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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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JUN 27 2016

APPEAL FROM LEXINGTON COUNTY  
In the Court of Common Pleas

**SC Court of Appeals**

Edgar W. Dickson, Presiding Judge

Appellate Case No. 2014-001154

Lydia Miller and Doris Knight .....Plaintiffs,

Of Whom Lydia Miller is the..... Respondent,

v.

Willie Fields, Paula White, and The Refurb Center, Inc. .... Defendants,

Of Whom Willie Fields is the ..... Appellant.

**PETITION FOR REHEARING**

S. Jahue Moore, SC Bar #4063  
John C. Bradley, Jr., SC Bar #7869  
MOORE TAYLOR LAW FIRM, P.A.  
1700 Sunset Boulevard  
West Columbia, South Carolina 29169  
803-796-9160

Attorneys for Appellants

Pursuant to Rule 221 and Rule 240, SCACR, Appellant Willie Knight files this Petition for Rehearing with respect to the Court's decision in *Lydia Miller and Doris Knight v. Willie Fields, Paula White and The Refurbished Center, Inc.* Unpublished Opinion No. 2016-UP-303, (S.C. Ct. App., filed June 15, 2016). Appellant suggests and submits that the Court overlooked and misapprehended the following points in affirming the decision of the Trial Court:

1. The Court's decision misapprehended, overlooked and ignored the fact that Respondent lacked standing to pursue this action against Appellant. (R. pp. 25, ll. 1-17; 43, ll. 16-22).

2. The Court's decision, misapprehended, overlooked and ignored the fact that the check used to purchase the mobile home in question in this case was written by Glenn Tool, the Respondent's brother and not by Respondent.

3. The Court's opinion misapprehended, overlooked and ignored the fact that the Respondent failed to present evidence that Appellant ever agreed that the mobile home would be ready by a certain date or period of time. (R. pp. 49, ll. 14-25; 50, l. 1; 73; 74, ll. 20-23; 87, ll. 16-25; 26, ll. 20-25; 27, l. 1).

4. The Court's opinion misapprehended, overlooked and ignored the fact that the Respondent refused to sign a written contract for the purchase of the mobile home. (R. pp. 60, ll. 8-24; 83, ll. 4-23; 78, ll. 6-11; 44, ll. 6-25; 169).

5. The Court's opinion misapprehended, overlooked and ignored the fact that the Respondent failed to meet her burden of proof of establishing an oral contract with Appellant containing a provision or agreement that the mobile home would be ready for occupancy on August.

6. The Court's opinion misapprehended, overlooked and ignored the fact that the Respondent presented no evidence that the parties ever agreed at the time of the down payment or anytime thereafter that the home would be ready in August when she arrived.

7. The Court's opinion misapprehended, overlooked and ignored the fact that the evidence presented before the Trial Court does not support the Trial Court's conclusion that any contract or agreement between the parties contained an agreement that the home would be ready for occupancy when the Respondent came down to South Carolina in August.


8. The Court's opinion misapprehended, overlooked and ignored the fact that the Trial Court's Order adds a provision to the agreement that was not contemplated by the parties.

9. The Court's opinion misapprehended, overlooked and ignored the fact that the Respondent suffered no damages as the result of Appellant's alleged breach of any contract between the parties.

10. The Court's Order misapplies South Carolina law regarding the requirements for an enforceable contract. *Patricia Grand Hotel, LLC v. MacGuire Enters.* 372 S.C. 634, 643 S.E.2d 692 (Ct. App. 2007).

Respectfully submitted,

BY:

  
\_\_\_\_\_  
S. Jahue Moore, Esquire, SC Bar #4063  
John C. Bradley, Jr., Esquire, SC Bar #7869  
MOORE TAYLOR LAW FIRM, P.A.  
1700 Sunset Boulevard  
P.O. Box 5709  
West Columbia, South Carolina 29171  
(803) 796-9160  
Attorneys for Appellant

West Columbia, South Carolina  
June 24, 2016

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM LEXINGTON COUNTY JUN 27 2016

In the Court of Common Pleas

**SC Court of Appeals**

Edgar W. Dickson, Presiding Judge

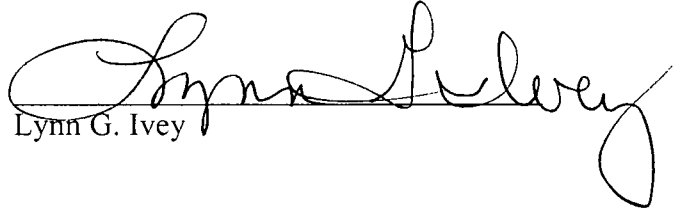
Case No. 2012-CP-32-1472  
Appellate Case No. 2014-001154

Lydia Miller and Doris Knight ..... Plaintiffs,  
Of Whom Lydia Miller is the ..... Respondent,  
v.  
Willie Fields, Paula White, and The Refurb Center, Inc. .... Defendants,  
Of Whom Willie Fields is the ..... Appellant.

**PROOF OF SERVICE**

I, Lynn G. Ivey, an employee of Moore Taylor Law Firm, PA, certify that I have served Appellant's Petition for Rehearing on counsel of record for Respondent in this action by depositing a copy of same in the United States Mail, postage prepaid, on June 24, 2016, addressed as follows:

Joshua Koger, Jr., Esquire  
The Law Offices of Joshua Koger, Jr.  
PO Box 2445  
Columbia, SC 29201

  
Lynn G. Ivey

West Columbia, South Carolina  
June 24, 2016

June 24, 2016

The Honorable Jenny Kitchings  
Clerk of Court  
SC Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

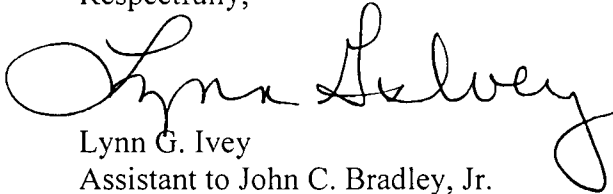
RE: Lydia Miller v. Willie Fields  
Appellate Case No. 2014-001154

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 petition. Please return the additional filed copies to me by way of the enclosed self-addressed, stamped envelope.

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.

Respectfully,

  
Lynn G. Ivey  
Assistant to John C. Bradley, Jr.

cc: Joshua Koger, Jr., Esquire

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JUN 27 2016

**SC Court of Appeals**

S. Jahue Moore\*  
J. Mark Taylor\*  
C. Vance Stricklin, Jr.  
James Edward Bradley\*  
Sheila McNair Robinson  
Christian G. Spradley  
C. David Sawyer, Jr.  
William H. Edwards  
Stanley L. Myers  
Jane H. Downey\*  
S. Jahue Moore, Jr.  
John C. Bradley, Jr.  
Melissa K. Moore  
William B. Fortino  
Ralph Nichols Riley, Jr.  
Amber Cary Fulmer  
Sarah Taylor Cassidy  
Gregory R. Close  
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Robert D. Hazel  
OF COUNSEL  
Billy C. Coleman  
RETIRED