

**THE STATE OF SOUTH CAROLINA**

**In The Court of Appeals**

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**APPEAL FROM RICHLAND COUNTY**

**Court of Common Pleas  
DeAndrea Gist Benjamin, Circuit Court Judge  
Case No. 2013-CP-400-1643**

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**Appellate Case No. 2014-000583**

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**Samuel T. Brick, Appellant**

**v.**

**Richland County Planning Commission and Fairways Development, LLC,  
Intervenor, Respondents**

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**REPLY TO RESPONDENT'S RETURN TO MOTION FOR  
CLARIFICATION OF ORDER AND RELIEF**

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1. Appellant understands the requirement of Rule 240(f), SCACR, for a reply to a return on a motion to be made within five (5) days of the service of the return. Appellant received the return last evening upon returning from a visit to Florida to see a grandson born the morning of March 23, 2015. Notwithstanding the above that is not a normal excuse for a delay of the five-day requirement, attached as Exhibit A to this Reply is a copy of Respondent's envelope transmitting the Return. Note the date is "27 Mar '15," a Friday evening, and the time of

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transmittal is “PM 4.” Appellant does not know the exact date the envelope reached his mailbox but his experience is that Friday afternoon mailings in Columbia do not reach him until Monday or Tuesday. Respondent’s certification of service that it was made on March 26, 2015, in light of Exhibit A, suggests dilatory action in the service. His office mail stamp account is not the same as posting the filing. Accordingly, Appellant requests this Honorable Court to accept this short reply.

2. Appellant has no intention of rehashing Respondent’s Motion. Respondent would leave the Court to believe that his Motion was granted in its entirety. The Order does not use such words but to the contrary, while granting the Motion, the Order goes on “Specifically” to enumerate several matters to be addressed, the first being that the Complaint filed on October 31, 2012, be included. Appellant already has prepared an Amended Record that includes that. The clarification is whether just that version of the Complaint be included or also the version requested by Respondent/Intervenor to which the Respondent relies on for his inclusion of the October 31<sup>st</sup> version. Appellant included both versions in the Amended Record he is ready to duplicate and bind upon the Court’s clarification. Appellant’s Motion for clarification also requests to include the Motion to Amend the original complaint in that FOIA case that the parties agreed to include in a supplement to the Amended Record required by Judge Short’s Order. Again, Appellant has included that document in his pending Amended Record and requests the Court’s approval to include it.

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3. Judge Cureton's second specification is that Appellant shall not include any matters that were not in existence at the time the appeal was filed. Respondent's Motion specifies one document that is dated May 22, 2014, just a few days after Appellant filed his initial brief. Appellant has excluded that document from the pending Amended Record. The date of the deed that Intervenor/Respondent made selling the first and only phase of the property currently programmed for development is well before any appeals were made in this matter. The deed is dated December 13, 2012, and the first appeal to the Planning Commission was December 20, 2012. The tax records are undated but refer to subsequent sales of the property on April 3, 2013, and September 6, 2013. The lower court heard the matter on August 30, 2013. Intervenor/Respondent never advised the Court that it no longer owned the property being developed and Respondent continues to argue to this Court as if Fairways Development, LLC is still owner of the property. This Court can take judicial notice of these indisputable public records as previously argued. There is no date of the internet display representing to the public ownership of the property. This established the elusive nature of any recorded ownership or developer who could be included in an appeal as argued for the first time by Respondent and Intervenor/Respondent in their initial briefs proposed for this Court. This was found only after Appellant filed his initial brief upon Intervenor/Respondent's motion for relief from the automatic stay based on an affidavit from an individual saying he was the property owner. The affidavit is not part of the pending Amended Record. These

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three documents are not referred to in Respondent's Motion other than as documents that were filed with the motion to lift the stay. The documents however, as specified in Appellant's Reply Brief, stand on their own. Their existence prove that Intervenor/Respondent was not the owner of the property being developed, a fact that the lower court specifically relied on in its inclusion of Fairways Development, LLC, to these proceedings.

4. Appellant has rectified all other complained of concerns in the pending Amended Record. Signatures of documents and consecutive page numbering without hyphenated numbers have been corrected. Appellant requested the Clerk of Court to obtain the Exhibit Respondent Judge Cureton required pursuant and in accordance with the last sentence of Rule 210(f), SCACR, and requests clarification that such complies with the final specification of Judge Cureton's Order.

5. Finally, since Appellant complied with Judge Short's Order and filed his final briefs within twenty days of the Amended Record, and since Intervenor/Respondent filed its final brief, Appellant requested relief to amend such briefs and relief from Judge Cureton's thirty day filing period to receive this Court's clarification. Appellant is striving so an Amended Record acceptable to all parties can be filed and accompanied with corresponding final briefs.

Accordingly, Appellant reiterates his request for clarification and relief and submits that he never intended, "very subtly" (sic) or otherwise for a

reconsideration of Judge Cureton's Order. Appellant's desire is to get it right for all parties and in accordance with Court rules.

AND FOR SUCH OTHER AND FURTHER RELIEF AS THIS HONORABLE COURT DEEMS NECESSARY AND PROPER.

Respectfully submitted,



Samuel T. Brick, Appellant, Pro se  
124 Runnymede Drive  
Blythewood, SC 29016  
803 546 4895  
sbrick2011@gmail.com

April 2, 2015

Attachment:

Exhibit A Copy of Respondent's Envelope dated March 27, 2015

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**CERTIFICATION OF SERVICE**

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Samuel T. Brick, Appellant, pro se, hereby certifies that on this 2d day of April, 2015, he made service of the Reply to Respondent's Return to Motion for Clarification of Order and Relief to all parties of record by placing a copy of such Return for each such party in an official receptacle of the United States Mail, first class postage prepaid addressed as follows:

Tobias G. Ward, Jr., Esq.  
J. Derrick Jackson, Esq.  
Tobias G. Ward, Jr., P.A.  
Post Office Box 6138

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**SC Court of Appeals**

Columbia, SC 29260

Attorneys for Intervenor/Respondent and to

Andrew F. Lindemann, Esq.  
Michael B. Wren, Esq.  
Davidson & Lindemann, P. A.  
Post Office Box 8568  
Columbia, SC 29201-8568

Attorneys for Respondent



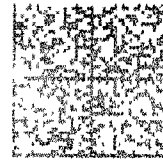
Samuel T. Brick, Appellant, Pro-se  
124 Runnymede Drive  
Blythewood, SC 29016  
803 546 4895  
sbrick2011@gmail.com

April 2, 2015

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Received  
April 1, 2015  
*[Signature]*

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SC 290  
27 MAR '15  
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2004 \$ 0.00  
1400565 MAR

Davidson & Lindemann, P A.  
Post Office Box 8568  
Columbia, South Carolina 29202-8568



Mr Samuel T Brick  
124 Runnymede Drive  
Blythewood, South Carolina 29016

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EXHIBIT A

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