

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTER COUNTY
Court of Common Pleas

James C. Harrison, Jr., Special Referee

RECEIVED

JUL 11 2016

Case No. 1998-CP-12-00325

SC Court of Appeals

Patricia E. King and Robbie King Jones, as representatives
of W.R. King and Ellen King.....Plaintiffs,

Of whom, Patricia E. King is.....Appellant,

v.

Margie B. King and Robbie Patricia Ione King, individually,
and as Co-Representatives of the Estate of Christopher C.
King (deceased) and Nelson M. King.....Respondents.

FINAL BRIEF OF APPELLANT

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STATEMENT OF ISSUES ON APPEAL

1. DID THE TRIAL COURT ERR IN GRANTING RELIEF WHICH RESPONDENTS DID NOT SEEK?
2. DID THE TRIAL COURT ERR IN GRANTING RELIEF WHICH WAS INCONSISTENT WITH THE RECORD OF THIS CASE?

STATEMENT OF THE CASE

This aged case involves the dispute of family members over fractional shares of a funeral home business in Chester, South Carolina—King’s Funeral Home. Appellant Patricia King filed a complaint in the above-referenced case on or about November 12, 1998. The Complaint alleged causes of action against Respondents for breach of contract, recourse against accommodation party, accounting and distribution of profits, appointment of receiver, injunction, fraudulent conveyance, breach of trust, conversion, failure to pay rent, and ejectment. (R. pp. 30-48). Among other things, Appellant’s Complaint asserted that she had a one-ninth ownership interest in King’s Funeral Home.

Respondents filed an Answer and Counterclaim on or about December 11, 1998. The Answer raised five defenses and asserted counterclaims against Appellant for intentional interference with contractual relations, conversion, action for partition of real property, a claim based on constructive trust, and promissory estoppel. (R. pp. 49-58). Subsequently, the case was referred to Special Referee James Harrison by Order of Reference signed by the Honorable Lee S. Alford on May 18, 2001 and filed on May 30, 2001. (R. pp. 3-4).

During this time, and until he abandoned her case, Appellant was represented by an attorney Cletus Okpalaeke, who was later disbarred. *See In re Okpalaeke*, 374 S.C. 186, 648

S.E.2d 593 (2007). Subsequent to the 2001 Order of Reference, on August 6, 2004, an order of dismissal signed by Judge Kenneth Goode dismissed Appellant's complaint and preserved Respondents' counterclaims. Due partly to the acts and omissions of Mr. Okpalaeke, Appellant's action was dismissed with prejudice for failure to prosecute. Respondents' counterclaims, however, were preserved for litigation. By Order filed March 28, 2007, this Court affirmed Judge Goode's 2004 Order of dismissal.

After this Court's ruling and until January 2010, the parties obtained new counsel and attempted to settle. When settlement attempts proved unsuccessful, Appellant retained the undersigned to defend against the Respondents' counterclaims. In June 2010, Respondents filed amended counterclaims and Appellant replied shortly thereafter. (R. pp. 59-68). In their amended counterclaims, the Respondents asserted the following causes of action:

1. Restitution and Disgorgement
2. Accounting
3. Attachment of Property
4. Civil Conspiracy
5. Unjust Enrichment
6. Action for Partition of Real Property
7. Trespass to Land
8. Conversion
9. Intentional Interference with Contractual Relations
10. Constructive Trust
11. Promissory Estoppel
12. Trespass to Chattel
13. Breach of Fiduciary Duty of Care
14. Waste
15. Appointment of Receiver
16. Punitive Damages

See Def.'s Am. Countercl., June 11, 2010. (R. pp. 59-68). On August 16, 2010, the Special Referee held an evidentiary hearing to determine whether the Respondents were entitled to an accounting. At the August 16, 2010 evidentiary hearing, counsel for

Respondents called three witnesses: Respondent Robbie Patricia Ione King, John R. Christopher King, and tax attorney David Siddons. Appellant called three witnesses: Moses Caldwell, tax preparer George Ledbetter, and Appellant Patricia King. (R. pp. 69-491). After carefully reviewing the testimony of the witnesses and the documents admitted into evidence, the Special Referee denied Respondents' counterclaim for an accounting. (R. pp. 5-17).

Subsequently, Respondents appealed and the South Carolina Court of Appeals upheld the Special Referee's Order. *See King v. King*, 2012-UP-365 (Ct. App. June 20, 2012). Finally, the South Carolina Supreme Court denied Respondents' petition for writ of certiorari and the Court of Appeals remanded the case to the Special Referee.

By motion dated March 25, 2011, Appellant moved for summary judgment as to Respondents' remaining counterclaims. In their brief, the Defendants conceded the following counterclaims to be moot: Accounting, Attachment of Property, Action for Partition of Real Property, and Breach of Fiduciary Duty of Care. Upon hearing the motion on April 5, 2015, the Special Referee issued an Order filed on March 9, 2015, holding that punitive damages is an element of damages and not a separate tort claim, and holding that the remaining counterclaims for final hearing in this case were:

1. Restitution and Disgorgement,
2. Civil Conspiracy,
3. Unjust Enrichment,
4. Trespass to Land,
5. Conversion,
6. Intentional Interference with Contractual Relations,
7. Constructive Trust,
8. Promissory Estoppel,
9. Trespass to Chattel, and
10. Waste.

(R. pp. 18-19).

On April 29, 2015, the lower court held an evidentiary hearing on these remaining counterclaims. At the hearing, Respondents presented the testimony of Alexander Cornwell, Seymour Wilder, John R. C. King, Nelson M. King, and Robbie King Boyd. Appellant presented the testimony of Patricia King. (R. pp. 492-791).

At the close of the evidence offered by Respondents, Appellant made motions pursuant to Rule 50(a) SCRCF for directed verdict as to each of the Respondents' remaining claims. The court granted Appellant's directed verdict motions dismissing the following counterclaims: Constructive Trust, Trespass to Land, Intentional Interference with Contractual Relations, Trespass to Chattel, and Waste. The court denied Plaintiff's motions for directed verdict as to the following claims:

1. Unjust Enrichment / Restitution and Disgorgement¹
2. Civil Conspiracy
3. Conversion
4. Promissory Estoppel

Rather than hearing closing arguments, the Special Referee requested each side submit proposed orders. In Respondents' Proposed Order, Respondents conceded that they failed to establish their claims for conversion and promissory estoppel. (R. pp. 792-799). Therefore, only two causes of action remained for the Special Referee to address: Unjust Enrichment and Conversion.

After receiving the transcript of the hearing and reviewing proposed orders from both sides, the Special Referee issued his Final Order, which was filed September 21, 2015. (R. pp. 20-27). Though the undersigned did not receive a copy of the order from the Special

¹ While Defendants in their Amended Counterclaims pled these as two separate causes of action, Defendants agreed at the 4/29/2015 hearing that this is a cause of action for Unjust Enrichment seeking the remedy of Restitution and Disgorgement. (R. p. 694, line 2).

Referee until September 28, 2015, the Special Referee informed all counsel of the existence of the order on September 18, 2015, via email. In an abundance of caution and in light of the Court of Appeals' holding in *Wells Fargo Bank, N.A. v. Fallon Properties South Carolina LLC*, App. Case No. 2015-000157 (Aug. 26, 2015) that "the time for initiating the appeal [begins] to run 'from receipt of written notice of entry of the order,' not 'receipt of the decision,'" the undersigned obtained the order directly from the Clerk of Court's office after its filing and filed a Motion to Alter or Amend pursuant to Rule 59(e) on September 28, 2015. The Special Referee granted in part and denied in part Appellant's Motion to Alter or Amend. (R. pp. 28-29). Appellant received notice of the entry of this order via email on October 7, 2015. On November 5, 2015, Appellant timely filed her Notice of Appeal as to the Orders referenced above. Appellant brings this appeal on a limited issue: whether the trial court was right to grant relief which the Respondents did not seek, the name King's Funeral Home.

Throughout the seventeen year litigation of this ancient case, Respondents never once sought for the lower court to award the use of the name "King's Funeral Home."

FACTS

W. R. King, deceased, was the patriarch of the King family. He and his wife, Ellen N. King, deceased, owned and operated King's Funeral Home from the 1940's until the death of W. R. King in 1975. W. R. and Ellen King's funeral home was located at 127 Cemetery Street in Chester, was never incorporated, and was operated as a sole proprietorship. During the time that W. R. King and Ellen King owned and ran the funeral home, a number of their children worked as employees of the business, including both Patricia King and Christopher

C. King.

W. R. King and Ellen King had nine children. Among those children were Appellant Patricia E. King as well as Christopher C. King, deceased, the husband and father of Respondents. In 1975, W. R. King died intestate. Prior to 1980 and during the life of Ellen King, Christopher King ran a business named "King's Funeral Home" at 127 Cemetery Street as a sole proprietor (hereinafter "Christopher's KFH"). (R. pp. 9-12).

In September 1997, Christopher King died of cancer. After his death, Christopher's KFH located at 135 Cemetery Street was run by his widow, Respondent Margie King, and his surviving children, Respondent Robbie Patricia Ione King, Respondent Nelson M. King, and John R. Christopher King. (R. pp. 12-13). The family of Christopher King continued to operate this business, located at 135 Cemetery Street, until December 1998. On December 8, 1998, the family of Christopher vacated the premises. (R. p. 13). On the same day, someone simultaneously removed from the building most of the operating assets of Christopher's KFH, including vehicles, caskets, embalming table and supplies, pews and other items. (R. p. 12). On that day, John King opened a new business named "Christopher King's Funeral Home," located at 703 Old York Road in Chester, South Carolina. (R. p. 13). He kept the telephone number of Christopher's KFH which was owned and operated by Christopher King, (803)377-1144. (R. p. 13). Appellants kept the BB&T bank account for Christopher's KFH which was owned and operated by Christopher King and removed Appellant's name from the account. (R. p. 399, lines 3-4). The family of Christopher King still operates this funeral home.

After the family of Christopher King vacated Patricia King's property located at 135

Cemetery Street, Appellant Patricia King began operating in her building and on her property a sole proprietorship named “King’s Funeral Home” (hereinafter “Patricia’s KFH). (R. p. 13). None of the assets owned by the previous occupant—the funeral home business run by Christopher King and his family—were available to Appellant. (R. p. 13). To date, Appellant Patricia King operates her funeral home in the building and on the property located at 135 Cemetery Street in Chester, South Carolina.

ARGUMENTS

I. THE TRIAL COURT GRANTED RELIEF THAT RESPONDENTS DID NOT SEEK, AND THEREFORE, THE APPELLANT WAS DENIED DUE PROCESS.

Due process demands “that a litigant must be given an opportunity to meet an issue before an adverse determination is made.” *Lowndes Products, Inc. v. Brower*, 259 S.C. 322, 338, 191 S.E.2d 761, 770 (1972). “Procedural due process mandates that a litigant be placed on notice of the issues which the court is to consider.” *Blanton v. Stathos*, 351 S.C. 534, 570 S.E.2d 565 (Ct.App. 2002). “It is a fundamental doctrine of the law that a party whose personal rights are to be affected by a personal judgment must have a day in court, or opportunity to be heard....” *Id.*

A. The Trial Court granted relief of its own volition, without notice to either party.

Appellant had no notice that Respondents could be awarded the name King’s Funeral Home. Throughout the seventeen-year course of litigation—pleadings, amended pleadings, countless hearings, nearly a dozen attorneys, two merits hearings, discovery, and multiple appeals—Respondents never sought the name King’s Funeral Home. After the final hearing, Respondents submitted a Proposed Order in which they listed everything they believed they

were entitled to receive. (R. p. 792-799). Respondents' proposed order is devoid of any such award. Rather, the Special Referee reached this conclusion of his own volition, without notice to either party. In fact, the Special Referee's Order contains the following: "The Court is aware of the fact that [Respondents] have not specifically requested *in specie* restitution, but I find that this remedy is reasonably pled by [Respondents] in their prayer 'for other and further relief as is equitable in the circumstances and (as) this Court deems just and appropriate.'" (R. p. 26, ¶ 5).

In *Lowndes Products, Inc. v. Brower*, the South Carolina Supreme Court addressed the significance of the fact that due process requires courts afford the parties an opportunity to be heard on all issues. In that case, one of the issues before the Supreme Court was the fact that the plaintiffs were directed to pay the defendants' attorney fees, when in fact, the defendants in their pleadings had not asked for an award of attorney fees. The Supreme Court held that due process requires "that a litigant must be given an opportunity to meet an issue before an adverse determination is made," and because the master reached the conclusion on his own accord and the defendant was not given an opportunity to meet the issue, the Court found that the master committed error in directing the plaintiffs pay the defendants' attorneys fees, and that the trial judge perpetuated the master's error. *Id.*

The same analysis applies in the case at hand. Though they could have pled for such relief in their Counterclaims or Amended Counterclaims, and though they could have argued for such relief at multiple hearings throughout the seventeen year history of this litigation, at no point did the Respondents request the use of the name King's Funeral Home. Instead, the Special Referee found that a vague prayer for relief covered a very specific remedy. In doing so, the Court relied on Rule 54(c) as interpreted by *Battery Homeowners Ass'n v. Lincoln Fin.*

Res., Inc., 309 S.C. 247, 251, 422 S.E.2d 93, 96 (1992). The *Battery Homeowners* court permitted the trial court to grant remedies in excess of what the plaintiffs pled because the defendant “Lincoln was put on notice that the Association was seeking penalties and did not object, or move for a continuance.” *Id.* In the case at hand, Appellant had no notice that the Special Referee might award the name to the Respondents, and therefore this case is distinguishable.

The trial court also cited *Perry v. Smalls*, 308 S.C. 259, 417 S.E.2d 611 (Ct. App. 1992). In *Perry*, the court awarded \$12,000 instead of the \$10,000 asked for in the complaint. *Perry* is distinguishable because money damages were sought and the court permitted an increase of value based on expert testimony. Unlike the case at hand, the *Perry* Defendant had notice of the relief being sought and the opportunity to cross-examine the witness that established the increase in monetary damages.

This Court need look no further than Respondents’ proposed Order where Respondents clarified the relief they were seeking under the unjust enrichment claim: the monetary value of “the goodwill of King’s Funeral Home which Chris King had developed over seventeen years as sole proprietor.” (R. p. 797). The Special Referee rightly held that Respondents failed to establish the value of this claim: “There is no evidence in the record of the value in monetary terms of the name King’s Funeral Home.” (R. p. 26).

Therefore, Appellant lacked the requisite notice of the relief to be granted by the Special Referee.

B. The relief sought by respondents did not put Appellant on notice of the relief granted by the Trial Court.

During the pendency of this litigation, Respondents sought monetary damages

associated with the business King's Funeral Home. They attempted to establish that they had an interest in the business run by Patricia King. After failing to establish any ownership interest in Appellant's business, they attempted to establish an entitlement to the monetary value associated with the goodwill of King's Funeral Home cultivated by Chris King.

Thus, Appellant was on notice that Respondents sought the value associated with goodwill. Therefore, at trial, Appellant put forth evidence defending against this claim. On Schedule E of the Inventory and Appraisement which Respondents filed on behalf of the estate of Christopher King (R. p. 427-433), they specifically listed King's Funeral Home as an asset. (R. p. 429). The value Respondents assigned to the business was zero. (R. p. 427). Respondents' own admission is the only evidence in the record establishing the value of the claim they sought—zero. Again, the Special Referee rightly held that Respondents failed to prove the value of their only viable claim.

For the reasons stated *supra* and those state *infra* under the law of the case analysis, therefore, since the Appellant did not have notice of the issue, she was not able to offer evidence which could have swayed the court, such as whether the Respondents ever sought to register the name with the South Carolina Secretary of State or whether Respondents ever abandoned a trademark with the United States Patent and Trademark Office. The Special Referee spontaneously injected and granted a new remedy not sought by the parties and one which the Appellant did not have the opportunity to defend. Although the Special Referee finds that ordering Patricia King to cease using the name King's Funeral Home is an equitable remedy, equity does not yield to her legal rights and constitutional right of due process for the opportunity to defend against a claim that resulted in an adverse ruling. The evidence

established that the name “King’s Funeral Home” has been in the King family since W.R. and Ellen King started a business approximately 75 years ago. Such an award should not be made without Appellant having the opportunity to defend against it.

II. EVEN IF THE OWNERSHIP OF THE NAME HAD BEEN BEFORE THE TRIAL COURT, THE RELIEF GRANTED IS IMPROPER.

Even if the ownership of the name had at one time been before the trial court, the relief granted was inconsistent with the trial court’s prior ruling. Furthermore, the relief granted is improper because the Respondents’ failed to exhaust their administrative remedies.

A. The prior order by the Special Referee precluded the Court’s ability to award ownership of the name to Respondents.

As a gateway issue for the litigation of all of their claims and pursuant to the counterclaim for an Accounting, the Special Referee held an evidentiary hearing to determine whether Respondents were entitled to an accounting. (R. p. 69-491). The ownership of the business King’s Funeral Home was the focus of this hearing and the Special Referee’s Order denying the counterclaim. (R. p. 5-17).

During the pendency of this action, the South Carolina Supreme Court has held as follows:

Under the law-of-the-case doctrine, a party is precluded from relitigating, after an appeal, matters that were either not raised on appeal, but should have been, or raised on appeal, but expressly rejected by the appellate court. C.J.S. Appeal & Error § 991 (2008); see also Bakala v. Bakala, 352 S.C. 612, 576 S.E.2d 156 (2003) (holding that a family court judge could not overrule the prior unappealed order of another family court judge because it had become law of the case); In re Morrison, 321 S.C. 370 n. 2, 468 S.E.2d 651 n. 2 (1996) (noting that an unappealed ruling becomes the law of the case and precludes further consideration of the issue on appeal); Cooper Tire & Rubber Co. v. Perry et al, 261 S.C. 538, 201 S.E.2d 245 (1973) (holding that where a ruling on a demurrer to complaint is not appealed from, it becomes the law of the case);

Watkins v. Hodge, 232 S.C. 245, 247–48, 101 S.E.2d 657, 658 (1958) (refusing to consider jurisdictional matter of underlying case where issue had been ruled upon and not challenged on appeal).

Judy v. Martin, 381 S.C. 455, 458-59, 674 S.E.2d 151, 153 (2009) (emphasis added). Since the South Carolina Court of Appeals upheld S.R. Harrison’s Order, it is the law of the case and precluded Respondents from relitigating issues that should have been raised on appeal as well as issues that were rejected by the Court of Appeals. Therefore, the Order in its entirety contains the law of this case, and any further consideration of those issues ruled upon by the trial court is precluded.

The Special Referee’s Order as to Accounting found that Appellant is the sole proprietor of the business King’s Funeral Home. That Order holds that “[t]he funeral home business that Patricia has been operating since 1998 is a new business entity that Patricia started. . . . [T]hat business is a separate entity and not a continuation of the business operated by Chris.” (R. p. 16). The testimony of the August 16, 2011 hearing and the exhibits admitted into evidence during that hearing establish that Patricia E. King is the sole proprietor and rightful owner of the King’s Funeral Home. The order further held that the assets required to operate a funeral home were removed from the building prior to Appellant’s starting her sole proprietorship. (R. p. 12). The Order denying the claim for an accounting was affirmed by this Court and is the law of this case. *Judy v. Martin*, 381 S.C. 455, 674 S.E.2d 151 (2009).

After Respondents failed to establish any ownership right to Appellant’s business, Respondents lost the ability to seek ownership of the business and its assets. When the trial court found that Patricia King is the rightful owner of the business currently operating as

King's Funeral Home, by reasonable inference, any and all assets of that business are necessarily Appellant's. The Special Referee's subsequent ruling that a particular asset of the business—the name of the business—contradicts his prior ruling and therefore, under the law of the case doctrine, that portion of the order should be vacated.

B. The remedy awarded is improper because Respondents failed to exhaust available administrative remedies.

Additionally, the remedy awarded is improper as the Respondents failed to exhaust the administrative remedies necessary to obtain the name “King's Funeral Home.” The general rule in South Carolina is that “administrative remedies must be exhausted absent circumstances supporting an exception to application of the general rule.” *Hyde v. South Carolina Dept. of Mental Health*, 314 S.C. 207, 422 S.E.2d 582 (1994).

The South Carolina Board of Funeral Service, which is administered by the Department of Labor, Licensing, and Regulation, oversees and regulates the funeral service industry. If Respondents wished to pursue the use of the name and license for King's Funeral Home, the proper place for such relief would be with the South Carolina Board of Funeral Service, where the business is licensed and the name is registered. If an adverse determination were made, South Carolina Code Annotated § 40-1-160 provides that “a person aggrieved by a final action of a board may appeal the decision to the Administrative Law Court”

While Appellant was not afforded the opportunity to set forth a defense as to the Special Referee's award, the testimony at trial, nonetheless, establishes that Respondents failed to exhaust administrative remedies. While testifying as to the forming and registration of the business named Christopher King's Funeral Home, the son of Christopher King, John R. C. King testified as follows:

17 Q. And when you register your business with LLR, did
18 you attempt to register as -- what name?

19 A. Christopher King's Funeral Home that --
20 Christopher King's Funeral Home is -- is the name of my
21 business. Because I -- I used my -- the court-ordered
22 changed name-thing.

23 Q. Yes, sir. Did you attempt to register as "King's
24 Funeral Home"?

25 A. To be honest with you, I don't remember. I may
1 have, and they told me that I could not use the same name
2 that my father and my mother and them had used, because
3 people would get confused. So that's when I said, "Well,
4 I'll just use Christopher King's Funeral Home, because
5 that's part of my name."

...

17 Q. Did you -- did you call LLR at any point for the
18 -- the funeral home board, and notify them that King's
19 Funeral Home was closing or moving?

20 A. No, I could -- I could not do that, because I was
21 not the owner of King's Funeral Home.

(R. p. 583, line 17 -- p. 584, line 5; p. 584 lines 17-21).

Right before the close of trial, the Special Referee questioned Appellant about the license number associated with King's Funeral Home. Appellant Patricia King testified as follows:

14 Q. The question was that you were able -- you were
15 able to maintain the license, the same license that your
16 grandparents had --

17 A. No. My mother and father.

18 Q. Your mother and -- I'm sorry. I'm sorry. I'm
19 sorry. I'm sorry. That your mother and father, W.R. and
20 Ellen King --

21 A. Uh-huh.

22 Q. -- had gotten back 40 years before.

23 A. I suppose so. It's still on the wall.

24 Q. And it's still on the wall today?

25 A. Yes, sir.

1 Q. And, Ms. King, was that the end of that
2 discussion with the state board, that you kept that license

3 number, and you kept the name King Funeral Home?
4 A. Uh-huh. 'Cause they called me two or three
5 times. John Richard tried to get the name, and they told -
6 - it was three times they called. He used -- he tried to
7 get the name one time, and I think it was indicated he
8 couldn't do that. And then he tried to do another name,
9 and he already testified he had to go and change his name
10 to Christopher -- John Richard Christopher King.

24 Q. The name is King, K-i-n-g, Funeral Home? Or
25 King's --

1 A. Yeah, and the apostrophe S.

2 Q. King's Funeral Home. And in your discussions
3 with the board, after your brother's death, did you -- did
4 you ever apply for another name?

5 A. I didn't have no reason to; the board had
6 approved that.

7 Q. Didn't apply for a new --

8 A. 'Cause I'm a King myself.

9 Q. Didn't apply for a new number, either.

10 A. No. Because the board had granted us that.

11 Q. And your -- the funeral home in Charlotte -- the
12 funeral home in Charlotte, that your brother Sonny started,
13 was also known as King's --

14 A. That's correct.

(R. p. 752, line 14 – p. 753, line 10; p. 754, line 24 – p. 755, line 14).

Even though Appellant was not afforded the opportunity to defend against the relief awarded, the testimony of John R. C. King together with Appellant Patricia King establishes that Respondents did not file anything with the South Carolina Board of Funeral Service seeking the name “King’s Funeral Home.” To the extent that this division of LLR denied Respondents the right to use the name King’s Funeral Home, the same should have been appealed to the Administrative Law Court consistent with SC Code § 40-1-160 and the *Hyde* case.

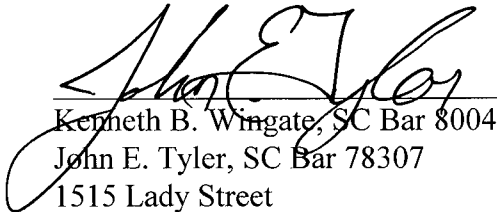
Therefore, the Special Referee's holding for Patricia E. King to cease the use of the name "King's Funeral Home" was improper because the Defendants failed to exhaust the appropriate administrative remedies before bringing an action with the court. Furthermore and related to arguments raised *supra*, the Respondents' failure to exhaust administrative remedies is further evidence that they were not seeking the use of the name King's Funeral Home in the first place.

CONCLUSION

For the reasons stated, the Court should overturn the portion of the Order and findings of the Special Referee which would require Appellant Patricia King to cease using the name "King's Funeral Home."

SWEENEY, WINGATE & BARROW, P.A.

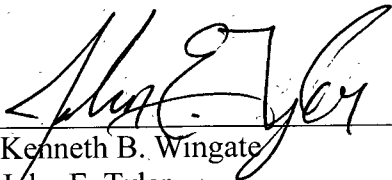
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The undersigned hereby certifies that the Final Brief complies with Rule 211(b),
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Margie B. King and Robbie Patricia Ione King, individually,
and as Co-Representatives of the Estate of Christopher C.
King (deceased) and Nelson M. King.....Respondents.

PROOF OF SERVICE

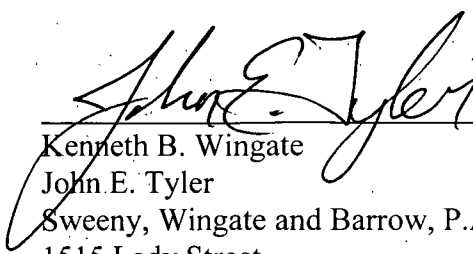
I certify that I have served the Final Brief of Appellant, the Certificate of Counsel and the Record on Appeal on Respondents Margie B. King and Robbie Ione King, Individually, and as Co-Representatives of the Estate of Christopher C. King (deceased) by depositing a copy of the same in the United States Mail, Postage Prepaid, on July 11, 2016, to Margie B. King and Robbie Patricia Ione King, 228 East Black Street, Rock Hill, South Carolina 29730.

I further certify that I have served the Final Brief of Appellant, the Certificate of Counsel and the Record on Appeal on Respondent Nelson M. King, by depositing a copy of the same in the United States Mail, Postage Prepaid, on July 11, 2016, to Nelson M. King, 1517 Shadewood Court, Rock Hill, South Carolina 29732.

I further certify that I have served the Final Brief of Appellant, the Certificate of Counsel and the Record on Appeal on Robbie King Jones, by depositing a copy of the same in the United States Mail, Postage Prepaid, on July 11, 2016, to Robbie King Jones, 4332 Hyde Park Drive, Charlotte, North Carolina 29216.

(SIGNATURE PAGE TO FOLLOW)

July 11, 2016



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