

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

RECEIVED

JUL 29 2015

APPEAL FROM CHESTER COUNTY

SC Court of Appeals

Court of Common Pleas

Brian Gibbons, Circuit Court Judge

Court of Appeals Number 2015-001036

Circuit Case Number 2015-CP-12-0179

Robert H. Breakfield, Esquire as  
attorney-in-fact for John D.  
Hinson, John C. Hinson,  
Jerry Hinson, Kathy Huffstickle,  
Robert H. 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.

RULE 240(f), SCACR REPLY TO RETURN

1. Mr. Brackett, the respondent attorney filed a Return to the Petition for Rehearing which is pending in this case.

—/—

2. In order to further cloud the issues, Mr. Brackett appended to his Return a "Motion for Rule 269 Sanctions" appellant has 10 days to respond to the motion, and will do so by Thursday, July 30, 2015.

3. The Reply to the Return is as follows:  
Mr. Brackett failed to address the main issue in the Petition for Rehearing which is that the Circuit Judge failed to follow the South Carolina Rules of Civil Procedure when the court dismissed appellant's appeal from magistrate court, and in doing so committed a *structural error* instead of a mere harmless one.

4. But more important than all of the above is the *jurisdictional issue* which came to light just this month. It seems that the HINSONS listed above, even the dead ones, are currently involved in a *partition action* which is pending in the Chester County Court of Common Pleas. Yes, this is true and the partition action has been pending since year 2008 (eight) which is well before any of the present litigations ever started.

5. The reason that appellant Mell Woods never knew of the pending partition action is that the partition action has been concealed, never published in the newspaper, and even as much left out of public data base of court cases published by the South Carolina Supreme Court.

6. Appellant Mell Woods found out about the partition action accidentally by speaking to the Honorable Milton E. Hamilton who is the Special Referee appointed by the circuit court to adjudicate the land dispute.

7. It is very unlikely that B. Michael Brackett never knew about the partition action; but it is even more beyond belief that Robert H. Breakfield, an admitted attorney, who is also the personal representative for the Hinson Estate did not know that there was and still is a pending partition action concerning the very same land which has been in several litigations, and is the same land the Hinsons are trying to evict appellant from.

8. It axiomatic that where a partition action is pending, that a magistrate court does not have any right to evict anyone, simply because there is no clear "owner" unless and until the partition action is concluded.

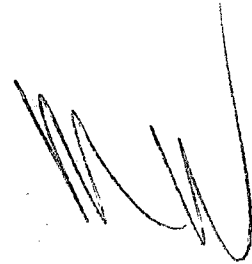
9. And to think that B. Michael Brackett is complaining about appellant litigating these cases where appellant has complete and full right to possession of the land in question is simply preposterous. Had Breakfield and Brackett informed the various courts in which the land litigation has been pending, there would have been no need for litigation, all of the issues would have simply been resolved through the partition action, which is still pending, and where the jurisdiction of this case properly is.

10. The State of South Carolina has a strong policy in place to deal with lawyers who fail to disclose material facts to a tribunal, the policy is articulated as the Rules of Professional Conduct, Rule, 3.3 CANDOR TOWARD THE TRIBUNAL.

11. Appellant Mell Woods appends to this Reply a letter and Court Order signed by the Honorable Milton E. Hamiltion, a Special Referee for Chester County to prove that the present case is already pending in the Chester County Court of Common Pleas.

Respectfully submitted,

this 27 day of July, 2015.



---

Mell Woods

P.O. Box 2603  
Lancaster, SC 29721

HAMILTON DELLENEY GRIER & COTTEN, LLC

ATTORNEYS AT LAW  
HISTORIC COUNTY JAIL BUILDING (CIRCA 1842)  
128 CENTER STREET  
POST OFFICE DRAWER 808  
Chester, South Carolina 29706-0808  
803-581-2211  
FAX  
803-581-2216

DAVID HAMILTON (1883-1941)  
THOMAS B. HAMILTON (1916-1972)  
DAVID LEE HAMILTON (1911-1995)

MILTON E. HAMILTON  
F.G. DELLENEY JR.  
BRIAN T. GRIER  
F.M. "NICK" COTTEN JR

CHESTER OFFICE  
128 CENTER STREET  
CHESTER, S.C. 29706-0808  
803-581-2211

GREAT FALLS OFFICE  
215 1/2 DEARBORN STREET  
GREAT FALLS, S.C. 29055  
803-482-6600

June 25, 2015

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

RE: Reba Hinson Estate

Dear Mr. Woods:

Please find enclosed a copy of the last Order I believe of this case in which I signed the same as Special Referee.

I was definitely appointed sometime prior to June 2, 2011 as Special Referee in this case. I am still presiding as Special Referee of this case.

In regards to you being listed as a necessary party in this case, I cannot advise you on this part.

You may wish to consult an attorney in regards to this matter.

With kind regards, I am

Very truly yours,

HAMILTON DELLENEY GRIER & COTTEN, LLC

BY: 

Milton E. Hamilton

MEH:krw

Enclosure

*P.S. I was on vacation the 1st part of June —  
mm*

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHESTER, )  
 )  
 Robert H. Hinson, William Calvin Hinson, )  
 Jr., Charles Jerry Hinson, Elaine H. )  
 Hensley, and Linda K. Stanford and )  
 William Levy Hinson, )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 Lois H. Griffin, Christine G. Jones as )  
 Trustee of the Lois H. Griffin Living Trust, )  
 J. C. Hinson, Kathy Huffstickle, John )  
 Daniel Hinson and Darrell Wayne Hinson, )  
 )  
 Defendants )  
 )

IN THE COURT OF COMMON PLEAS

C.A. No.: 2008-CP-12-00475

**ORDER**

FILED  
 2011 JUN 10 P 2:49  
 CLERK OF COURT  
 CHESTER CO S.C.

The within action is an action for partition and division of real estate in Chester County, South Carolina. The Special Referee held a Status Conference on May 19, 2011, and attorneys for all parties participated in the Status Conference. The property consists of approximately 92 acres of land.

In order for the Court to effect a partition and division, it is necessary to have an accurate description of the property including the boundaries. The property appears to exist of basically two tracts, one identified by the attorneys as income producing and the other property being vacant land. Within the income producing tract, several lots are owned by individuals who are parties to this litigation.

In order to proceed with an expeditious resolution of this matter and to enable the trial judge to enter a Final Order, the Court finds it necessary to commission a surveyor to survey the tract. Enfinger and Associates shall prepare a survey of the property showing it as two tracts, one tract being the vacant land and the other tract being the income producing property. Within the

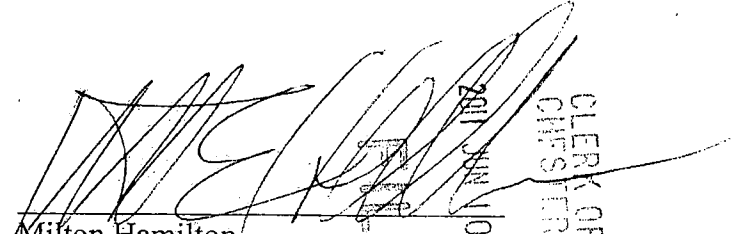
income producing property, the surveyor shall also establish boundary lines for any lots which are occupied and/or used by individuals who are parties of this litigation. The surveyor shall also include the road/easements which exist on the property. The surveyor shall be paid from the moneys which are being collected from the rents associated with the property.

The survey shall be provided to each one of the attorneys for the parties. The parties shall schedule a mediation with Charles B. Ridley, within sixty (60) days of receiving the survey from the surveyor. In addition, the parties shall employ, if he is willing to do so, Robert Breakfield, to be present at the mediation to assist with issues associated with a possible resolution of this case to include tax issues, incorporation of a business and other such matters. Mr. Breakfield's fees shall be paid from the moneys which are being collected from the rents on the property as should the mediator's fees.

ALL OF WHICH IS DULY ORDERED.

Chester, SC

June 2, 2011

  
Milton Hamilton

FILED

2011 JUN 10 P 2:49

CLERK OF COURT  
CHESTER CO S.C.

RECEIVED

SOUTH CAROLINA COURT OF APPEALS  
Case Number 2015-001036

JUL 29 2015

Breakfield v. Mell Woods

SC Court of Appeals

CERTIFICATE OF SERVICE

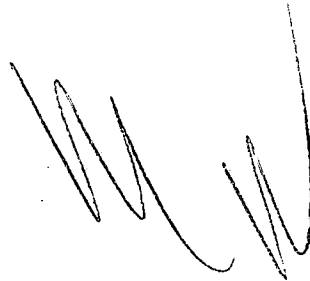
I hereby certify that I have served the respondents  
with a true copy of the within and foregoing

*RULE 240(f), SCACR REPLY TO RETURN*

by placing a copy of the same in the U.S. Mail with postage  
prepaid addressed to:

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

This 27 day of July, 2015.




\_\_\_\_\_  
Mell Woods

P.O. Box 2603  
Lancaster, SC 29721

PRESS FIRMLY TO SEAL

# ★ MAIL

 DATE OF DELIVERY SPE

 USPS TRACKING™ INCL

 INSURANCE INCLUDED

 PICKUP AVAILABLE

\* Domestic only

WHEN USED INTERNATIONALLY,  
A CUSTOMS DECLARATION  
LABEL MAY BE REQUIRED.

**PAID**




JL 29 2015

Court of Appeals



PS00001000014

PRESS FIRMLY TO SEAL

 <b>UNITED STATES POSTAL SERVICE®</b>		<b>Click-N-Ship®</b>	
<b>P</b>	usps.com 9405 5036 9930 0109 2090 37 0050 5000 0022 9211		Commercial Base Pricing
	\$5.05 US POSTAGE Flat Rate Env		
	07/27/15	Mailed from 29721	062S0000000315
<b>PRIORITY MAIL 2-DAY™</b>			
MELL WOODS PO BOX 2603 LANCASTER SC 29721-2603		Expected Delivery Date: 07/29/15 <b>0024</b>	
Carrier -- Leave if No Response			<b>B012</b>
SHIP TO: SOUTH CAROLINA COURT APPEALS PO BOX 11629 COLUMBIA SC 29211-1629			
<b>USPS TRACKING #</b>			
			
9405 5036 9930 0109 2090 37			
Electronic Rate Approved #038555749			

EP14F July 2013  
OD: 12.5 x 9.5

**VISIT US AT USPS.COM®**  
ORDER FREE SUPPLIES ONLINE

