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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APR 24 2015

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

SC Court of Appeals

The Honorable Mikell R. Scarborough,
Master-in-Equity

Case No. 2013-CP-10-6560
Appellate Case No. 2015-000586

Jerome C. Harris.....Respondent,

v.

Judy Pinckney Singleton, Gordon Ladson, Charlene Wilson, Andrew Lee, Dorothy Pinckney, Priscilla Johnson, Sandra Pinckney Rahim, Anthony Pinckney, Alexis Lee, Timothy Lee, and Ronald Lee, The Estate of Eloise Pinckney Harris, John Doe, Jane Doe, Richard Roe, and Mary Roe, who are fictitious names representing all unknown persons and the heirs at law or devisees of the following deceased persons known as Simeon B. Pinckney, Isabella Pinckney, Alex Pinckney, Mary Pinckney, Samuel James Pinckney, Rebecca Riley Pinckney, James H. Pinckney, William Brown, Sarah Pinckney, Julia H. Pinckney, Laura Riley Pinckney Heyward, Herbert Pinckney, Ellis Pinckney, Jannie Gathers, Robert Seabrook, Annie Haley Pinckney, Lillian Pinckney Seabrook, Simeon B. Pinckney, Jr., Matthew G. Pinckney, Mary Riley, John Riley, Richard Riley, Daniel McLeod, Isadora A. Pinckney, Hattie Pinckney (wife of Ellis Pinckney), Josiah Pinckney, Annie Pinckney, Julius Pinckney, Sr., Eloise Pinckney Harris, Jerome Harris, Sr., Dorothy Lee, Josiah W. Pinckney, Beatrice Pinckney, Julius Pinckney, Jr. a/k/a Julia Pinckney, Hattie Pinckney (daughter of Josiah Pinckney), Elizabeth Lee, John Lee and all other persons known or unknown, claiming any right, title, estate, interest, or lien upon the real estate tracts described in the Complaint herein,.....Appellants

MOTION TO DISMISS

Comes now, counsel for the Respondent, Jerome C. Harris, hereby moves before this Court for an Order dismissing the Appellants appeal.

The basis for this Motion is as follows:

1. That this matter was initially filed in the Court of Common Pleas for Charleston County on November 5, 2013.
2. After discovery, a Motion for Summary Judgment was filed by the Respondent and said motion was heard on April 17, 2014 before the Honorable Mikell R. Scarborough. Summary Judgment was granted. Appellants' current counsel represented the Appellants at that hearing.
3. As reflected in **Exhibit 1**, the Court Reporter for the April 17, 2014 hearing was Stacey Scoggan. (Emphasis added).
4. Subsequent to the Summary Judgment Motion being granted, a Final Order was entered by the Court on May 9, 2014 (see **Exhibit 2**). The Appellant filed, *pro se*, **Exhibit 3**, what the Trial Court characterized as a Rule 59(e) Motion for Reconsideration.
5. A hearing on the Rule 59(e) Motion for Reconsideration was held on January 16, 2015. The Appellant appeared *pro se* at that hearing.
6. An Order was issued by the Honorable Mikell R. Scarborough on January 16, 2015 denying the Appellant's Motion for Reconsideration (see **Exhibit 4**).
7. That on February 23, 2015, the Appellant filed with the Court of Common Pleas for Charleston County, a Notice of Appeal relative to this matter.
8. That the Appellant also forwarded, by way of fax, to the Respondent, a copy of a Notice of Appeal and an Amended Notice of Appeal as evidenced by **Exhibits 5 and 6** attached hereto.

9. On March 6, 2015, the Appellant forwarded to the South Carolina Court of Appeals, as evidenced by **Exhibit 7** attached hereto, a letter indicating that the Appellant was filing with this Court, an Amended Notice of Appeal together with a Certificate of Service and a request for transcript.

10. That subsequent thereto, on March 9, 2015, the Appellant filed with this Court, a Proof of Service without the Notice of Appeal. (Emphasis added).

11. As evidenced by **Exhibit 8**, on March 6, 2015, the Appellant ordered from Melissa Raye Singletary, a Court Reporter, a copy of a transcript of a January 16, 2015 hearing regarding a case that was tried before the Honorable J. C. Nicholson, Jr., Circuit Court Judge.

12. That in fact, the hearing held on January 16, 2015 as it relates to this matter was before the Honorable Mikell R. Scarborough, Master-in-Equity for Charleston County. No hearing in this proceeding was ever held before the Honorable J. C. Nicholson, Jr., Circuit Court Judge as it relates to this matter.

13. On March 23, 2015, as evidenced by **Exhibit 9** attached hereto, the Clerk's Office of the South Carolina Court of Appeals forwarded a letter to the Appellant, which stated in part, "*Upon reviewing your letter ordering the transcript from the court reporter, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and must be corrected within ten (10) days of the date of this letter or the appeal will be dismissed.*" (Emphasis added).

14. The March 23, 2015 letter further stated, "*The letter addressed to Ms. Singletary and dated March 6, 2015, identifies Judge Nicholson as the presiding judge in*

this matter. However, you have indicated in the proof of service and the order that Judge Scarborough presided over this matter in the lower court.”

15. Again, on March 23, 2015, in another letter, the Clerk’s Office of the South Carolina Court of Appeals notified the Appellant, in **Exhibit 10** attached hereto, that, *“Upon reviewing your correspondence received March 9, 2015, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and must be corrected within ten (10) days of the date of this letter or the appeal will be dismissed: (Emphasis added).*

The correspondence received March 9, 2015, does not include the notice of appeal.

The signature block on your cover letter shows that you represent Ernest McKnight, a part that is not included in the caption used on the proof of service.

The proof of service received on March 9, 2015, indicates that you are serving and filing an amended notice of appeal. However, this Court has not received a notice of appeal from you. A motion to allow the late filing of the notice of appeal will have to be made.” (Emphasis added).

ARGUMENT AND AUTHORITIES

The deficiency letters issued by this Court, clearly mandated that the Appellant correct certain mistakes that appeared in his effort to perfect this appeal.

To this date, the Appellant has not engaged any manifestations to follow the mandates as set out in either of the March 23, 2015 letters.

More particularly, the Appellant has not filed a Motion with this Court requesting leave from the Court to file a Notice of Appeal out of time. Nor has the Appellant served an Amended Notice of Appeal on this Court as mandated by one of the March 23, 2015 letter.

Furthermore, as required by a second March 23, 2015 letter to the Appellant from this Court, the Appellant has not identified the correct presiding lower court judicial officer, namely, the Honorable Mikell R. Scarborough, Master-in-Equity for Charleston County, as the Trial Court Judge.

More importantly, the initial Summary Judgment hearing held on April 17, 2014 was before the Honorable Mikell R. Scarborough. The court reporter for that hearing was Stacey Scoggan. The Appellant has not presented the Respondent or this Court with any correspondence indicating that he has ordered the transcript of that proceeding, so as to have a complete record on appeal, before this Court. To put differently, in order for this Court to adequately address this matter on the appellate level, a complete transcript of the trial court proceeding must be requested from the lower court Court Reporter. Substantially more than ten (10) days has elapsed since the Appellant attempted to file this appeal.

Rule 203(b) (1) (b) of the South Carolina Rules of Appellate Practice requires that the Notice of Appeal should be filed with the Clerk of the lower court and the Clerk of the Appellate Court within ten (10) days after the Notice is served.

The Appellant has never filed a Notice of Appeal with the South Carolina Court of Appeals as required by the hereinabove mentioned rule. That alone, without more, is sufficient enough to dismiss this appeal as being untimely and not perfected.


Moreover, the Appellant has made no efforts to follow the mandates of the March 23, 2015 letters to correct the deficiencies set out in those letters so as to perfect this appeal. Couple that with the fact that the Appellant has not timely ordered the transcript of the lower court proceeding, namely, the April 17, 2014 hearing, further gives credence to the conclusion that this appeal should be dismissed.

Additionally, Rule 203(d)(3) of the South Carolina Rules of Appellate Procedure, states succinctly, in part, "*if the Notice of Appeal is not timely filed . . . the appeal should be dismissed . . .*"

The Appellant has not complied with the South Carolina Rules of Appellate Practice in attempting to perfect this appeal. (Emphasis added). In fact, it can be conclusively argued that because the Appellant has not complied with the March 23, 2015 letters from the Court of Appeals to correct the deficiencies as set out in those letters, he has abandoned his appeal.

WHEREFORE, Respondent prays that Appellant's appeal be dismissed with prejudice.

April 22, 2015


Edward M. Brown, Esquire
Post Office Box 20261
Charleston, SC 29413
(843) 559-9224
(843) 559-9226 (fax)
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APR 24 2015
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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Mikell R. Scarborough,
Master-in-Equity

Case No. 2013-CP-10-6560
Appellate Case No. 2015-000586

Jerome C. Harris.....Respondent,

v.

Judy Pinckney Singleton, Gordon Ladson, Charlene Wilson, Andrew Lee, Dorothy Pinckney, Priscilla Johnson, Sandra Pinckney Rahim, Anthony Pinckney, Alexis Lee, Timothy Lee, and Ronald Lee, The Estate of Eloise Pinckney Harris, John Doe, Jane Doe, Richard Roe, and Mary Roe, who are fictitious names representing all unknown persons and the heirs at law or devisees of the following deceased persons known as Simeon B. Pinckney, Isabella Pinckney, Alex Pinckney, Mary Pinckney, Samuel James Pinckney, Rebecca Riley Pinckney, James H. Pinckney, William Brown, Sarah Pinckney, Julia H. Pinckney, Laura Riley Pinckney Heyward, Herbert Pinckney, Ellis Pinckney, Jannie Gathers, Robert Seabrook, Annie Haley Pinckney, Lillian Pinckney Seabrook, Simeon B. Pinckney, Jr., Matthew G. Pinckney, Mary Riley, John Riley, Richard Riley, Daniel McLeod, Isadora A. Pinckney, Hattie Pinckney (wife of Ellis Pinckney), Josiah Pinckney, Annie Pinckney, Julius Pinckney, Sr., Eloise Pinckney Harris, Jerome Harris, Sr., Dorothy Lee, Josiah W. Pinckney, Beatrice Pinckney, Julius Pinckney, Jr. a/k/a Julia Pinckney, Hattie Pinckney (daughter of Josiah Pinckney), Elizabeth Lee, John Lee and all other persons known or unknown, claiming any right, title, estate, interest, or lien upon the real estate tracts described in the Complaint herein,.....Appellants

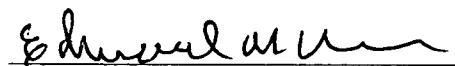
PROOF OF SERVICE

I certify that I have served the Respondent's Motion to Dismiss, on the Appellants by depositing a copy of it in the United States Mail, postage prepaid, on April 22, 2015,

addressed to their attorney of record and to other counsels of record listed below.

Willie B. Heyward, Esquire
27 Gamecock Avenue
Suite 200
Charleston, South Carolina 29407
Attorney for Appellants
(843) 225-8765

April 22, 2015



Edward M. Brown, Esquire
Post Office Box 20261
Charleston, South Carolina 29413
Telephone No.: (843) 559-9224
Facsimile No.: (843) 559-9226

Ed Brown Law Firm

From: "Ed Brown Law Firm" <edbrownlawfirm@att.net>
To: <Stacey.scoggan@gmail.com>
Sent: Tuesday, March 10, 2015 11:59 AM
Subject: Harris v. Singleton (Case #2013-CP-10-6560)

Ms. Scoggan:

On April 17, 2014, a hearing was held before the Honorable Mikell R. Scarborough, Master-in-Equity for Charleston County relative to the above referenced matter. The hearing was held in Charleston County.

Being that you were the court reporter for this hearing, I am requesting a copy of the transcript of the proceeding. Please transcribe the entire record.

I agree to pay per page charges for the transcript as provided by Rule 607, SCACR.

Edward M. Brown, Esquire
P. O. Box 20261
Charleston, SC 29413
(843) 559-9224
(843) 559-9226 (fax)
edbrownlawfirm@att.net

EXHIBIT

1

EDWARD M. BROWN

ATTORNEY AT LAW
OFFICE: (843) 559-9224 ~ FACSIMILE: (843) 559-9226

EDWARD M. BROWN

April 22, 2015

PLEASE REPLY TO:
P. O. BOX 20261
CHARLESTON, SC 29413-0261
E-Mail: edbrownlawfirm@att.net

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

RECEIVED

APR 24 2015

SC Court of Appeals

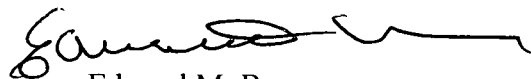
RE: Jerome Harris
vs.
Judy Pinckney Singleton, et al.
Appellate Case No. 2015-000586

Dear Ms. Kitchings:

You will find enclosed herein for filing, the original and copies of Respondent's Motion to Dismiss together with a Proof of Service and a check in the amount of \$25.00 relative to the above-referenced matter.

Subsequent to filing the enclosed documents, kindly return a stamped copy to this writer's office by way of the self-addressed enclosed envelope.

Yours very truly,



Edward M. Brown

EMB/

cc: Willie B. Heyward, Esquire

ORIGINAL

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NUMBER: 2013-CP-10-6560

JEROME C. HARRIS,)
)
Plaintiff,)

vs.)

Judy Pinckney Singleton, Gordon Ladson,)
Charlene Wilson, Andrew Lee, Dorothy Pinckney,)
Priscilla Johnson, Sandra Pinckney Rahim,)
Anthony Pinckney, Alexis Lee, Timothy Lee, and)
Ronald Lee,)
The Estate of Eloise Pinckney Harris, John Doe,)
Jane Doe, Richard Roe, and Mary Roe, who are)
fictitious names representing all unknown persons)
and the heirs at law or devisees of the following)
deceased persons known as Simeon B. Pinckney,)
Isabella Pinckney, Alex Pinckney, Mary Pinckney,)
Samuel James Pinckney, Rebecca Riley Pinckney,)
James H. Pinckney, William Brown, Sarah)
Pinckney, Julia H. Pinckney, Laura Riley Pinckney)
Heyward, Herbert Pinckney, Ellis Pinckney,)
Jannie Gathers, Robert Seabrook, Annie Haley)
Pinckney, Lillian Pinckney Seabrook, Simeon B.)
Pinckney, Jr., Matthew G. Pinckney, Mary Riley,)
John Riley, Richard Riley, Daniel McLeod,)
Isadora A. Pinckney, Hattie Pinckney (wife of Ellis)
Pinckney), Josiah Pinckney, Annie Pinckney, Julius)
Pinckney, Sr., Eloise Pinckney Harris, Jerome)
Harris, Sr., Dorothy Lee, Josiah W. Pinckney,)
Beatrice Pinckney, Julius Pinckney, Jr. a/k/a Julia)
Pinckney, Hattie Pinckney (daughter of Josiah Pinckney),)
Elizabeth Lee, John Lee and all other persons known)
or unknown, claiming any right, title, estate,)
interest, or lien upon the real estate tracts described)
in the Complaint herein,)

Defendants.)

FILED
2013 MAY -9 PM 3:23
JULIE J. ARMSTRONG
CLERK OF COURT
BY [Signature]

**FINAL ORDER
AND
DECREE**

EXHIBIT 2

[Handwritten signature]

Procedural History of Case

This matter commenced with the filing of a Summons and Complaint, *Lis Pendens* and Notice *Nisi* filed on November 5, 2013. The Clerk of Court thereafter executed an Order of Publication on November 14, 2013 mandating that the parties hereto, known as John Doe and Mary Roe, be served by publication and that those Defendants be served with the Notice *Nisi*, the Summons and the *Lis Pendens*.

No Defendants Answered except for the Defendant Gordon Ladson. On February 6, 2014, the Honorable Stephanie P. McDonald entered an Order of Default regarding those Defendants, including Defendants John Doe and Mary Roe. This matter was thereafter referred to the Master in Equity for final determination by Order entered March 10, 2014.

In regard to those Defendants that appear in the pleadings as John Doe and Richard Roe and any and all other persons or legal entities claiming any rights, title, interest, estate in or lien upon the parcel of property that is the subject matter of this Complaint, they were duly served pursuant to an Order of Publication of this Court in *The Moultrie News*, a newspaper of local circulation, on November 27, 2013, December 4, 2014, and December 11, 2013 with a copy of the *Lis Pendens*, Notice *Nisi*, and Summons.

Plaintiff further published in the *Queens Ledger*, a daily newspaper in Queens County, New York, the Summons, Notice *Nisi* and *Lis Pendens* on November 21, 2013, November 28, 2013, and December 5, 2013. None of those Defendants answered within the time required by law and were adjudicated in default.

This matter came before me on April 17, 2014 by way of Motion for Summary Judgment filed pursuant to Rule 56(c) of the South Carolina Rules of Civil Procedure on behalf of the Plaintiff Jerome C. Harris. Edward M. Brown, Esq. appeared on behalf of the Plaintiff, who also

Ellis Pinckney died testate in 1976 in the County of Charleston, State of South Carolina. In his Will, properly probated in the Charleston County Probate Court, Ellis Pinckney, "*bequeath to my beloved daughter, Eloise Pinckney Harris of Westbury, New York and Isadora Pinckney of James Island, all of my personal and real estate to share and share alike.*" The Will was submitted to probate on or about June 17, 1976.

Upon Letters Dismissory being issued, Isadora Pinckney was discharged as Executrix of the Estate of Ellis Pinckney, on January 9, 1978. None of the Appellants or their predecessors in interest filed a claim with the Probate Court against or claiming an interest in the Estate.

Isadora Pinckney subsequently died and after her estate was probated, Letters Dismissory were issued on March 25, 1981 to Eloise Pinckney Harris as Executrix of her Estate. A devise and descent form and Deed of Distribution, regarding the real property, was issued by the Estate of Isadora Pinckney to Eloise Pinckney Harris as the sole beneficiary and devisee. Again, neither the Defendant, Defendant's mother Loretta Ladson, nor any of their predecessors in interest, filed a claim with the Probate Court asserting any interest in the property, real or personal, that constituted the Estate of Isadora Pinckney.

A previous action (the 2005 actions) regarding the real property subject of this proceeding, was initiated by Sara Mae Robinson, Mary Ann Campbell, James Scott, Ellis Scott, William Scott, Shirley Pinckney Hughes, Julius Steven Brown, Leon Brown, Annabell Brown, Loretta Ladson, Kathleen Brown, Mozelle B. Rembert, Patricia Frickling, Ruth Mitchell, Gwendolyn Dunn, Angela Hamilton, Geraldine Jameson, Remus Prioleau, Julius Prioleau, Anthony Prioleau, Judy Brown, Franklin Brown, Kathy Young, Kenneth Prioleau, Willis Jameson, Melvin Pinckney, William 'Alonzie' Pinckney, Ruth Fussell, Hattie Wilson, Marie Watson, Gloria Becoat, Angela T. Burnett, and Lawrence Redmond in the Court of Common

pleadings, depositions, interrogatories, admissions on file, affidavits, etc. Keiser v. Coliseum Properties, Inc., 614 F.2d 406 (5th Cir. 1980). **Like its federal counterpart, Rule 44 did not, and new Rule 56 does not, “distinguish between documents merely filed and those singled out by counsel for special attention – the court must consider *both* before granting a summary judgment.”** [Emphasis added.] *Id.* at 410. (Emphasis added here as well.)

Gilmore v. Ivey, 290 S.C. 53, 57, 348 S.E.2d 180,183-184 (S.C.App. 1986) [Gilmore].

In the ruling on a Motion for Summary Judgment, the trial court must view the evidence and all inferences which can be reasonably drawn therefrom in the light most favorable to the non-moving party. Coester v. Carolina Rental CTR, Inc., 443 S.E. 2d 392 (1994).

For the purposes of a Summary Judgment matter, the United States Supreme Court held in Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 255 (1986) that,

in ruling on a motion for summary judgment, a court's function is not to weigh the evidence, but rather to determine whether there is a genuine issue for trial. The evidence of the non-moving party must be believed at the summary judgment stage and all justifiable inferences must be drawn in the non-moving party's favor. An issue of fact is genuine if the evidence is such that a reasonable fact finder could find in favor of the non-moving party. (See also Celotex v. Garrett, 477 U.S. 317, 322-323). (Emphasis added).

A. WAIVER

Waiver is defined as the voluntary and intentional relinquishment of a known right, Providence Life and Accident Insurance Company v. Driver, 451, S.E. 2d 924.

Additionally, in order to establish waiver, a party must show prejudice through an undue burden caused by the delay against whom the waiver defense is being presented. Century Construction Company v. Mariners Kay Development Corporation, 338 S.E. 2d, 631 (1985).

Moreover, “a waiver is a voluntary and intentional abandonment or relinquishment of a known right, generally the party claiming waiver must show that the party against whom waiver is asserted possess, at the time, actual and constructive knowledge of his right or of all the real facts upon which they depend. The doctrine of waiver does not necessarily imply that the party asserting waiver have been misled to his prejudice or into an unaltered position.” Jansik, et al. v. Fairway Oaks Villa Horizontal Property Regime Management, 415 S.E. 2d, 384 (1992).

It is undisputed that, notwithstanding the fact that there were two (2) estates that were properly probated in Charleston County, neither the Defendant nor his predecessors in interest made any claim against either estate. Additionally, it is also undisputed that the real property that is the subject matter of this action was the primary asset of the Estates of Eloise Pinckney Harris and Isadora Pinckney. The court finds that publication pursuant to the Probate statutes was properly followed. The Defendant cannot now claim that, neither he nor his predecessors in interest, had no notice regarding both estates.

It has been over sixty (60) years since the real property was conveyed to Ellis Pinckney. There is no provision in the Code of Laws of South Carolina that accords anyone the right, legally or equitably, to bring an action sixty (60) years after the fact. Stated differently, the laws of South Carolina do not provide for a sixty (60) year statute of limitations.

The Defendant and his predecessors in interest, knew of their rights well in advance of this day. Therefore, it was incumbent upon the Defendant Gordon Ladson and his predecessors to file the appropriate action in a court of competent jurisdiction to have those rights adjudicated.

I therefore find that the Defendants herein have waived their right to contest the title to 10 acre tract of land which is the subject of this action.

B. LACHES/STATUTE OF LIMITATIONS

“Laches is a neglect for an unreasonable and unexplained length of time under circumstances affording opportunity for diligence to do what in law should be done.” *Mid-State Trust, II. v. Wright*, 474 S.E. 2d, 421.

Furthermore, “laches is an equitable doctrine which arises upon the failure to assert a known right.” *Waccamaw v. Prodicine Episcopal Church in the Dioces of South Carolina*, 595 S.E. 2d, 253 (2004).

It is also evident that these Defendants are barred from asserting any rights to this property under the doctrine of laches. For sixty (60) years, the Defendants and/or their ancestors sat idly by and did nothing to protect any rights that they had as it relates to this property.

The Plaintiff submits that there are no rights that are legally cognizable to these Defendants after a period in excess of fifty-seven (57) years as it relates to the real property that is the subject matter of this action.

Additionally, under section 15-3-340 of the Code of Laws of South Carolina, these Defendants' actions are barred. Section 15-3-340 states, "*no action for recovery of real property or recovery of the possession of real property may be maintained unless it appears that the Plaintiff, his ancestors, predecessors or grantors was seized or possessed of the premises in question within ten (10) years before the commencement of the action.*" It is indisputable that the individual that possess the property that is the subject matter of this action, were not the ancestors, predecessors or grantors of the Defendant. Specifically, Ellis Pinckney and his daughters, Isadora and Eloise Pinckney, exclusively possessed this property to the exclusion of all others within ten (10) years prior to the commencement of this action.

Moreover, the Plaintiff asserts that the Defendant's claim is barred under the doctrine of laches. The South Carolina Supreme Court held in *ExParte Stokes*, 182 S.E. 2d, 306 (1971), "*laches is defined as: neglect for an unreasonable or unexplained length of time under circumstances affording opportunity for diligence to do what in law should have been done.*"

The Courts have also held that laches is the negligent failure to act for an unreasonable period of time in regards to a known right.

In the case at bar, the Defendant and his ancestors sat by for a period in excess of fifty-seven (57) years assumedly knowing that they had a right in the property of Ellis Pinckney.

Furthermore, Simeon Pinckney, the father of Ellis Pinckney, possessed this property prior to his death in 1923. If that date is used as a starting point for the statute of limitations, the Defendants have waited for a period of eighty-five (85) years.

The purpose of the statutory scheme in the Code as to the recovery of real property is to create a time frame in which title to real property can be legally challenged. There is no statute in the South Carolina Code which allows a Plaintiff to bring an action for recovery of real property after a period of eighty (80) years. Even if this Defendant had a right or interest in the property subject of this action, I find that right has been foreclosed due to the doctrine of laches.

C. RES JUDICATA

The South Carolina Supreme Court held in *Yelsen Land Company, Inc. v. State of South Carolina*, 723 S.E. 2d 592, 596, that, "*Res judicata's fundamental purpose is to insure that no one should be twice sued for the same cause of action.*" See *Judy v. Judy*, 712 S.E. 2d 408, 414 (2011).

The Court further held that, "*Res judicata bars a second suit where there is (1) identity of parties; (2) identity of subject matter; and (3) adjudication of the issue in the first suit.*" *Yelsen*, 596, *Judy*, at 167, 712 S.E. 2d 412.

In this action, the very claim that the Defendant Gordon Ladson makes is the same claim made by Plaintiffs (herein the Defendants) in the 2005 action.

The Defendant is the son of Loretta Ladson, one of the Plaintiff's in the 2005 action.

This court finds that the Defendant, Ladson was privity to the 2005 action as well as being in privity with his mother who was a Plaintiff in the 2005 action. The subject matter of this action is the same as the 2005 action. The issues in the 2005 action are the same issues in this action that was adjudicated and decided adversely to all of those Plaintiffs.

Defendant Ladson admitted in his deposition that nothing prevented him from joining as a Plaintiff in the 2005 action or bringing a claim to assert any interest in this property:

(Pg. 18, lines 22- 25; pg. 19, lines 1-10)

Q: Did anything prevent you from becoming a plaintiff in that action?

A: My mother was still alive, but she appointed me.

Q: To do what?

A: Personal representative.

Q: Your mother died in 2012?

A: 2011.

Q: This action was started in 2005?

A: 2005, yep.

Q: Don't you know what the outcome of this action was?

A: Well, the outcome is where we at now, the outcome of that is –

(Pg. 46, lines 1-25, pg. 47, lines 1-8)

Q: But my question is your mother. Did anything prevent your mother from Bringing a claim against the estate of – claiming an ownership interest in This property against the estate of Ellis Pinckney, Isadora Pinckney or –

A: I wouldn't know that.

Q: You wouldn't know that. Okay. Is there anything that would have prevented your grandmother from bringing a claim? When did your grandmother die?
I'm sorry.

A: My grandmother died in 1988.

Q: So she died subsequent to Ellis Pinckney dying, right?

A: Yeah.

Q: Was there anything to prevent her from bringing a claim against the estate of Ellis Pinckney in regard to ownership interest in the property that is the subject matter of this case?

A: I can tell you that my grandmother, really, she couldn't read or write, but then she knew she owned the property through her --- she would have been the next in line from her father. She had no reason to not insert [sic] that she owned that property.

Q: But my question is, is there anything that prevented her from bringing a claim?

A: I can't tell you that.

Q: Okay. In your answer you're asserting that you have a claim in this property through your mother?

A: Yeah, because I am from the true blood.

Q: Yeah, okay. And your mother was a plaintiff in the 2005 action that was brought by Mr. Bilbro on behalf of Sara Mae Robinson, your mother, and other people?

A: Yes.

In fact, the Defendant states that he was the person that directed the Plaintiffs to Walter F. Bilbro, Esq., counsel for Plaintiffs in the 2005 action. Ladson further states in his deposition that he attended approximately a dozen meetings between the Plaintiffs in that action and Mr. Bilbro, and that his mother, Loretta Ladson, was a Plaintiff in the 2005 action and nothing prevented him

from joining in that action as a Plaintiff. Further, the Defendant, Gordon Ladson, provided an Affidavit in support of the Plaintiffs' cause of action in the 2005 action.

Additionally, the same property that was the subject matter of the 2005 action is the subject matter of this action, namely the 461 Ft. Johnson Road real property.

Lastly, the South Carolina Supreme Court adjudicated and finally ruled on all of the issues in that case. The ruling therein certainly indicates the Plaintiffs in the 2005 action had no legitimate claims to the real property that is the subject matter of this action.

Therefore, I find the Defendant Ladson is barred from re-litigating this claim under the doctrine of *res judicata*.

II. QUIET TITLE ACTION

Simeon B. Pinckney died intestate in the County of Charleston, State of South Carolina in 1923 leaving as his sole heirs at law, his wife, Laura Pinckney, and two (2) sons, Ellis Pinckney and Herbert Pinckney. On the date of his death, Simeon B. Pinckney was seized and possessed of a 14.3 acre tract located on James Island, South Carolina.

Subsequent to Simeon B. Pinckney's death, Laura Pinckney and Herbert Pinckney conveyed ten (10) acres of the 14.3 acre tract to Ellis Pinckney by deed dated October 25, 1946 and recorded in Book L46, Page 615 of the Charleston County R.M.C. Office.

Ellis Pinckney died testate on or about January 6, 1976 in the County of Charleston, State of South Carolina. Ellis Pinckney's wife, Hattie Pinckney, predeceased him and she died intestate in the County of Charleston, State of South Carolina in 1970 leaving as her sole heirs at law, Ellis Pinckney, her husband and children, Josiah Pinckney, Isadora A. Pinckney, Julius Pinckney, Sr. and Eloise Pinckney Harris. In his Will, properly probated in the Charleston

County Probate Court, Ellis Pinckney bequeath to his beloved daughters, Eloise Pinckney Harris of Westbury, New York and Isadora A. Pinckney of James Island, South Carolina, all of his real estate including but not limited to the parcel of land described in paragraph three (3) of this Complaint, to share and share alike.

Ellis Pinckney had four (4) children, namely, Josiah Pinckney, Isadora A. Pinckney, Julius Pinckney, Sr., and Eloise Pinckney Harris. Isadora A. Pinckney, a daughter of Ellis Pinckney was appointed Executrix of the Estate of Ellis Pinckney and duly discharged from those duties by way of Letters of Dismissory issued on January 9, 1978.

Isadora A. Pinckney, a daughter of Ellis Pinckney died testate in the County of Charleston, State of South Carolina on or about May 10, 1980. Isadora A. Pinckney never married and she had no children. In her Will, Isadora A. Pinckney devised and conveyed all of her interest in the real estate that is the subject matter of this action, to her sister, Eloise Pinckney Harris.

Josiah Pinckney, the son of Ellis Pinckney died intestate in the City of Brooklyn, County of Kings, State of New York in 1953 leaving as his sole heirs at law his wife, Annie Pinckney, and his children, Hattie Pinckney, Dorothy Lee, and Josiah W. Pinckney.

Annie Pinckney, the wife of Josiah Pinckney died intestate in the City of Brooklyn, County of Kings, State of New York in 1955 leaving as her sole heirs at law, her children, Hattie Pinckney, Dorothy Lee, and Josiah W. Pinckney.

Hattie Pinckney, the daughter of Josiah Pinckney and the granddaughter of Ellis Pinckney, died intestate in the County of Kings, State of New York without any children.

Dorothy Lee, the daughter of Josiah Pinckney and the granddaughter of Ellis Pinckney, died intestate in the County of Kings, State of New York, leaving as her sole heirs at law, her

children, Alexis Lee, Timothy Lee, Ronald Lee, Charlene Wilson, Andrew Lee, Elizabeth Lee. Dorothy Lee's husband, who the Plaintiff believes was named John Lee, predeceased Dorothy Lee and died intestate in the County of Kings, State of New York. Plaintiff does not know the date or the year of his death.

Elizabeth Lee, the daughter of Dorothy Lee died intestate in Kings County, State of New York, leaving her heirs at law. The Plaintiff does not know the names or whereabouts of these heirs. These heirs, if any, would likely reside in Kings County, New York. Dorothy Lee had three other children who are now deceased. The Plaintiff does not know the name of those children or the date of their death. Plaintiff is informed and believes that these children died intestate in the County of Kings, State of New York.

Josiah W. Pinckney, the son of Josiah Pinckney and the grandson of Ellis Pinckney, died intestate in the City of Manning, County of Clarendon, State of South Carolina in 2011, leaving as his sole heirs at law, his wife Dorothy Pinckney and his children, Priscilla Johnson, Sandra Pinckney Rahim, and Anthony Pinckney.

Julius Pinckney, Sr., the son of Ellis Pinckney, died intestate in the County of Charleston, State of South Carolina leaving as his sole heirs at law, his wife, Beatrice Pinckney and his children, Julius Pinckney, Jr. a/k/a Julia Pinckney and Judy Pinckney Singleton.

Beatrice Pinckney, the wife of Julius Pinckney, Sr., died intestate in the County of Charleston, State of South Carolina leaving as her sole heirs at law, her children, Julius Pinckney, Jr. a/k/a Julia Pinckney and Judy Pinckney Singleton.

Julius Pinckney, Jr. a/k/a Julia Pinckney, the son of Julius Pinckney, Sr. and Beatrice Pinckney, died intestate in the County of Charleston, State of South Carolina without children, leaving as his sole heir at law, his sister Judy Pinckney Singleton.

Jerome Harris, Sr. the husband of Eloise Pinckney Harris died intestate in the County of Charleston, State of South Carolina in 2002, leaving as his sole heirs at law, his wife, Eloise Pinckney Harris and his son, Jerome Harris, Jr. the Plaintiff herein.

Eloise Pinckney Harris died testate in the County of Charleston, State of South Carolina on or about March 30, 2004 leaving as her sole heir at law, her son, Jerome Harris, Jr. Jerome Harris, Sr. predeceased Eloise Pinckney Harris.

Gordon Ladson, Defendant, is a person who claims an interest in the property the subject matter of this action to the extent that he filed an Answer to Plaintiff's Complaint. The court concludes, as outlined above, that Gordon Ladson has no interest in the subject property.

The court finds that Plaintiff is in possession of said property within the meaning of the language contained in Section 15-67-220 et seq. of the Code of Laws for 1976, as amended, and that he, through his ancestors, have been open, notorious, exclusive, hostile, continuous and unbroken in their possession of the property for a period well in excess of twenty (20) years, with color of title prior to the date of the within Complaint and further that he is the owner in fee simple absolute of the hereinabove-mentioned property.

The record reflects that the Defendants, deceased or living, and/or their heirs who reside in the County of Kings, State of New York, whose addresses are unknown to the Plaintiff and could not be served personally were served by publication on November 21, November 28, and December 5, 2013, pursuant to an Order of Publication executed by this Court.

The Court finds that the Defendants, John Doe, adults, and Richard Roe, infants, insane persons, incompetents, being fictitious names designating a class of persons, known or unknown, who may be heirs, distributes, devisees, legatees, widow, widower, assignees, executors, administrators, creditors, successors in interest, issues and alienees of the Estate of Simeon B.

Pinckney, Isabella Pinckney, Alex Pinckney, Mary Pinckney, Samuel James Pinckney, Rebecca Riley Pinckney, James H. Pinckney, William Brown, Sarah Pinckney, Julia H. Pinckney, Laura Riley Pinckney Heyward, Herbert Pinckney, Ellis Pinckney, Jannie Gathers, Robert Seabrook, Annie Haley Pinckney, Lillian Pinckney Seabrook, Simeon B. Pinckney, Jr., Matthew G. Pinckney, Mary Riley, John Riley, Richard Riley, Daniel McLeod, Isadora A. Pinckney, Hattie Pinckney (wife of Ellis Pinckney), Josiah Pinckney, Annie Pinckney, Julius Pinckney, Sr., Eloise Pinckney Harris, Jerome Harris, Sr., Dorothy Lee, Josiah W. Pinckney, Beatrice Pinckney, Julius Pinckney, Jr. a/k/a Julia Pinckney, Hattie Pinckney (daughter of Josiah Pinckney), Elizabeth Lee, John Lee, deceased and any other person or legal entities, known or unknown, claiming any rights, title, interest, estate in or lien upon the parcel of land described herein, should be forever barred.

The Court finds that the Order of Default was properly issued and executed in this matter. The Court further finds that any and all persons joined as Defendants in this action under the fictitious name of John Doe, adults, and Richard Roe, infants, insane persons and incompetents, be declared forever barred from any claim, rights, title, estate, interest in, or lien upon the parcel of real estate that is the subject matter of this action or any part thereof, and that they be forever barred from claiming any rights, title, estate, interest in or lien thereon.

The Court finds that the Order of Publication properly served upon the Defendants by way of publication in *The Moultrie News*, a newspaper of local circulation in that they were properly noticed on November 27, 2013, December 4, 2013, and December 11, 2013 and the *Queens Ledger*, a daily newspaper in Queens County, New York, on November 21, 2013, November 28, 2013, and December 5, 2013.

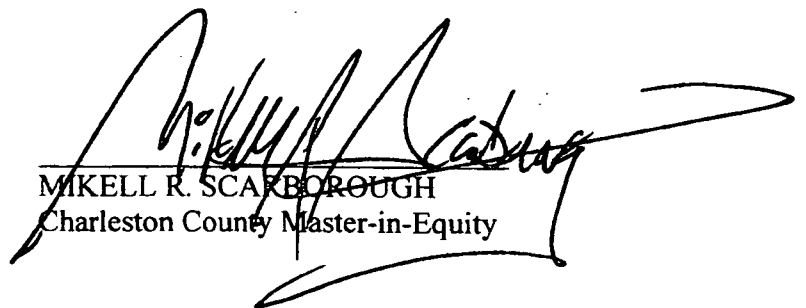
The court specifically finds as a matter of fact and concludes as a matter of law that the Defendant, Gordon Ladson, as well as all of the Plaintiffs in the 2005 action, the Defendants named herein, have no interest in, lien upon, or title to the property that is the subject matter of this action and that any claim that he or they may have had is now and forever barred.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff, Jerome C. Harris, is the owner in fee simple absolute of the parcel of real estate that is the subject matter of this action.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that any and all other persons joined as a Defendant in this action under the fictitious name of John Doe, adults, and Richard Roe, infants, insane persons and incompetents, be declared forever barred from any claim, rights, title, estate, interest in, or lien upon the parcel of real estate that is the subject matter of this action or any part thereof, and that they be forever barred from claiming any rights, title, estate, interest in or lien thereon.

IT IS FURTHER ORDERED that the Defendant, Gordon Ladson as well as all of the Plaintiffs in the 2005 action - the Defendants herein - have no interest in, lien upon, or title to the property that is the subject matter of this action and any claim that he or they may have had is forever barred.

AND IT IS SO ORDERED!



MIKELL R. SCARBOROUGH
Charleston County Master-in-Equity

May 8, 2014
Charleston, South Carolina

FILED

2014 MAY 29 PM 12:48

Case # 2013-CP-170-6500

5/24/2014

Why we are ^{JULIE ARMSTRONG} ~~appealing~~ ^{CLERK OF COURT} appealing because MR: Jerome C. Harris is not the legitimate Heir of Simeon B. Pinkney now His Grandfather Ellis Jackson Pinkney AKA BECAUSE the property is still listed under Simeon's name it never probated out of His name and to original Heir's and MR Jerome C. Harris needs to show proof that He is one of the Pinkney Heir's which he is claiming to be and He never lived on that land since He was a child He grew up in Trenton New Jersey and as a true Pinkney I feel as though if He is claiming to be a Pinkney why should he walk away with our land if we all are family that why he needs to bring proof because we went all out to prove who we are as Heir's so why shouldn't the Court make Him show proof before walking away with our property, showing proof would settle the dispute so our family can move 1st like Birth certificate, 2nd Ellis Birth certificate and date on it prove who His grand father real father like census record and bring some kind of proof or documents and His mother being real Pinkney of Simeon B. Pinkney grand daughter

EXHIBIT

3

CASE #

2013-cp-10-6560

Because the true pinckney heirs just want's to know the truth the whole truth nothing But the truth and we also want to Be seperated from the Harris and the scott, and the Brisbane And the Wilders and the peioleau, Because the family have had enought of the Back and forth with people who is claiming to simxon pinckney Heir's and theia not so the Judge can Decided Rightfully who the Heir's Are Be some of our family was left in the Dark About what way going on in the family I would appreciate very much if you could look in for the people let Mr Harris Bring the true to the Court

Thank you very much

Sincerely

MR: Gordon L. Ladson / ~~John P. [unclear]~~
and Family

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

JUDGMENT IN A CIVIL CASE

FILED


CASE NO. 2013 CP. 10-6560

Harris

2015 JAN 16 PM 2:46

Singleton, et. al.

PLAINTIFF(S) JULIE J. ARMSTRONG CLERK OF COURT DEFENDANT(S)

Submitted by:	BY: 	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> 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.
- 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:

Interpret Letter of Gordon L Ladson filed 5/29/14 is a Rule 59(e) Motion. That Motion is Denied.

INFORMATION FOR THE PUBLIC INDEX

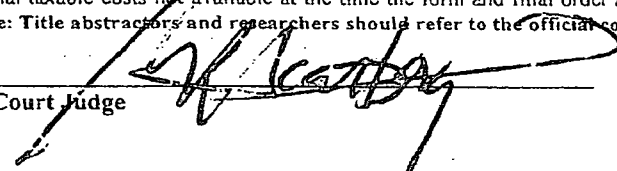
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

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.

Circuit Court Judge



3062

Judge Code

Date

1/16/15



**Heirs Property
Law Center, LLC**

27 Gamecock Ave., Suite 200
Charleston, SC 29407

February 23, 2015

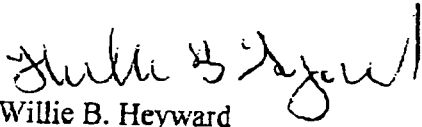
Clerk of Court / Common Pleas
County of Charleston
100 Broad Street
Charleston, S.C. 29401

**Re: Jerome Harris vs. Judy Pinckney, et. al.
Case No.: 2013-CP-10-6560**

Dear Sir/Madam:

Enclosed please find the original and a copy of the Notice of Appeal in the above-referenced case. Please file same and return the clocked copy to me in the self-addressed, stamped envelope provided herein.

Thank you for your kind attention to this matter.


Willie B. Heyward
Attorney

Enclosure as stated

cc: Attorney Edward M. Brown Via FAX (843) 559-9226 and US Mail
P.O. Box 20261
Charleston, SC 29413

EXHIBIT **5**

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable Mikell R. Scarborough
Master-in-Equity

Case No.: 2013-CP-10-6560

Jerome Harris

Respondent,

v.

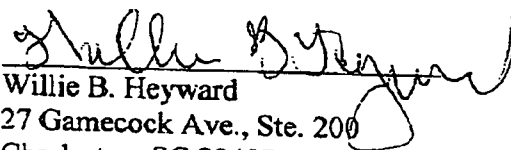
Judy Pinckney Singleton, Gordon Ladson, Charlene Wilson, Andrew Lee, Dorothy Pinckney, Priscilla Jonson, Sandra Pinckney Rahim, Anthony Pinckney, Alexis Lee, Timothy Lee, and Ronald Lee, The Estate of Eloise Pinckney Harris, John Doe, Jane Doe, Richard Roe, and Mary Roe, who are fictitious names representing all unknown persons and the heirs at law or devisees of the following Deceased person known as Simeon B. Pinckney, Isabella Pinckney, Alex Pinckney, Mary Pinckney, Samuel James Pinckney, Rebecca Riley Pinckney, James H. Pinckney, William Brown, Sarah Pinckney, Julia H. Pinckney, Laura Riley Pinckney Heyward, Herbert Pinckney, Ellis Pinckney, Jannie Gathers, Robert Seabrook, Annie Haley Pinckney, Lillian Pinckney Seabrook, Simeon B. Pinckney, Jr., Matthew G. Pinckney, Mary Riley, John RILEY, Richard Riley, Daniel Mcleod, Isadora A. Pinckney, Hattie Pinckney (wife of Ellis Pinckney), Josiah Pinckney, Annie Pinckney, Julius Pinckney, SR., Eloise Pinckney Harris, Jerome Harris, Sr., Dorothy Lee, Josiah W. Pinckney, Beatrice Pinckney, Julius Pinckney, JR. a/k/a Julia Pinckney, Hattie Pinckney (daughter of Josiah Pinckney, Elizabeth Lee, John Lee and all other persons known or unknown, claiming any right, title, estate, interest, or lien upon the real estate tracts described in the Complaint herein,

Appellants

NOTICE OF APPEAL

Gordon Ladson appeals the order of the Mikell R. Scarborough, Master in Equity for Charleston County dated January 16, 2015 Appellant received written notice of entry of this order on Monday, January 22, 2013.

February 23, 2015


Willie B. Heyward
27 Gamecock Ave., Ste. 200
Charleston, SC 29407
(843) 225-8754
Attorney for Appellant, Gordon Ladson

Other Counsel of Record:
Edward M. Brown
PO Box 20261
Charleston, SC 29413

STATE OF SOUT CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON S
NINTH JUDICAL CIRCUIT
CASE NUMBER: 2013-CP-10-6560

JEROME C. HARRIS,

Plaintiff,

vs.

Judy Pinckney Singleton, Gordon Ladson,
Charlene Wilson, Andrew Lee, Dorothy
Pinckney, Priscilla Jonson, Sandra Pinckney
Rahim, Anthony Pinckney, Alexis Lee, Timothy
Timothy Lee, and Ronald Lee,
The Estate of Eloise Pinckney Harris, John Doe,
Jane Doe, Richard Roe, and Mary Roe, who are
fictitious names representing all unknown persons
And the heirs at law or devisees of the following
Deceased person known as Simeon B. Pinckney,
Isabella Pinckney, Alex Pinckney, Mary Pinckney,
Samuel James Pinckney, Rebecca Riley Pinckney,
James H. Pinckney, William Brown, Sarah
Pinckney, Julia H. Pinckney, Laura Riley Pinckney
Heyward, Herbert Pinckney, Ellis Pinckney,
Jannie Gathers, Robert Seabrook, Annie Haley
Pinckney, Lillian Pinckney Seabrook, Simeon B.
Pinckney, Jr., Matthew G. Pinckney, Mary Riley,
John RILEY, Richard Riley, Daniel Mcleod,
Isadora A. Pinckney, Hattie Pinckney (wife of Ellis
Pinckney), Josiah Pinckney, Annie Pinckney, Julius
Pinckney, SR., Eloise Pinckney Harris, Jerome
Harris, Sr., Dorothy Lee, Josiah W. Pinckney,
Beatrice Pinckney, Julius Pinckney, JR. a/k/a Julia
Pinckney, Hattie Pinckney (daughter of Josiah
Pinckney), Elizabeth Lee, John Lee and all other
persons known) or unknown, claiming any right,
title, estate, interest, or lien upon the real estate tracts
described in the Complaint herein,

Defendants.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is the Legal Assistant for Attorney Willie B. Heyward, Heirs Property Law Center, LLC for the above-named Plaintiffs and that she is a person of such age and discretion as to be competent to serve papers.

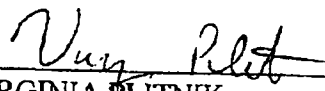
That on February 23, 2015, she served a copy of the following document(s) in the above-entitled case by placing said copy in a post-paid envelope addressed to the person hereinafter named, at the place, address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail in Charleston, South Carolina.

DOCUMENTS:

NOTICE OF APPEAL
CERTIFICATE OF SERVICE

ADDRESSEE(s)

Edward M. Brown, Esq.
146 Spring Street
Charleston, SC 29403



VIRGINIA PLITNIK
Legal Assistant
Heirs Property Law Center LLC

THE HEIRS PROPERTY LAW CENTER, LLC
27 Gamecock Ave., Suite 200
Charleston, South Carolina 29407
Telephone (843) 225-8754
Fax (843) 225-8765

FAX COVER SHEET

To: EDWARD BROWN

From: HEIRS PROPERTY LAW CENTER, LLC
ATTORNEY WILLIE B. HEYWARD, ESQ.

YOUR FAX NO: 843-559-9226
YOUR PHONE NO:

NO. OF PAGES: 4 + COVER

Re: APPEAL FROM CHARLESTON COUNTY
JEROME HARRIS

OUR FAX NO.: (843) 225-8765

OUR PHONE NO: (843)-225-8754

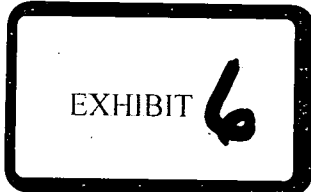
REPLY TO: Consuela Reese

DATE

TIME:

THANK YOU!

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY/CLIENT PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.



THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable Mikell R. Scarborough
Master-in-Equity

Case No.: 2013-CP-10-6560

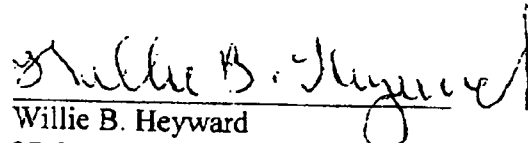
Jerome Harris Respondent,

v.

Judy Pinckney Singleton, Gordon Ladson, Charlene Wilson, Andrew Lee, Dorothy Pinckney, Priscilla Jonson, Sandra Pinckney Rahim, Anthony Pinckney, Alexis Lee, Timothy Lee, and Ronald Lee, The Estate of Eloise Pinckney Harris, John Doe, Jane Doe, Richard Roe, and Mary Roe, who are fictitious names representing all unknown persons and the heirs at law or devisees of the following Deceased person known as Simeon B. Pinckney, Isabella Pinckney, Alex Pinckney, Mary Pinckney, Samuel James Pinckney, Rebecca Riley Pinckney, James H. Pinckney, William Brown, Sarah Pinckney, Julia H. Pinckney, Laura Riley Pinckney Heyward, Herbert Pinckney, Ellis Pinckney, Jannie Gathers, Robert Seabrook, Annie Haley Pinckney, Lillian Pinckney Seabrook, Simeon B. Pinckney, Jr., Matthew G. Pinckney, Mary Riley, John RILEY, Richard Riley, Daniel Mcleod, Isadora A. Pinckney, Hattie Pinckney (wife of Ellis Pinckney), Josiah Pinckney, Annie Pinckney, Julius Pinckney, SR., Eloise Pinckney Harris, Jerome Harris, Sr., Dorothy Lee, Josiah W. Pinckney, Beatrice Pinckney, Julius Pinckney, JR. a/k/a Julia Pinckney, Hattie Pinckney (daughter of Josiah Pinckney, Elizabeth Lee, John Lee and all other persons known or unknown, claiming any right, title, estate, Interest, or lien upon the real estate tracts described In the Complaint herein Appellants

AMENDED NOTICE OF APPEAL

Gordon Ladson appeals the order of the Mikell R. Scarborough, Master in Equity for Charleston County dated January 16, 2015 Appellant received written notice of entry of this order on Thursday, January 22,2013.



Willie B. Heyward
27 Gamecock Ave., Ste. 200
Charleston, SC 29407
(843) 225-8754
Attorney for Appellant, Ernest McKnight

Other Counsel of Record:
Edward M. Brown
PO Box 20261
Charleston, SC 29413

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable Mikell R. Scarborough
Master-in-Equity

Case No.: 2013-CP-10-6560

Jerome Harris Respondent,

v.

Judy Pinckney Singleton, Gordon Ladson, Charlene Wilson, Andrew Lee, Dorothy Pinckney, Priscilla Jonson, Sandra Pinckney Rahim, Anthony Pinckney, Alexis Lee, Timothy Lee, and Ronald Lee, The Estate of Eloise Pinckney Harris, John Doe, Jane Doe, Richard Roe, and Mary Roe, who are fictitious names representing all unknown persons and the heirs at law or devisees of the following Deceased person known as Simeon B. Pinckney; Isabella Pinckney, Alex Pinckney, Mary Pinckney, Samuel James Pinckney, Rebecca Riley Pinckney, James H. Pinckney, William Brown, Sarah Pinckney, Julia H. Pinckney, Laura Riley Pinckney Heyward, Herbert Pinckney, Ellis Pinckney, Jannie Gathers, Robert Seabrook, Annie Haley Pinckney, Lillian Pinckney Seabrook, Simeon B. Pinckney, Jr., Matthew G. Pinckney, Mary Riley, John RILEY, Richard Riley, Daniel Mcleod, Isadora A. Pinckney, Hattie Pinckney (wife of Ellis Pinckney), Josiah Pinckney, Annie Pinckney, Julius Pinckney, SR., Eloise Pinckney Harris, Jerome Harris, Sr., Dorothy Lee, Josiah W. Pinckney, Beatrice Pinckney, Julius Pinckney, JR. a/k/a Julia Pinckney, Hattie Pinckney (daughter of Josiah Pinckney, Elizabeth Lee, John Lee and all other persons known or unknown, claiming any right, title, estate, interest, or lien upon the real estate tracts described in the Complaint herein, Appellants

PROOF OF SERVICE

The undersigned hereby certifies that she is the Legal Assistant for Attorney Willie B. Heyward, Heirs Property Law Center, LLC for the above-named Plaintiffs and that she is a person of such age and discretion as to be competent to serve papers.

That on February 24, 2015, she served a copy of the following document(s) in the above-entitled case by faxing and placing said copy in a post-paid envelope addressed to the person hereinafter named, at the place, address and fax number stated below, which is the last known

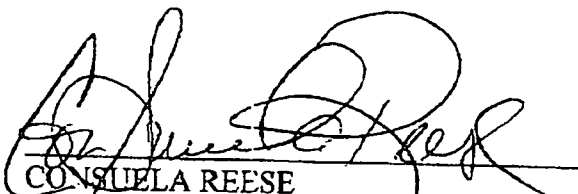
address, and by depositing said envelope and contents in the United States Mail in Charleston,
South Carolina.

DOCUMENTS:

**AMENDED NOTICE OF APPEAL
CERTIFICATE OF SERVICE**

ADDRESSEE(s):

Edward M. Brown
146 Spring Street
Charleston, SC 29403
Fax: 843-559-9226


CONSUELA REESE
Legal Assistant
Heirs Property Law Center

**Heirs Property
Law Center, LLC**



27 Gamecock Ave., Suite 200
Charleston, SC 29407

March 6, 2015

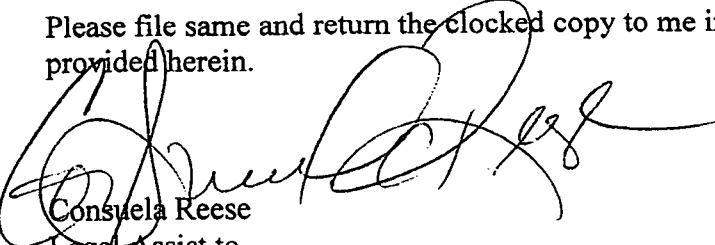
Court of Appeals
1015 Sumter St.
P. O. Box 11629
Columbia, S.C. 29211

**Re: Jerome Harris vs. Judy Pinckney Singleton, et al.
Case No.: 2013-CP-10-6560**

Dear Sir/Madam:

Enclosed please find a copy of the Amended Notice of Appeal, Certificate of Service and request for transcript in the above referenced matter. Also enclosed is the filing fee in the amount of \$100.00 and a copy of the order(s) being challenged in this Appeal.

Please file same and return the clocked copy to me in the self-addressed, stamped envelope provided herein.


Consuela Reese
Legal Assist to
Willie B. Heyward
Attorney for Appellant, Ernest McKnight

Enclosures

cc: ✓ Edward M. Brown, Esq.
PO Box 20261
Charleston, SC 29403

EXHIBIT

7

Heirs Property
Law Center, LLC

27 Gamecock Ave., Suite 200
Charleston, SC 29407

RECEIVED

MAR 09 2015

SC Court of Appeals

March 6, 2015

Melissa Raye Singletary
2797 State Road
Summerville, SC 29483

Re: **Jerome Harris vs. Gordon Ladson**
Case No.: 2013-CP-10-6560

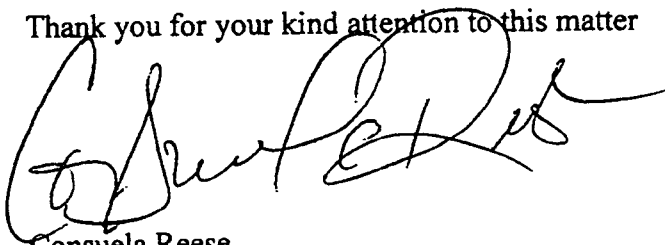
Dear: Ms. Singletary:

On January 16, 2015, the above-referenced case was tried before the Honorable J.C. Nicholson, Jr., Circuit Court Judge. My records indicate that you were the court reporter for this hearing.

I request that you provide me with a transcript of the proceedings. Please transcribe the entire record.

I agree to pay the per page charge for this transcript as provided by Rule 607, SCACR.

Thank you for your kind attention to this matter



Consuela Reese
Legal Assistant to
Willie B. Heyward
Attorney for Appellant

cc: Edward M. Brown, Esq
PO Box 20261
Charleston, SC 29403

S.C. Court Administration
1015 Sumter Street
Columbia, SC 29201

EXHIBIT

8



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
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www.sccourts.org

March 23, 2015

Mr. Willie Bruce Heyward, Esquire
27 Gamecock Ave., Ste. 200
Charleston SC 29407

Re: Jerome Harris v. Judy Pinckney Singleton
Appellate Case No. 2015-000586

Dear Counsel:

Upon reviewing your letter ordering the transcript from the court reporter, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and must be corrected within ten (10) days of the date of this letter or the appeal will be dismissed:

- The letter addressed to Ms. Singletary and dated March 6, 2015, identifies Judge Nicholson as the presiding judge in this matter. However, you have indicated in the proof of service and the order that Judge Scarborough presided over this matter in the lower court.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Edward McKinley Brown, Esquire

EXHIBIT

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The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
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March 23, 2015

Mr. Willie Bruce Heyward, Esquire
27 Gamecock Ave., Ste. 200
Charleston SC 29407

Re: Jerome Harris v. Judy Pinckney Singleton
Appellate Case No. 2015-000586

Dear Counsel:

Upon reviewing your correspondence received March 9, 2015, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and must be corrected within ten (10) days of the date of this letter or the appeal will be dismissed:

- The correspondence received March 9, 2015, does not include the notice of appeal.
- The signature block on your cover letter shows that you represent Ernest McKnight, a party that is not included in the caption used on the proof of service.
- The proof of service received on March 9, 2015, indicates that you are serving and filing an amended notice of appeal. However, this Court has not received a notice of appeal from you. A motion to allow the late filing of the notice of appeal will have to be made.
- If you have served and filed an amended notice of appeal on the respondent, then you must file a copy of the amended notice with this Court.

EXHIBIT

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Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Edward McKinley Brown, Esquire