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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
MAY 18 2015
SC Court of Appeals

Appeal from Chester County
Court of Common Pleas
Brian M. Gibbons, Circuit Court Judge

2015-CP-12-0179

Appellate Case No. 2015-001036

Robert H. Breakfield, as attorney in fact for John D. Hinson,
John C. Hinson, Jerry Hinson, Kathy Huffstickle, Robert H. Hinson,
Darrell W. Hinson, Lois Hinson, Tina Jones, George Stanford
as Personal Representative of the Estate of Linda Stanford,
William L. Hinson, Elaine H. Hensley, and
William C. Hinson, Jr. Respondent,

v.

Mell Woods Appellant.

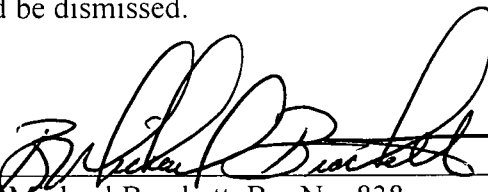
Respondent's Motion to Dismiss Appeal

Respondent moves the Court to dismiss Appellant's appeal, commenced by the filing and service of a Notice of Appeal, dated and served May 1, 2015, and a Notice of Appeal Amendment No. 1, also dated May 1, 2015. The ground for the motion is that the Circuit Court Order being appealed is not a final order, and unless a recognized exception exists permitting the immediate

appeal of an interlocutory order, only a final order is appealable. Jean Hofer Toal, Shahin Vafai & Robert A. Muckenfuss, Appellate Practice in South Carolina 85 (2d ed.2002), citing S.C. Code Ann. § 14-3-330.

By letter to this Court dated May 7, 2015, the absence of a final order was called to the Court's attention. Without acting on the matter, the Court issued its customary letter, dated May 14, 2015, announcing the filing of the appeal and the assignment of an appellate case number. The undersigned's letter to the Court dated May 7, 2015, and its attached exhibits, are incorporated herein by reference, and copies of same are attached hereto.

For the reasons stated, the appeal should be dismissed.



B. Michael Brackett, Bar No. 838
Adam T. Silvernail, Bar No. 80219
Moses & Brackett, PC
P.O. Box 100261
Columbia, SC 29202
803.461.2312
Attorney for Respondent

May 18, 2015

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Chester County
Court of Common Pleas
Brian M. Gibbons, Circuit Court Judge

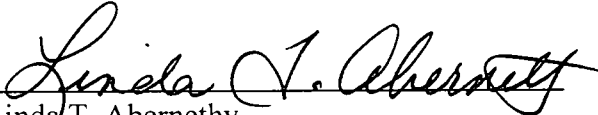
2015-CP-12-0179

Appellate Case No. 2015-001036

Certificate of Service

I, Linda T. Abernethy, Legal Assistant to B. Michael Brackett, Esquire, attorney for the Respondent in the above-captioned matter, do hereby certify that I have served the pro se Appellant, Mell Woods, with a copy of Respondent's Motion to Dismiss Appeal, postage prepaid and return address clearly indicated on said envelope, on this 18th day of May, 2015 at the following address:

Mell Woods
P. O. Box 2603
Lancaster, SC 29721


Linda T. Abernethy

RECEIVED
MAY 18 2015
SC Court of Appeals

MOSES & BRACKETT, PC

ATTORNEYS AND COUNSELORS AT LAW

1333 Main Street, Suite 260(29201)
Post Office Box 100261
Columbia, South Carolina 29202-3261

Telephone (803) 461-2300
Facsimile (803) 461-2309

B. Michael Brackett, of Counsel
Direct Dial: (803) 461-2312
Email: mbrackett@mkb-law.com

May 7, 2015

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

RE: Breakfield, as Attorney-in-Fact v. Woods
2015-CP-12-0179 (Appeal from Magistrate's Court)
Our File No.: 12085.3

Dear Ms. Kitchings:

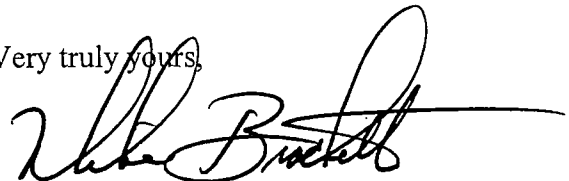
I represent the captioned Respondents. On May 1, 2015 Mr. Woods filed and served a Notice of Appeal from the circuit court's dismissal, without prejudice, of Mr. Wood's appeal from a magistrate's court judgment holding that Mr. Woods is a trespasser who must vacate the premises owned by the respondents.

The chronology is set out in the Notice to Circuit Court Sitting as an Appellate Court that I served on Mr. Woods on April 28, 2015 (copy enclosed as Exhibit 1). Judge Brian Gibbons thereafter issued an Order Dismissing Appeal Without Prejudice dated May 1, 2015. (copy enclosed as Exhibit 2). On that same day, Mr. Woods filed and served a Notice of Appeal and a Notice of Appeal Amendment No. 1, purporting to appeal Judge Gibbons' Order to the Court of Appeals. (copies enclosed as Exhibit 3). Although there are two Notices of Appeal, they are essentially the same. The enclosures are incorporated herein by reference.

I respectfully submit that Judge Gibbons' Order is not immediately appealable because, on its face, it is not a final order. It does not finally decide anything. And, I take this opportunity to note that when an order is not immediately appealable, the filing and service of a notice of appeal does not transfer jurisdiction to the appellate court and does not stay further proceedings in the lower court. Jean Hoefler Toal, Shahin Vafai & Robert A. Muckenfuss, Appellate Practice in South Carolina 149 (2d ed.2002).

I request that Mr. Woods appeal be dismissed.

Very truly yours,



B. Michael Brackett

Page 2
May 7, 2015

Enclosures

cc. The Honorable Brian M. Gibbons
The Honorable Yale Zamore
The Honorable Sue Carpenter
Robert H. Breakfield, Esquire
Mell Woods

MOSES & BRACKETT, PC

ATTORNEYS AND COUNSELORS AT LAW

1333 Main Street, Suite 260 (29201)
Post Office Box 100261
Columbia, South Carolina 29202-3261

Telephone (803) 461-2300
Facsimile (803) 461-2309

B. Michael Brackett, of Counsel
Direct Dial: (803) 461-2312
Email: mbrackett@mkb-law.com

May 18, 2015

Hand Delivery

The Honorable Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
1220 Senate St.
Columbia, SC 29201

RECEIVED
MAY 18 2015
SC Court of Appeals

Re: Breakfield, as Attorney-in-Fact v Woods
Trial Court Case No. 2015-CP-12-0179
Appellate Case No. 2015-001036
Our File No. 12085.3


Dear Ms. Kitchings:

Enclosed for filing please find the original and six copies of Respondent's Motion to Dismiss Appeal. Also enclosed is my check for the filing fee and the Proof of Service.

By copy of this letter, I am serving the Appellant who is pro se.

Please allow my courier to return with a clocked copy of page one of the Motion.

Very truly yours,


B. Michael Brackett

cc. Robert H. Breakfield, Esquire
Mell Woods

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EXHIBIT 1

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

IN THE COURT OF COMMON PLEAS
On Appeal from Magistrate's Court
2015-CP-12-0179
2014CV1210400037

Robert H. Breakfield, Esquire as
attorney-in-fact for John D. Hinson,
John C. Hinson, Jerry Hinson,
Kathy Huffstickle, Robert H. Hinson,
Darrell W. Hinson, Lois Hinson, Tina
Jones, George Stanford as Personal
Representative of the Estate of Linda Stanford,
William L. Hinson, Elaine H. Hensley, and
William C. Hinson, Jr.,

Notice to Circuit Court Sitting as
an Appellate Court

FILED
2015 MAY - 1 2 2:17
CLERK OF COURT
CHESTER CO S.C.

Respondents,

v.

Mell Woods,

Appellant.

Respondents (Applicants in the Magistrate's Court proceeding) by their attorney-in-fact, commenced an action in Magistrate's Court, pursuant to S.C. Code Ann. § 15-67-610, to have the Appellant (Respondent below), declared to be a trespasser and to be ejected from the Applicants-owners' property. The § 15-67-620 hearing was held on January 30, 2015. Respondent appeared pro se, as he has in all other legal proceedings involving these parties, and offered his evidence and arguments. By Final Order and Judgment dated March 27, 2015 the Magistrate's Court found Respondent to be a trespasser and announced the intention of the court to issue a warrant of ejection to the county sheriff to eject the Respondent from the subject premises.

On April 15, 2015, Appellant, pro se, filed and served a Notice of Appeal. (attached as Exhibit A). The circuit court case number for the appeal is shown in the above caption. The Notice

of Appeal does not indicate the date when Appellant claims to have received written notice of the March 27, 2015 Order.

On April 24, 2015,¹ Appellant, pro se, served a Rule 59(e), SCRCP, motion for reconsideration with respect to the March 27, 2015 Final Order and Judgment. (Attached as Exhibit B).²

When a timely Rule 59(e) post-trial motion is filed after a notice of appeal has been filed and served, the procedure, as explained by the South Carolina Supreme Court, is:

... this Court has held that the filing of a notice of appeal does not deprive the circuit court of jurisdiction to consider a timely post-trial motion. See, e.g., Hudson v. Hudson, 290 S.C. 215, 215, 349 S.E.2d 341, 341 (1986). For example, in Hudson, the order appealed was filed on March 18, 1986, and a notice of appeal was filed on March 24, 1986. *Id.* On March 27, 1986, timely post-trial motions were made pursuant to Rule 59(e), SCRCP. *Id.* at 215–16, 349 S.E.2d at 341. Holding “that the service and filing of a Notice of Appeal before the filing of timely post-trial motions under Rule 59 by any party does not deprive the lower court of jurisdiction to consider the motions,” *id.* at 216, 349 S.E.2d at 341, the Court ordered the notice of appeal to be dismissed without prejudice as prematurely filed, *id.* at 216, 349 S.E.2d at 341–42 (“[I]n the event timely post-trial motions are filed under Rule 59, simultaneously with or subsequent to the filing of a Notice of Appeal, **the appellant shall notify the Clerk of this Court in writing. Upon receipt of such notice, the appeal shall be dismissed without prejudice. Any party can appeal within ten (10) days after the order disposing of the post-trial motions.** A second filing fee will not be collected from a party who previously appealed.” (footnote omitted)). This way, all ancillary matters can be timely heard, and appealed, if necessary, in an efficient and wholesale manner, and not, as Appellant suggests, in a piecemeal fashion.

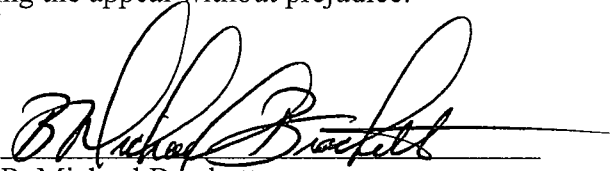
Holmes v. E. Cooper Cmty. Hosp., Inc., 758 S.E.2d 483 (S.C. 2014). (emphasis added).

¹ Appellant represents in the motion(s) that the Appellant received written notice of the Final Order and Judgment on April 14, 2015 and blamed the delay on an incorrect address used by the Magistrate’s Court. He conveniently makes no mention of the fact that the Final Order and Judgment was served by the undersigned on March 30, 2015 by U.S. mail at Appellant’s post office box and by Fed-Ex to his street address. (Exhibit C).

² Appellant’s filing is actually four separately stated Rule 59(e) motions.

Here, the Respondents are giving the circuit court, as an appellate court, the notice required by Holmes, together with a proposed Order dismissing the appeal without prejudice.

April 28, 2015



B. Michael Brackett
Adam T. Silvernail
Moses & Brackett, PC
P.O. Box 100261
Columbia, SC 29202
803.461.2312
Attorney for Respondents

FILED

2015 MAY - 1 2 2:17

CLERK OF COURT
CHESTER CO S.C.

EXHIBIT A

State of South Carolina

Chester County

In the Magistrate Court
Rossville District

Number: 2014CV1210400037

Robert H. Breakfield, for
himself and others listed
as "Applicant"

v.

Mell Woods,

Respondent.

Notice of Appeal

Mell Woods hereby appeals the final order entered in the above case, and dated March 27, 2015. This appeal is to the Circuit Court, Chester County South Carolina, Sixth Judicial Circuit.

Grounds for Appeal:

1. This case involves title to land, and therefore a magistrate court is without jurisdiction to have heard the case, SC Statute § 22-3-20 (2), error is assigned on this point.

2. Defendant Mell Woods raised the defense of questionable title in the answer, SC Statute § 22-3-1110, and filed the written undertaking and the maximum cost bond, (\$100.00) required by SC Statute § 22-3-1120; SC Statute § 22-3-1130 requires that the action be discontinued upon the filing of the cost bond and undertaking, instead the magistrate carried on with the action, error is assigned on these points.

3. The magistrate refused to allow defendant to cross-examine Robert Breakfield, the person who brought these proceedings against defendant. Mr. Breakfield was present at the hearing and defendant has a right to cross-examine Mr. Breakfield, upon not being allowed to cross-examine witness Breakfield, defendant objected on the Record, error is assigned on this point.

4. *Reasons that these proceedings involve land:*
Defendant Mell Woods is trying to pay a mortgage on the land in question. The mortgage is between Mell Woods, and Mrs. Reba Hinson. Robert Breakfield is the personal representative for Mrs. Hinson. Mr. Breakfield has gone to court and obtained a Ruling that Mrs. Hinson held only a "life" estate, where in fact Mrs. Hinson does have a fee simple estate. This probate matter is still being litigated in the probate court.

(4. continues) However, even if in the end, Mrs. Hinson has only a "life" estate, defendant does have the right to have the mortgage contract specifically performed and is entitled to a deed from the circuit court, or from Mr. Breakfield himself, this came up in the hearing in the magistrate court, but after stating that "the Hinsons' will not take the money" defendant was cut-off from further explanation by the magistrate judge -- here is the explanation:

South Carolina Supreme Court, Eller v. Motley, 99 S.C. 20, 82 S.E. 992

(1914) "If William Motley went into possession of the land as a purchaser with a contract to pay a specified sum for a specified amount he would be entitled to a decree for specific performance upon his fully carrying out the terms and conditions of the contract entered into, and would not have been required to have paid the price agreed upon in the lifetime of David Motley. He did not have to pay the purchase price and retain possession ten years after such payment to acquire title. If he purchased the land, went into possession of the same, put valuable improvements thereon, and carried out his contract as to payments, as soon as he fully performed all of his promises and agreements as contracted for between the parties as to the purchase, he would be entitled to a deed. And upon full performance on his part of the terms and conditions of the contract, whether the vendor was alive or dead, he would be entitled to a deed from the heirs at law of the vendor, or the Courts, upon proper showing, would declare him the owner of the land and require a deed to be made. There can be no question that the purchaser of the land upon the payment to the vendor, or his heirs, of the purchase price agreed upon between the parties at the time of contract of sale or any balance due of the purchase price would be entitled to receive a deed; and it can not be maintained that a failure to pay the whole to vendor in his lifetime will defeat the right of purchaser to retain possession. The payment of balance to vendor's heirs will be sufficient, even though they be minors. His Honor was in error in the particulars complained of in exception seven, and this exception is sustained."

Judgment reversed and new trial granted.

defendant assigns error on the fact that the magistrate failed to rule that these proceedings involve title to land.

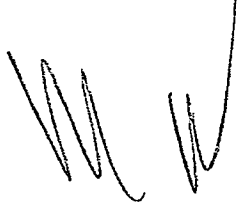
5. In addition, defendant continues to plead:

South Carolina Statute § 15-67-20:

A plaintiff is limited to one, AND ONLY ONE action for "recovery" of real property. SC § 15-67-20 is a statute of repose, or statute of limitation in regard to land suits. A defendant under South Carolina law is not required to have to continually defend attacks on a land title. A plaintiff only gets ONE chance and in this case an "Application" for a "Notice to Quit Premises" is a new case and is not allowed under South Carolina law, and is in fact a guise to try and defeat defendant's common law right to a jury trial.

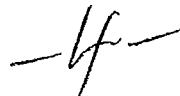
Defendant assigns error on the failure of the magistrate to dismiss these proceedings pursuant SC § 15-67-20.

This 15 day of April, 2015.



Mell Woods

P.O. Box 2603
Lancaster, SC 29721



Certificate of Service:

State of South Carolina

In the Magistrate Court

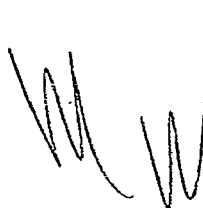
Rossville District

Assigned Case Number 2014CV1210400037

Mell Woods, hereby certifies that he has served the moving parties with a copy of the within and foregoing *NOTICE OF APPEAL* by placing copies of the same in the U.S. Mail postage prepaid addressed to the counsel of Record for the parties, to wit:

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

4-15-15



Mell Woods

P.O. Box 2603
Lancaster, SC 29721

-5-

EXHIBIT B

State of South Carolina

In the Magistrate Court
Rossville District

Chester County

Number: 2014CV1210400037

Robert H. Breakfield, for
himself and others
listed as "Applicant"

v.

Mell Woods,

Respondent.

MOTION, pursuant to Rule 59(e) SCRPC to alter or amend judgment:

Respondent Mell Woods comes now, and within 10 days after the receipt of written notice of the court's order, dated March 27, 2015, serves the following motion, and moves as follows;

1. That the magistrate court Order, page 2, where the Order recites that "The Court prepared a detailed accounting for the Defendant, who inspected and signed it accepting the accounting as complete and accurate." be amended to speak the truth which is: that defendant signed the piece of paper under protest and under duress by the court itself; that the paper was handed back and forth to the court several times with the defendant stating if signed, defendant would be doing so under protest. Finally out of fear of the court, the paper was signed, but the signing was not the voluntary act of the defendant. The

— / —

COPY

Record of the hearing will back up defendant's statement, but more importantly, this exchange with the Court shows the tone and tenor of the entire "hearing."

2. Defendant further moves that the court specify what the court intends to do with the \$7,565.00 in "bond money" that is being "retained" by the court, pg. 13 of the Court Order; in addition, for the record defendant Mell Woods states that out of fear of magistrate Judge Zamore, defendant has been sending \$200.00 a month to the magistrate court for several years, with the grand total now nearing \$10,000.00, ten thousand dollars, which the magistrate court is still keeping.

3. The Chester County Magistrate Court has never had jurisdiction of any of the cases brought by the plaintiffs because all of the cases involve *title to land*, and a South Carolina magistrate court simply does not have jurisdiction to hear a land case, SC Statute § 22-3-20 (2); each time a case is brought against defendant Mell Woods, defendant complies with the law and files the written undertaking required by SC Statute 22-3-1110, and posts \$100.00 cash bonds, guaranteed by the U.S. Postal Service, (\$100.00 money orders), expecting the cases to be discontinued as required by SC Statute § 22-3-1130, the cases are never discontinued, the bond money is converted to other uses, and defendant is coerced into signing a "detailed accounting" to imply that he agrees to all that is being done to him - when defendant does not agree.

4. Defendant moves that the magistrate judge file a more detailed order in which SC Sections 22-3-20 (2), 22-3-1110, 22-3-1120, and 22-3-1130 are ruled on in regard to the present case, and where the deposited monies in regard to the stated statutes have been applied.

This 24 day of April, 2015.

COPY

Mell Woods

P.O. Box 2603
Lancaster, SC 29721

Certificate of Service:

State of South Carolina
County of Chester
In the Magistrate Court
Rossville District
Assigned Case Number 2014CV1210400037

Mell Woods, hereby certifies that he has served the plaintiffs with a copy of the within and foregoing *Rule 59(e) SCRPC Motion* and supporting documents by placing copies of the same in the U.S. Mail with proper postage prepaid and addressed to the counsel of Record for the parties, to wit:

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

AND ALSO TO THE MAGISTRATE JUDGE:

Yale Zamore
P.O. Box 88
Great Falls, SC 29055

This 24 day of April, 2015.

COPY

Mell Woods

P.O. Box 2603
Lancaster, SC 29721

-4-

State of South Carolina

In the Magistrate Court
Rossville District

Chester County

Number: 2014CV1210400037

Robert H. Breakfield, for
himself and others
listed as "Applicant"

v.

Mell Woods,

Respondent.

MOTION, pursuant to Rule 59(e) SCRPC to alter or amend judgment:

Respondent Mell Woods comes now, and within 10 days after the receipt of written notice of the court's order, dated March 27, 2015, serves the following motion, and moves as follows;

1. That the Court's Order of March 27, 2015 be amended to show that a magistrate court is without jurisdiction to hear cases involving title to land. On page 09 of the court order it is opined that:

"However, the mere claim that there is a cloud upon to the realty subject to this Action is insufficient grounds upon which to find that this Court has no subject matter jurisdiction."

Also on page 10 of the court order it is ruled that:

"The Defendant may not raise the defense of questionable title to defeat this Court's subject matter jurisdiction in the current Notice to Quit Action or as a valid defense against it."

— / —

2. That the Courts's Order of March 27, 2015 be altered to rule on Eller v. Motley, 99 S.C. 20, 82 S.E. 992 (1914), a case which defendant Mell Woods already had printed and ready to show to the court during the hearing before being cut-off by the court after stating that "the Hinsons' will not take the money." Since the court recited admitting into evidence the Uniform Commercial Code sealed contract and agreement to pay Reba P. Hinson, or her heirs, the full amount of the monies agreed upon in the contract, and the right of possession granted in the contract by Mrs. Hinson, page 08 of the Court's Order, it is incredulous that the court would rule that defendant Mell Woods is a TRESPASSER? — and is even more incredulous considering the fact that the agreement described on page 08 has been on file for years in the South Carolina Secretary of State Office for everyone to see.

South Carolina Supreme Court, Eller v. Motley, 99 S.C. 20, 82 S.E. 992 (1914) "If William Motley went into possession of the land as a purchaser with a contract to pay a specified sum for a specified amount he would be entitled to a decree for specific performance upon his fully carrying out the terms and conditions of the contract entered into, and would not have been required to have paid the price agreed upon in the lifetime of David Motley. He did not have to pay the purchase price and retain possession ten years after such payment to acquire title. If he purchased the land, went into possession of the same, put valuable improvements thereon, and carried out his contract as to payments, as soon as he fully performed all of his promises and agreements as contracted for between the parties as to the purchase, he would be entitled to a deed. And upon full performance on his part of the terms and conditions of the contract, whether the vendor was alive or dead, he would be entitled to a deed from the heirs at law of the vendor, or the Courts, upon proper showing, would declare him the owner of the land and require a deed to be made. There can be no question that the purchaser of the land upon the payment to the vendor, or his heirs, of the purchase price agreed upon between the parties at the time of contract of sale or any balance due of the purchase price would be entitled to receive a deed; and it can not be maintained that a failure to pay the whole to vendor in his lifetime will defeat the right of purchaser to retain possession. The payment of balance to vendor's heirs will be sufficient, even though they be minors. His Honor was in error in the particulars complained of in exception seven, and this exception is sustained."

Judgment reversed and new trial granted.

- 2 -

3. Under Eller v. Motley, 99 S.C. 20, 82 S.E. 992 (1914), defendant Mell Woods has a complete and full right to finish paying the heirs of Mrs. Hinson for the small piece of land in question, and then receive a deed to the land in question. Eller is a case in which the right of a purchaser to complete payment of partially executed sales contract to the heirs of a seller even where the seller is a life tenant is recognized in South Carolina with specific performance of land contracts being required even after the death of a life tenant. This state of facts is a far cry from being a trespasser. The Hinsons are actually the ones who are wrongfully interfering with the peaceful possession of defendant Mell Woods' land. Defendant Mell Woods moves that the Court's Order be modified, altered, and amended to state the true facts of this case.

This 24 day of April, 2015.



Mell Woods

P.O. Box 2603
Lancaster, SC 29721

Certificate of Service:

State of South Carolina
County of Chester
In the Magistrate Court
Rossville District
Assigned Case Number 2014CV1210400037

Mell Woods, hereby certifies that he has served the plaintiffs with a copy of the within and foregoing *Rule 59(e) SCRPC Motion* and supporting documents by placing copies of the same in the U.S. Mail with proper postage prepaid and addressed to the counsel of Record for the parties, to wit:

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

AND ALSO TO THE MAGISTRATE JUDGE:

Yale Zamore
P.O. Box 88
Great Falls, SC 29055

This 24 day of April, 2015.



Mell Woods

P.O. Box 2603
Lancaster, SC 29721

4

State of South Carolina

In the Magistrate Court
Rossville District

Chester County

Number: 2014CV1210400037

Robert H. Breakfield, for
himself and others
listed as "Applicant"

v.

Mell Woods,

Respondent.

MOTION, pursuant to Rule 59(e) SCRPC to alter or amend judgment:

Respondent Mell Woods comes now, and within 10 days after the receipt of written notice of the court's order, dated March 27, 2015, serves the following motion, and moves as follows;

1. The magistrate court never did specifically rule on SC Statute § 15-67-100 Right to jury trial unchanged where the statute applies to any action to recover possession of real estate; defendant Mell Woods moves that a specific ruling construing § 15-67-100 as it applies to this case be published in an amended order.

2. The magistrate court never ruled on SC Statute § 15-67-20; A defendant under South Carolina Law is not required to have to continually defend attacks on a land title. The present proceeding is a THIRD attempt by these same plaintiffs and is outlawed by § 15-67-20, defendant continues to move for

-/-

dismissal of this THIRD attempt to interfere with defendant's land.

3. SC Statute § 15-67-610 does not apply in this case; § 15-67-610 is designed to deal with squatters and does not apply where a possessor is on land with recorded documents which show the possessor to be in fact a mortgagee in possession with equitable rights to stay in possession. There has not been a court order, save the one from this magistrate court, which denies the right of defendant to retain possession of his land, based on all of the Rule 59(e) SCRPC motions filed in the present proceeding, and the Record, South Carolina Case and Statutory law defendant moves that all proceedings in this magistrate case be dismissed for lack of jurisdiction.

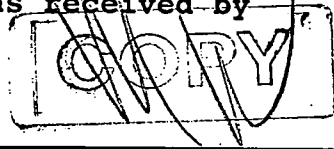
4. As a housekeeping matter:

Defendant attaches a copy of the envelope which the magistrate court used to mail the court order complained of to defendant.

Defendant's proper mailing address is:

Mell Woods
P.O. Box 2603
Lancaster, SC 29721

The proper address has been used on ALL documents filed by defendant in ALL the courts. The magistrate court used some other address, which has caused delay with the result being that the magistrate court order was received by defendant on April 14, 2015.



Mell Woods

P.O. Box 2603
Lancaster, SC 29721

4-24-2015

Certificate of Service:

State of South Carolina
County of Chester
In the Magistrate Court
Rossville District
Assigned Case Number 2014CV1210400037

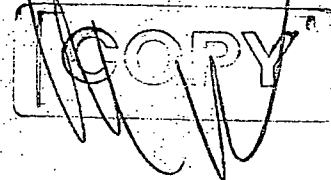
Mell Woods, hereby certifies that he has served the plaintiffs with a copy of the within and foregoing *Rule 59(e) SCRPC Motion* and supporting documents by placing copies of the same in the U.S. Mail with proper postage prepaid and addressed to the counsel of Record for the parties, to wit:

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

AND ALSO TO THE MAGISTRATE JUDGE:

Yale Zamore
P.O. Box 88
Great Falls, SC 29055

This 24 day of April, 2015.

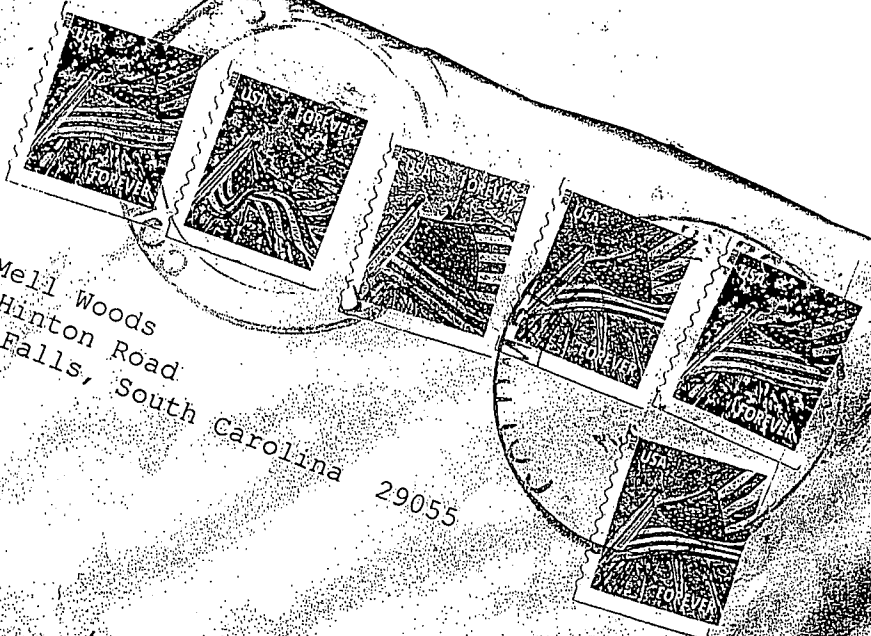


Mell Woods

P.O. Box 2603
Lancaster, SC 29721

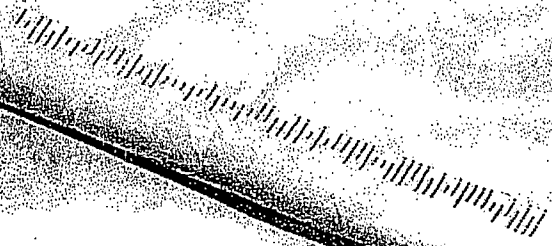


Chester County, South Carolina
OFFICE OF MAGISTRATE
2740 DAWSON DRIVE
CHESTER, SOUTH CAROLINA 29706



Mr. Mel Woods
1537 Hinton Road
Great Falls, South Carolina 29055

29055-0000



State of South Carolina

In the Magistrate Court
Rossville District

Chester County

Number: 2014CV1210400037

Robert H. Breakfield, for
himself and others listed
listed as "Applicant"

v.

Mell Woods,

Respondent.

MOTION, pursuant to Rule 59(e) SCRPC to alter or amend judgment:

Respondent Mell Woods comes now, and within 10 days after the receipt of written notice of the court's order, dated March 27, 2015, serves the following motion, and moves as follows;

1. Defendant Mell Woods had already appealed the entire matter herein *prior to any hearing* by serving a Notice of Appeal as soon as defendant found out that the magistrate court had scheduled a non jury hearing on the within matter. Grounds for the appeal are that Defendant Mell Woods is entitled to a jury hearing in a land case and that failure to immediately appeal is a waiver of a jury under Creed v. Stokes, 285 S.C. 542, 331 S.E.2d 351 (1985), for this reason defendant moves that the magistrate court declare the proceedings in this case after the serving of the Notice of Appeal, a complete nullity.

— / —

2. On page 13 of the magistrate court order is the purported instruction by the magistrate court that the plaintiffs are "permitted" to remove improvements from the land in question after June 01, 2015, and that such removal shall be pursuant to "South Carolina Law" although no law is cited, and that defendant "shall have no recourse" as long as whatever they do is in "accordance with South Carolina Law" although no specific laws or law is cited; these instructions are repugnant to common sense and the magistrate might as well instruct plaintiffs to shoot and kill the defendant so that the case will be over; it is so far past the jurisdiction of a magistrate court to attempt to rule that a party "shall have no recourse" that these instructions should be stricken from the Order by the magistrate court itself, and defendant moves that the magistrate court do so.

This 24 day of April, 2015.



Mell Woods

P.O. Box 2603
Lancaster, SC 29721

Certificate of Service:

State of South Carolina
County of Chester
In the Magistrate Court
Rossville District
Assigned Case Number 2014CV1210400037

Mell Woods, hereby certifies that he has served the plaintiffs with a copy of the within and foregoing Rule 59(e) SCRPC Motion and supporting documents by placing copies of the same in the U.S. Mail with proper postage prepaid and addressed to the counsel of Record for the parties, to wit:

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

AND ALSO TO THE MAGISTRATE JUDGE:

Yale Zamore
P.O. Box 88
Great Falls, SC 29055

This 24 day of April, 2015.

COPY

Mell Woods

P.O. Box 2603
Lancaster, SC 29721

-3-

EXHIBIT C

STATE OF SOUTH CAROLINA

IN THE MAGISTRATE'S COURT

COUNTY OF CHESTER

2014 CV 1210400037

Robert H. Breakfield, Esquire as
attorney-in-fact for John D. Hinson,
John C. Hinson, Jerry Hinson,
Kathy Huffstickle, Robert H. Hinson,
Darrell W. Hinson, Lois Hinson, Tina
Jones, George Stanford as Personal
Representative of the Estate of Linda Stanford,
William L. Hinson, Elaine H. Hensley, and
William C. Hinson, Jr.,

CERTIFICATE OF SERVICE

Applicant,

v.

Mell Woods,

Respondent-Trespasser.

I, Linda T. Abernethy, Legal Assistant to B. Michael Brackett, Esquire, attorney for the Applicant in the above-captioned matter, do hereby certify that I have served Respondent-Trespasser, pro se with a copy of Magistrate Court's Final Order and Judgment by Federal Express hand delivery and by United States Mail, postage prepaid and return address clearly indicated on said envelope, on this 30th day of March, 2015 at the following address:

Mell Woods
P. O. Box 2603
Lancaster, SC 29721
Respondent-Trespasser, pro se

Mell Woods
1537 Hinton Rd.
Great Falls, SC 29055
Respondent-Trespasser, pro se

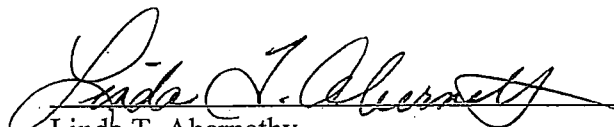

Linda T. Abernethy

EXHIBIT 2

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

IN THE COURT OF COMMON PLEAS
On Appeal from Magistrate's Court
2015-CP-12-0179
2014CV1210400037

Robert H. Breakfield, Esquire as
attorney-in-fact for John D. Hinson,
John C. Hinson, Jerry Hinson,
Kathy Huffstickle, Robert H. Hinson,
Darrell W. Hinson, Lois Hinson, Tina
Jones, George Stanford as Personal
Representative of the Estate of Linda Stanford,
William L. Hinson, Elaine H. Hensley, and
William C. Hinson, Jr.,

Respondents,

v.

Mell Woods,

Appellant.


Order Dismissing Appeal
Without Prejudice

FILED
2015 MAY - 1 10 2:16
CLERK OF COURT
CHESTER CO S.C.

Pursuant to Holmes v. E. Cooper Cmty. Hosp., Inc, 758 S.E.2d 483 (S.C. 2014) this court has been given notice that Appellant timely served a Rule 59(e) motion for reconsideration in the Magistrate's Court after having filed and served a Notice of Appeal. Accordingly, the appeal is hereby dismissed without prejudice.

IT IS SO ORDERED.

5/11, 2015



Brian M. Gibbons,
Chief Administrative Judge

EXHIBIT 3

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

COURT OF COMMON PLEAS
Civil Magistrate Appeal

Numbers:
2015-CP-12-0179
2014-CV-12-10400037

Robert H. Breakfield,
attorney-in-fact for John D.
Hinson, John C. Hinson,
Jerry Hinson, Kathy Huffstickle,
Robert H. Hinson,
Lois Hinson (deceased),
Tina Jones, George Stanford as
Personal Representative of the
Estate of Linda Stanford,
William L. Hinson, Elaine H.
Hensley (deceased), and
William C. Hinson, Jr.,

Respondents,

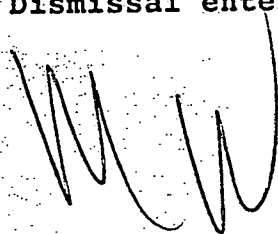
vs.

Mell Woods,

Appellant.

NOTICE OF APPEAL

Mell Woods, appellant above hereby appeals to the
Court of Appeals from the Order of Dismissal entered in
the above case on May 01, 2015.



Mell Woods

This 01 day of May, 2015.

P.O. Box 2603
Lancaster, SC 29721

-/-

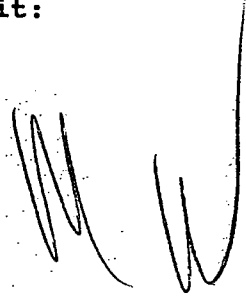
FILED
2015 MAY -1 2 4:47
CLERK OF COURT
CHESTER CO S.C.

CERTIFICATE OF SERVICE

I hereby certify that I have served the respondents with a true copy of the within and foregoing pleading, APPEAL NOTICE, by placing the document in the U.S. Mail, with sufficient postage addressed to the counsel of Record for respondents to wit:

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

This 01 day of May, 2015.



Mell Woods

P.O. Box 2603
Lancaster, SC 29721

FILED

2015 MAY - 1 9 4:47

CLERK OF COURT
CHESTER CO S.C.

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHESTER COUNTY

Court of Common Pleas

Brian Gibbons, Circuit Court Judge

Case Number 2015-CP-12-0179

Robert H. Breakfield,
attorney-in-fact for John D.
Hinson, John C. Hinson,
Jerry Hinson, Kathy Huffstickle,
Robert H. Hinson,
Lois Hinson (deceased),
Tina Jones, George Stanford as
Personal Representative of the
Estate of Linda Stanford,
William L. Hinson, Elaine H.
Hensley (deceased), and
William C. Hinson, Jr.,

Respondents,

vs.

Mell Woods,

Appellant.

NOTICE OF APPEAL
Amendment, No. 1

Mell Woods appeals to the Court of Appeals from the
Order of Dismissal by Circuit Court Judge Brian Gibbons,
dated May 01, 2015.

This 0 / day of May, 2015.



Mell Woods
P.O. Box 2603
Lancaster, SC 29721

Respondent Counsel:
Moses and Brackett, PC
c/o B. Michael Brackett
P.O. Box 100261
Columbia, SC 29202
(803) 461-2300


IN THE SOUTH CAROLINA COURT OF APPEALS

Circuit Court Number: 2015-CP-12-0179

CERTIFICATE OF SERVICE

I hereby certify that I have served the respondents with a true copy of the within and foregoing pleading, APPEAL NOTICE, by placing the document in the U.S. Mail, with sufficient postage addressed to the counsel of Record for respondents to wit:

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



This 01 day of May, 2015.

Mell Woods

P.O. Box 2603
Lancaster, SC 29721