

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 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 Reply to Appellant's Return to
Respondent's Motion for Sanctions

Respondent moved for sanctions against Appellant for his repeated frivolous and abusive efforts in various pieces of litigation to claim title to a residential lot owned by Respondents when the question of Appellant's claim to title has already been decided by the courts adversely to him. Appellant's Return, dated and served July 30, 2015, is yet another demonstration of the Appellant's

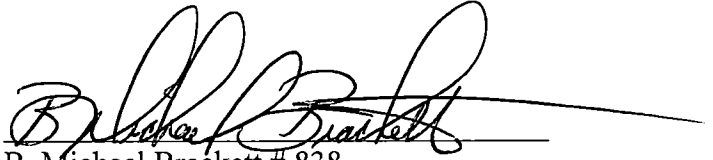
course of conduct in filing pleadings, making arguments and generally extending litigation while running up court costs for the Respondents and delaying the Respondents' from taking possession of their real property.

Appellant's claim to title to or interest in the subject real property was decided in and by this court in 2014-UP-010. (See Respondents' Return and Motions for Sanctions dated and served July 20, 2015; ¶ 3, p. 5 of 8.) That was a case brought by Appellant that was decided by summary judgment in favor of Respondents, and that was affirmed in an unpublished, per curiam opinion. Notwithstanding that outcome, Appellant defended the magistrate court trespass case (the above-captioned proceeding) by continuing to claim title. In his Return to the motion for sanctions, Appellant argues that because of a pending partition action among the members of the Hinson family [the Respondents], involving "the very same land which appellant also claims a portion of" that his defense in the trespass case, his appeal from the magistrate's court's order finding him to be a trespasser, and his pleadings in this appeal are not frivolous. APPELLANT HAS NO TITLE AND NO ARGUABLE OR COLORABLE CLAIM TO TITLE. The partition action has nothing to do with the Appellant.

Conclusion

The motion for sanctions should be granted. Sanctions should be awarded for the Appellant's frivolous misuse of the courts, including dismissing the appeal from the Magistrate's Court's March 27, 2015 Judgment Order and enjoining the Appellant from filing any future legal proceedings against the Respondent and his principals that in any manner challenge Respondent's principals' title to 1537 Hinton Road, Great Falls, SC without first posting bond and from filing any future legal proceedings against the Respondent and his principals that in any manner challenge

Respondent's principals' title to 1537 Hinton Road, Great Falls, SC without representation on the pleadings by a licensed attorney.

A handwritten signature in black ink, appearing to read "B. Michael Brackett", written over a horizontal line.

B. Michael Brackett # 838

Adam T. Silvernail

Moses & Brackett, PC

P.O. Box 100261

Columbia, SC 29202

803.461.2312

Attorneys for Respondent Breakfield

August 3, 2015

STATE OF SOUTH CAROLINA

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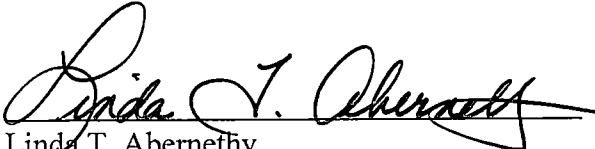
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Certificate of Service

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 Reply to Appellant's Return to Respondent's Motion for Sanctions, postage prepaid and return address clearly indicated on said envelope, on this 3rd day of August, 2015 at the following address:

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


Linda T. Abernethy