

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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AUG 04 2015

SC Court of Appeals

APPEAL FROM CHESTER COUNTY

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(e), SCACR RETURN TO MOTION

1. Appellant Mell Woods respectfully asks that the
Court deny the respondent motion for "sanctions" under
Rule 269, SCACR.

-/-

2. For sanctions to apply, Rule 269, SCACR requires that filings be "frivolous or taken solely for purposes of delay," this is certainly not true because appellant has read each and every word in every pleading before signing the pleading, and denies the truth of the respondent's allegations.

3. As to the respondent attorney, Mr. Michael Brackett, appellant shows by the attached Court Order signed the Honorable Milton Hamilton, a special referee for the Chester County South Carolina Court of Common Pleas that a partition action among the very same Hinsons concerning the very same land which appellant also claims a portion of has been going on since 2008, seven years ago, and is still pending; the pending partition action involves Mr. Brackett because Mr. Brackett has never informed any court of the pending partition action.

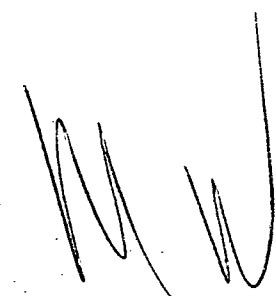
4. Mr. Brackett's client, Mr. Breakfield is the personal representative for the Hinson Estate, so how could it be that Mr. Breakfield does not know of the partition action? Breakfield's name is even mentioned in the attached Court Order.

5. Brackett and Breakfield are the ones who should be subject to Rule 269, SCACR and the Bar Rules since both are admitted attorneys for failing to inform the various courts: circuit court, probate court, magistrate court, Court of Appeals, and for failing to inform appellant Mell Woods about the pending partition action.

6. Failure to be candid with a tribunal should be a serious offense; especially in this case since all of the litigations Brackett is complaining about could have been avoided simply by being truthful with the various courts and adhering to the Rules of Professional Conduct; appellant Mell Woods is applying to be a party to the partition action so that all of the parties can be in the same court at the same time, and hopefully this whole mess which has been created by Brackett and Breakfield can be over.

Respectfully submitted,

this 30 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)
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DAVID HAMILTON (1883-1941)
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DAVID LEE HAMILTON (1911-1995)

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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 —
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STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF CHESTER,)

Robert H. Hinson, William Calvin Hinson,)
Jr., Charles Jerry Hinson, Elaine H.)
Hensley, and Linda K. Stanford and)
William Levy Hinson,)

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

Plaintiffs,)

ORDER

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)

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

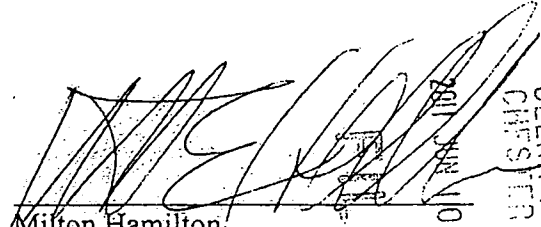
income producing property, the surveyor shall also establish boundary lines for any lots which are occupied and/or used by individuals who are parties of this litigation. The surveyor shall also include the road/easements which exist on the property. The surveyor shall be paid from the moneys which are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

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JUN 10 P 2:49

CLERK OF COURT
CHRISTEN CO S.C.

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AUG 04 2015

SC Court of Appeals

SOUTH CAROLINA COURT OF APPEALS
Case Number 2015-001036

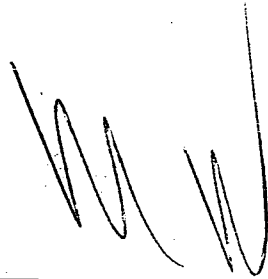
Breakfield v. Mell Woods

CERTIFICATE OF SERVICE

I hereby certify that I have served the respondents
with a true copy of the within and foregoing
RULE 240(e), SCACR Return to Motion
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 30 day of July, 2015.



Mell Woods

P.O. Box 2603
Lancaster, SC 29721

2015-001036