

5

78578

RECEIVED

FEB 02 2016

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Thomas L. Hughston, Circuit Court Judge

2015-CP-18-1308

Adrian Smalls,

Respondent,

v.

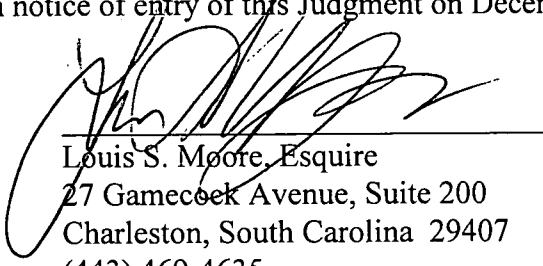
Brenda Lee Barnett,

Appellant.

NOTICE OF APPEAL

Brenda Lee Barnett appeals the judgment of the Honorable Thomas L. Hughston dated December 23, 2015. Appellant received written notice of entry of this Judgment on December 30, 2015.

February 1, 2016



Louis S. Moore, Esquire  
27 Gamecock Avenue, Suite 200  
Charleston, South Carolina 29407  
(443) 469-4635  
Attorney for Appellant

Other Counsel of Record:  
Kevin D. Hackler, Esquire  
Theron W. Sandy II, Esquire  
3 Broad Street, 2d Floor  
Charleston, South Carolina 29401  
Attorney for Respondent  
(843) 641-0146  
(843) 581-1610

RECEIVED

FEB 02 2016

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Thomas L. Hughston, Circuit Court Judge

2015-CP-18-1308

Adrian Smalls,

Respondent,

v.

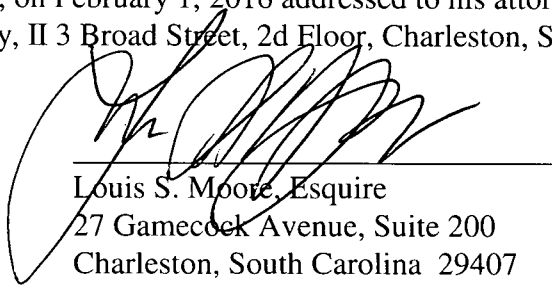
Brenda Lee Barnett,

Appellant.

PROOF OF SERVICE

I certify that I have served the corrected Notice of Appeal on Adrian Smalls by depositing a copy of it in the United States Mail, postage prepaid, on February 1, 2016 addressed to his attorneys of record, Kevin D. Hackler and Theron W. Sandy, II 3 Broad Street, 2d Floor, Charleston, South Carolina 29401.

February 1, 2016



Louis S. Moore, Esquire  
27 Gamecock Avenue, Suite 200  
Charleston, South Carolina 29407  
(443) 469-4635  
Attorney for Appellant

**RECEIVED**

FD-RECORDED CASE NO. 2015 CP- 18-1308

2015 DEC 23 PM 2:35

FEB 02 2016

SC Court of Appeals

BRENDA LEE BARNETT  
 APPELLANT

CHERYL GRAHAM  
 CLERK OF COURT  
 DORCHESTER COUNTY

ADRIAN SMALLS  
 RESPONDENT

Submitted by:

Attorney for :  Respondent  Defendant  
 or  
 Self-Represented Litigant

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court: Defendant/Appellant's appeal heard on December 15, 2015 is **DENIED**. See page 2 for further information.

**ORDER INFORMATION**

This order  ends  does not end the case.  
 Additional Information for the Clerk : \_\_\_\_\_

**INFORMATION FOR THE JUDGMENT INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

| Judgment in Favor of<br>(List name(s) below) | Judgment Against<br>(List name(s) below) | Judgment Amount To be Enrolled<br>(List amount(s) below) |
|--|--|--|
|  |  | \$   |
|  |  | \$   |
|  |  | \$   |

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

*T. H. Ferguson*  
 Circuit Court Judge

2008  
 Judge Code

12/18/15  
 Date

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

*see attached*

\_\_\_\_\_  
ATTORNEY(S) FOR THE PLAINTIFF(S)

\_\_\_\_\_  
ATTORNEY(S) FOR THE DEFENDANT(S)

\_\_\_\_\_  
CLERK OF COURT

Court Reporter: \_\_\_\_\_

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

Appellant's appeal is DENIED for the following reasons: (1) Appellant failed to show that the

Magistrate's Court lacked subject matter jurisdiction; (2) Appellant failed to articulate a valid

reason that the Magistrate's Court should have allowed Appellant to present evidence and

dispute Respondent's claims when Appellant's answer was not filed in a timely fashion;

(3) Appellant failed to show that Respondent's claims were barred by the doctrine of Res

Judicata; and (4) Appellant failed to show that the Magistrate's issuance of a Writ of

Execution was improper.

**For Clerk of Court Office Use Only**

This judgment was entered on **12/23/2015**, and a copy mailed first class or placed in the appropriate attorney's box on **12/23/2015**, to attorneys of record or to parties (when appearing pro se) as follows:

**Theron Wayne Sandy II/Kevin Duane Hackler 3 Broad  
Street Suite 250 Charleston, SC 29401**

**Louis S. Moore THE MOORE LAW FIRM, LLC Of  
Charleston 27 GAMECOCK AVENUE, STE 200 Charleston,  
SC 29407**

---

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

---

**ATTORNEY(S) FOR THE DEFENDANT(S)**

*Cheryl Graham*

---

**Court Reporter: Bonnie Kelly**

---

**Cheryl Graham - Clerk of Court**

---

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

---

---

---

---

---

---

---

---

THE MOORE LAW FIRM, LLC

Of Charleston

February 1, 2016

The Honorable Jenny Abbott Kitchings

Clerk, South Carolina Court of Appeals

Post Office Box 11629

Columbia, South Carolina 29211

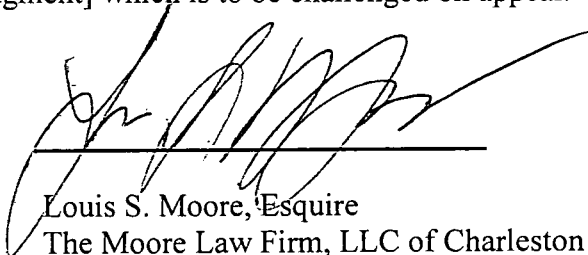
RE: Adrian Smalls, Respondent vs Brenda Lee Barnett, Appellant,

Case No. 2016-000100

Dear Ms. Kitchings:

Enclosed for filing is the corrected notice of appeal in the above case. Also enclosed are the following:

- (1) Corrected Proof of service of the notice of appeal on the respondent[s].
- (2) A copy of the order[s] [judgment] which is to be challenged on appeal.
- (3) A filing fee of \$100.\*



Louis S. Moore, Esquire  
The Moore Law Firm, LLC of Charleston  
27 Gamecock Avenue, Suite 200  
Charleston, South Carolina 29407  
(443) 469-4635

Other Counsel of Record:

Kevin D. Hackler, Esquire

Theron W. Sandy II, Esquire

3 Broad Street, 2d Floor

Charleston, South Carolina 29401

Moore Law Firm LLC  
27 Gamecock Ave  
Suite 200  
Columbia SC 29201

RECEIVED

FEB 02 2016

SC Court of Appeals

ETP: 962200790000-47-01-400/82283332670  
PD: 100Y  
448-3071  
29201-3723-20  
SC COURT OF APPEALS  
1220 SENATE ST  
COLUMBIA SC  
292  
1 0 3 07 03 SM-10 2912104  
G

Hen Jenny Kitchings  
Clerk, SC Court of Appeals  
220 Senate St  
Columbia SC 29201

FROM: (443) 469-4635  
Moore  
Moore Law Firm LLC  
27 GAMECOCK AVE STE 200  
CHARLESTON SC 29407  
US

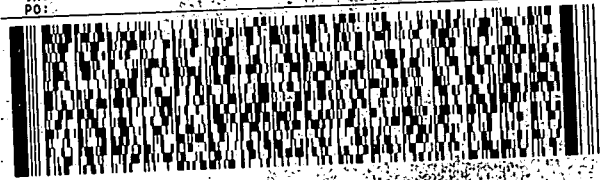
SHIP DATE: 01FEB16  
ACTWGT: 0.40 LB  
CAD: 6996691/SSF01621  
DIMMED: 12 X 9 X 1 IN

Part # 16531-45095-2 11/15 33

TO Clerk  
SC Court of Appeals  
1220 Senate Street

Columbia SC 29201  
(803) 734-1890  
INU: REF: DEPT:

(US)



TRK# 7822 8533 2670

29201

9622 0019 0 (000 447 8657) 4 00 7822 8533 2670

