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THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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MAY 25 2016

SC Court of Appeals

APPEAL FROM SUMTER COUNTY  
In the Court of Common Pleas

R. Ferrell Cothran, Jr., Presiding Judge

Appellate Case No. 2014-001903

Milton Oakley Dickson,.....Appellant,

v.

Arthur B. Beasley, Jr.,..... Respondent,

**PETITION FOR REHEARING**

S. Jahue Moore  
John C. Bradley, Jr.  
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Attorneys for Appellant  
Milton Oakley Dickson

Pursuant to Rule 221 and Rule 240, SCACR, Appellant Milton Oakley Dickson files this Petition for Rehearing with respect to the Court's decision in *Milton Oakley Dickson v. Arthur B. Beasley*, *Opinion No. 2016-UP-197*, (S.C. Ct. App. Filed May 11, 2016). Appellant suggests that the Court overlooked and/or misapprehended the following points in affirming the decision of the Trial Court.

1. The Court's decision misapprehended, overlooked and ignored the clear and unambiguous language of Testator's will that no land in Goslin Pond was to be devised to Respondent. (R. pp. 121-129; p. 66, ll. 4-11; p. 47, ll. 7-11; p. 46, ll. 23-25; p. 59, ll. 17-25; p. 67, ll. 18-21; p. 57, ll. 22-25; p. 68, ll. 1-3).

2. The Court's decision affirming the Trial Court's Order misapprehended, overlooked and ignored the clear and unambiguous language of Testator's will and erroneously created a latent ambiguity when none was present.

3. The Court's decision affirming the Trial Court's Order misapprehended, overlooked and ignored the clear and unambiguous language of Testator's will and mistakenly and erroneously affirmed the Lower Court's admission of extrinsic evidence of Testator's intent. (R. pp. 4-10; pp. 1-2; 4-10).

4. The Court's decision affirming the Trial Court's Order misconstrues, overlooks, misapprehends and/or ignores the evidence in the record by finding and ruling as a matter of law that the Testator "must" have intended to bequeath the Summerton property instead of the Santee property in his will. (R. pp. 4-10; p. 44, ll. 18-25; p. 45, ll. 1-8).

5. The Court's decision affirming the Trial Court's Order misconstrues, overlooks, misapprehends and/or ignores the facts of this case by failing to enforce the clear and plain language of Testator's will.

6. The Court's decision affirming the Trial Court's Order misconstrues, overlooks, misapprehends and/or ignores the plain, clear and unambiguous language of Testator's will by failing to find and/or rule that Item III, number 2 of Testator's will was an ineffective devise or Property to Respondent.

For reasons set forth above, this Court should grant this Petition, withdraw its prior Opinion, and issue a new opinion reversing the Trial Court's decision and Order.

MOORE TAYLOR LAW FIRM, PA

By: 

\_\_\_\_\_  
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May 25, 2016

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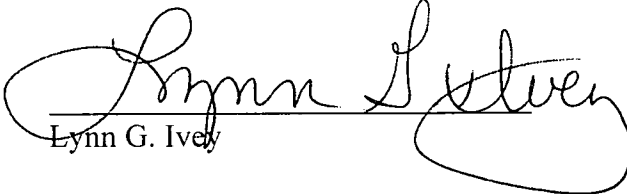
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PROOF OF SERVICE

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I certify that I have served the Petition for Rehearing on Kenneth R. Young, Jr., Esquire by depositing a copy of it in the United States Mail, postage prepaid, on May 25, 2016, addressed as follows:

Kenneth R. Young, Jr., Esquire  
23 West Calhoun Street  
Sumter, SC, 29150.

  
Lynn G. Ivey

West Columbia, South Carolina  
May 25, 2016

May 25, 2016

The Honorable Jenny Abbott Kitchings  
Court of Appeals Clerk of Court  
P.O. Box 11629  
Columbia, SC 2921

**VIA HAND DELIVERY**

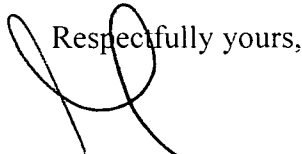
RE: Milton Oakley Dickson v. Arthur B. Beasley, Jr  
Appellate Case No. 2004-001903

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven (7) copies of the *Petition for Rehearing* in reference to this case. I have also enclosed a proof of service of this document upon counsel for Respondent and a check in the amount of \$25.00 for filing this motion. Please return the additional filed copies to me via our courier.

Thank you for your attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

With kindest regards I am,

Respectfully yours,  


John C. Bradley, Jr.

/lgi

enclosures

cc: Kenneth R. Young, Jr. Esquire

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MAY 25 2016

**SC Court of Appeals**

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