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THE STATE OF SOUTH CAROLINA
in the Court of Appeals

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JUN 02 2015

SC Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

Honorable J. Cordell Maddox, Jr., Tenth Judicial Circuit Judge

Appellate Case No. 2014-000139

Unpublished Opinion No. 2015-UP-223
Submitted April 1, 2015 - Filed May 6, 2015

Shou Martin, Appellant

vs.

Wilmer (John) Rife and Barbara Ann Doomey, Respondents

**RESPONDENT'S RETURN TO
PETITION FOR REHEARING**

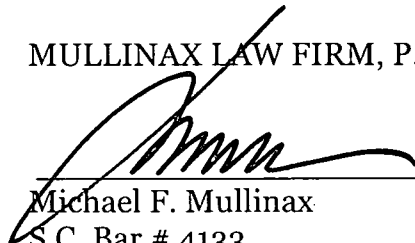
Pursuant to Rule 240(e) of the South Carolina Appellate Court Rules, the Respondents, Wilmer (John) Rife and Barbara Ann Doomey hereby make return to the Petition for Rearing as follows:

The issue in this case is whether or not the individual had standing and was the proper party to the lawsuit. Standing is a fundamental requirement for instituting an action. Brock v. Bennett 313 SC 513, 443 SE 2d 409 (Ct. App. 1984). See also Bank of America, N.A. v. Draper 410 SC 214, 746 SE 2d 478 (Ct. App. 2013). Therefore, the issue was jurisdictional, and the fact that the lawsuit

was not brought in the name of the corporation limited the ability of the Court to rule as to whether or not the lawsuit could be prosecuted. The Petitioner is attempting to construct a jury issue when there was no issue to be placed before the jury due to the lack of jurisdiction and the lack of standing on the part of Shou Martin, as an individual. The action was based on the sale of a business of a non-profit corporation, organized under the provisions of S.C. Code §61-6-1600. The individual Plaintiff, Shou Martin, was a stockholder and had no right as an individual to claim profits or benefits from the sale of the corporation under the law. All of the evidence in the case indicated that the property belonged to and was owned by the corporation. Therefore, there was no claim that could have been asserted on an individual basis by Shou Martin. Therefore, it is respectfully submitted that the Order of the Court be affirmed and the petition be dismissed and the remittitur forwarded as provided by law.

May 29, 2015

MULLINAX LAW FIRM, P.A.



Michael F. Mullinax
S.C. Bar # 4133
P.O. Box 2665
Anderson, SC 29622
(864) 261-6242
(864) 261-6680 (facsimile)
mikemullinax@charter.net

ATTORNEY FOR THE RESPONDENTS

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PROOF OF SERVICE

I certify that I have this day served Respondent's Return to Appellant's
Petition for Rehearing on the Attorney for the Appellant, by depositing a copy of
same in the United States Mail, postage prepaid, addressed as follows:

Mr. C. Rauch Wise
Attorney & Counselor at Law
305 Main Street
Greenwood, SC 29646

May 29, 2015

Laura C. Mullinax

Laura C. Mullinax, Paralegal
MULLINAX LAW FIRM, P.A.
Post Office Box 2665
Anderson, SC 29622
(864) 261-6242
ATTORNEY FOR THE RESPONDENT



MULLINAX LAW FIRM, P.A.

MICHAEL F. MULLINAX, Attorney and Counselor at Law

Phone: (864) 261-6242
Fax: (864) 261-6680

509 North McDuffie Street
Post Office Box 2665
Anderson, South Carolina 29622

mikemullinax@charter.net
www.mullinaxlaw.com

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SC Court of Appeals

Ms. Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Shou Martin v. Wilmer (John) Rife and Barbara Ann Doomey
Appellate Case No: 2014-000139

Dear Ms. Kitchings:

Enclosed, please find the following to be filed with this Court, in regard to the above referenced matter:

- 1) Original and seven copies of Respondent's Return to Petition for Rehearing
- 2) Original and one copy of the Proof of Service.

I would appreciate your returning a stamped "filed" copy of the above documents to me. I have enclosed a self-addressed, stamped envelope for your convenience.

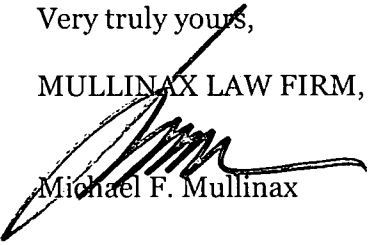
By copy of this letter to the Appellant's attorney, I am forwarding copies of the above documents as required by SCACR.

Thank you for your assistance in this matter.

With kindest regards, I am

Very truly yours,

MULLINAX LAW FIRM, P.A.


Michael F. Mullinax

MFM/lcm
Enclosures
cc: Mr. C. Rauch Wise

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SC Court of Appeals

MICHAEL F. MULLINAX
 MULLINAX LAW FIRM, P.A.
 P.O. BOX 2665
 ANDERSON, SOUTH CAROLINA 29622

To Ms. Jenny Abbott Kitchings, Clerk
 South Carolina Court of Appeals
 Post Office Box 11629
 Columbia, S.C. 29211

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