 to grant Plaintiff's motion for relief -- or grant  
19 Plaintiff's motion to enforce, and deny Defendant's motion  
20 for relief.

21 THE COURT: Thank you, Mr. Lincoln.

22 MR. LINCOLN: Thank you.

23 MR. ARMSTRONG: Brief response, Your Honor.

24 Opposing counsel puts tremendous weight on a Nevada  
25 case and a New York case, which was cited on Page 7 and 8

1 of his memorandum. It's interesting to note that the  
2 Nevada case is a 1984 case... The New York cases are 1957  
3 and 1958. That is when -- the '57 and '58 cases were long  
4 before this national trend had come into play. The '84  
5 case is before the South Carolina trend had occurred.

6 The law is a dynamic body of information and a body  
7 of rules for society. Years and years ago, alienation of  
8 affections and criminal conversation may have made some  
9 sense. And the argument that you can't look behind, while  
10 it may sound in a surgical sense the way to do, you always  
11 look behind to see what's going on. What's the genesis of  
12 these cases here? You've got to look for causes of  
13 action.

14 But we have this ground swell and this national trend  
15 of which South Carolina is a part, and which North  
16 Carolina is not. And it's time for the courts to  
17 recognize the realities of society, the realities of the  
18 way people live and work, and interact with one another  
19 today, not in some antiquated way, which is really what  
20 this is about.

21 Do I think that the entire full faith and credit  
22 clause should be scrapped? Absolutely not. But this is a  
23 reasonable and realistic exception which I'm asking the  
24 Court to acknowledge, based on the body of the -- juris  
25 prudential body of law. I would ask you to deny -- grant

1 my motion for relief, and deny the enforcement.

2 MR. LINCOLN: Just very briefly, Your Honor.

3 The very function of the full faith and credit  
4 clause, as espoused by the U.S. Supreme Court, is to  
5 address these times where courts in different states have  
6 different policies, and laws, and causes of action.  
7 That's the very function of the clause. And the language  
8 cited by -- on Page 7 of my brief that Justice Rutledge  
9 says, The very function of the clause is to compel the  
10 states to give effect to contrary policies of other states  
11 when these have been validly embodied in judgment.

12 That's all we have, Your Honor.

13 MR. ARMSTRONG: He's writing in 1945. Well, I  
14 understand, but that isn't even an issue now. The  
15 dynamics of society have changed and the national trend.  
16 And we would ask you to rule as requested. Also, he talks  
17 about local public policy.

18 THE COURT: Now, your argument is under the  
19 Constitution or the Articles of Confederation,  
20 Mr. Armstrong?

21 MR. ARMSTRONG: My argument is on -- not on the  
22 Articles of Confederation. I don't think that's the  
23 prevailing law any longer. It's under the United States  
24 Constitution. It's, also, under the case law and the  
25 statutory law of this state. I think it deals with

1 fundamental fairness. And I think that's a valid  
2 exception that should be recognized under the law.

3 Again, national. These cases talk about local. This  
4 is not local. Yes, it's local to South Carolina. But  
5 it's, also, nationwide. The great majority of the states  
6 do not accept these causes of action. The Plaintiff can't  
7 get in this state directly, so she has to come in the back  
8 door. And that's really what it is. And is that proper?  
9 She couldn't have sued this woman here.

10 THE COURT: Well, I don't -- I mean, where did the  
11 cause of action arise? In North Carolina, didn't it?

12 MR. ARMSTRONG: We don't know.

13 The allegations are in the complaint.

14 THE COURT: Well, there's not any kind of evidence  
15 of --

16 MR. ARMSTRONG: There's not a jurisdictional  
17 challenge here.

18 THE COURT: You're not saying that's what happened?

19 MR. ARMSTRONG: No. That's correct.

20 THE COURT: All right. Well, when was the statute,  
21 Section 15 --

22 MR. ARMSTRONG: It was passed in --

23 THE COURT: 15-35-960 --

24 MR. ARMSTRONG: I'm not sure. I think it was 1992 or  
25 1993, Judge. I don't have my statutory book here.

1           The whole scheme was put in at the same time. And,  
2 again, I just don't have the statute with me. Obviously,  
3 it was long before the facts arose in this case.

4           THE COURT: So in order to rule in your favor,  
5 Mr. Lincoln, wouldn't I have to find that the statute is  
6 Unconstitutional?

7           MR. LINCOLN: Your Honor, yes, in a nutshell, you  
8 would.

9           We don't believe that the reason the case -- or the  
10 statute, rather, has never been cited is possibly because  
11 this issue has not come up. But to the extent the Court  
12 is disinclined to rule contrary to that statute, we  
13 believe that the U.S. Supreme Court is the final arbiter  
14 on the full faith and credit clause and would supercede  
15 that statute.

16           THE COURT: Well, I'm going to have to look at it --  
17 I can't put my finger on it right now, and maybe y'all  
18 know, but this is a little bit of a strange procedural  
19 position because of what it is, an enforcement of a  
20 judgment. But there are provisions, under the rules of  
21 civil procedure, that require the Attorney General's  
22 Office to be made a party when the Constitutionality of a  
23 statute is challenged. So that's what I'm concerned  
24 about.

25           And I can't -- do any of y'all know off the top of

1 your head which rule that is in?

2 MR. ARMSTRONG: I know what you're talking about,  
3 Judge, but I cannot pull it up at the moment.

4 THE COURT: I'm going to have to look at that and see  
5 if they need to be made aware of this. And, if so, we'll  
6 have to have another hearing. If not, I'll make my  
7 decision based on the arguments y'all have made today and  
8 your briefs.

9 MR. ARMSTRONG: Thank you, sir.

10 MR. LINCOLN: Thank you, Your Honor.

11 THE COURT: Thank you.

12 \*\*\*\*\*END OF TRANSCRIPT OF RECORD\*\*\*\*\*

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December 8, 2011

The Honorable Daniel E. Shearouse  
Clerk, Supreme Court of South Carolina  
PO Box 11330  
Columbia, SC 29211

RE: *Sue Taylor Colson Widenhouse, Respondent vs.*  
*Tammy Batson Colson, Appellant*  
C.A. No.: 2011-CP-23-5359

Dear Mr. Shearouse:

Enclosed for filing is a Notice of Appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the Notice of Appeal on the respondent.
- (2) A copy of the Order which is to be challenged on appeal.
- (3) A filing fee of \$100.00;

(4) This appeal is being filed with the Supreme Court because Respondent seeks to enforce a foreign judgment in South Carolina. Appellant asserts that the foreign judgment is not entitled to entry or enforcement in South Carolina, as the judgment is contrary to the public policy of South Carolina (Code of Laws of South Carolina, 1976, Sec. 15-35-960). Respondent argues that the judgment is entitled to enforcement in South Carolina under the United States Constitution which provides that "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State", U.S. Constitution Article IV, Sec. 1. This appeal is properly before the Supreme Court of South Carolina under Rule 203(d)(1)(A)(ii).

Clerk, Supreme Court of South Carolina  
December 8, 2011  
Page 2 of 2

Yours truly,

ARMSTRONG LAW FIRM

*File Copy*

David D. Armstrong  
Attorney for Appellant

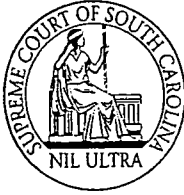
DDA/kas

11-6325

Enclosures

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100 N. Tryon St., Suite 4700  
Charlotte, NC 28202  
Attorneys for Respondent

*Tammy Colson (w/encl.)*



REC-12/15/11

# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

December 13, 2011

David D. Armstrong, Esquire  
Armstrong Law Firm  
P.O. Box 10855  
Greenville, SC 29603-0855

Re: Widenhouse, Sue v. Colson, Tammy, 2011-CP-23-5359

Dear Mr. Armstrong:

This office has received your notice of appeal in this matter. In the notice of appeal, you indicate that this notice of appeal is being filed in this Court because it involves a constitutional challenge to a statute or ordinance. The order being appealed does not contain any discussion or ruling on any constitutional challenge to any statute or ordinance.

I ask that you please provide additional information about this constitutional challenge to a statute or ordinance including how it was raised to and ruled on by the circuit court. This additional information should be provided within ten (10) days of the date of this letter.

Very truly yours,



CLERK

cc: Matthew D. Lincoln, Esquire  
Scott Michael Tyler, Esquire

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December 19, 2011

The Honorable Daniel E. Shearouse  
Clerk, Supreme Court of South Carolina  
PO Box 11330  
Columbia, SC 29211

RE: *Sue Taylor Colson Widenhouse, Respondent vs.*  
*Tammy Batson Colson, Appellant*  
C.A. No.: 2011-CP-23-5359

Dear Mr. Shearouse:

You are correct. The Order being appealed does not contain any reference to constitutional challenges; that is part of the problem. The Order incorporates, *inter alia*, the enclosed Defendant's [Appellant's] Motion for Relief (without attachments) and Plaintiff's [Respondent's] Memorandum of Law in Support of Motion to Enforce Foreign Judgment and in Opposition to Defendant's [Appellant's] Motion for Relief. The Respondent raised constitutional issues and the issues were argued before the trial judge. The transcript has been ordered but has not yet been received.

In sum, Appellant argues that the foreign judgment founded on North Carolina's "Heart Balm" causes of action is not enforceable in South Carolina under Sec. 15-35-960. Respondent argues that it is enforceable under the full faith and credit clause of the United States Constitution.

Should you require any additional information, please advise.

Yours truly,

ARMSTRONG LAW FIRM

*File Copy*

David D. Armstrong  
Attorney for Appellant

DDA/kas

11-6325

Enclosures

cc: Tammy Colson (w/o encl.)  
Scott M. Tyler, Esq. (w/o encl.)  
Matthew D. Lincoln, Esq. (w/o encl.)

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

---

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

D. Garrison Hill, Circuit Court Judge

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Case No.: 2011-CP-23-5359

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Sue Taylor Colson Widenhouse .....Respondent,

v.

Tammy Batson Colson .....Appellant.

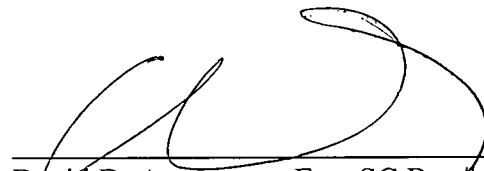
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**CERTIFICATE OF COUNSEL**

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Pursuant to Rule 210(g), SCACR, the undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

April 25, 2012



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