

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Chester County
Court of Common Pleas
Brooks P. Goldsmith, Circuit Court Judge

In the Matter of the Estate of Reba P.
Hinson, Probate # 2008-ES-12-297,
Circuit Court # 2010-CP-12-168,

Mell Woods Appellant,

v.

Robert H. Breakfield, as Personal Representative
of the Estate of Reba P. Hinson, Respondent.

Return to Motion to Motion for Costs

Court Of Appeals Internal Tracking Number: 2011-191876

Appellant, Mell Woods, comes now to reply to the Motion
for costs filed by Respondent Counsel, Mr. B. Michael
Brackett.

 ORIGINAL

1. Respondent practiced fraud upon the Probate Court of Chester County, South Carolina by stating under oath that one of the wills at issue did not exist when in fact said will did exist.

2. Respondent is an Officer of the Court, a licensed attorney, who used his position to set up an incorrect will by stating under oath that no other will existed; this set of circumstances caused appellant Mell Woods to be shut out of court with the matter already being decided before appellant ever had a chance to explain otherwise.

3. The Record does show that the actions by respondent do constitute extrinsic fraud as applied to appellant for the sole reason that the conduct complained of had been completed before appellant found out about the fraud; extrinsic fraud has been defined by the South Carolina Supreme Court in the case of Chewning v. Ford Motor Co, 354 S.C. 72, 579 S.E.2d 605 (2003).




ORIGINAL

Based on the above Reply, and the full Record in this case, appellant asks that the respondent Motion for Costs be denied.

Respectfully submitted,

this 10 day of November, 2014.



Mell Woods

P.O. Box 2603
Lancaster, SC 29721

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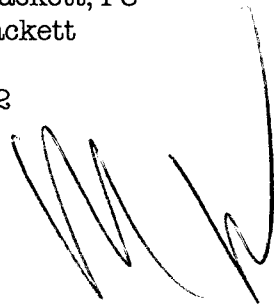
SC Court of Appeals

CERTIFICATE OF SERVICE:

I hereby certify that I have served the respondent with a copy of the within and foregoing Return to Motion for Appeal Costs by placing a copy of the Return in the U.S. Mail with postage addressed to:

Moses Koon and Brackett, PC
C/O B. Michael Brackett
P.O. Box 100261
Columbia, SC 29202

This 10 day of November, 2014.



Mell Woods

P.O. Box 2603
Lancaster, SC 29721

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