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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

Case No. 2016-001520

RECEIVED
AUG 18 2016
SC Court of Appeals

Garland Malone,

Respondent,

v.

Melvin Malone, Robin
Strange, and Donna Malone,

Appellants.

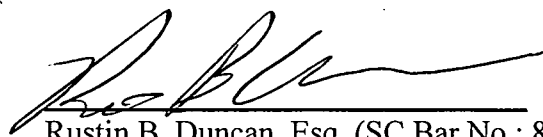
PROOF OF SERVICE

I certify that on August 12, 2016 I served the attached correspondence regarding the ordering of the entire trial transcript, as well as the entire transcript once received, on the following persons by depositing said letter in the mail of the United States Postal Service, with sufficient first class postage prepaid, addressed as follows:

Mark A. Nowell
240 Magnolia Street
Spartanburg, South Carolina 29306

Office of Court Administration
1015 Sumter, Suite 200
Columbia, SC 29201-3747

August 12, 2016



Rustin B. Duncan, Esq. (SC Bar No.: 81465)
1320 W. Poinsett Street
Greer, South Carolina 29650
(864) 877-3355
Attorney for Appellants

Thank you.

Rustin B. Duncan, Partner
South Carolina and North Carolina Attorney

King Law
Greer/Rutherfordton/Shelby/Columbus/Marion/Hickory/Charlotte
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Greer, SC 29650
864-877-3355
828-286-1110 (fax)
www.kinglawoffices.com
rduncan@kinglawoffices.com

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SC Court of Appeals

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IRS Circular 230 Notice: To ensure compliance with requirements imposed by the IRS, please be advised that, unless we expressly state otherwise, any U.S. tax advice contained in this message (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code or promoting, marketing or recommending to another party any transaction or matter addressed herein.

-----Original Message-----

From: Woods, Margaret [<mailto:mwoods@sccourts.org>]
Sent: Friday, August 05, 2016 10:32 AM
To: Rusty Duncan
Subject: FW: Garland Malone vs. Melvin Malone, Robin Strange, and Donna Malone/2015-CP-42-2254

Rustin,

I am mailing the transcript to you today along with the invoice. Have a good weekend.

Maggie

Maggie Woods
Circuit Court Reporter
Seventh Judicial Circuit At-Large

From: Rusty Duncan <RDuncan@kinglawoffices.com>
Sent: Monday, August 1, 2016 3:42 PM

To: Woods, Margaret
Subject: RE: Garland Malone vs. Melvin Malone, Robin Strange, and Donna Malone/2015-CP-42-2254

You're welcome. Please let us know the cost and we'll send you a check.

Thank you,

Rustin B. Duncan, Partner
South Carolina and North Carolina Attorney

King Law
Greer/Rutherfordton/Shelby/Columbus/Marion/Hickory/Charlotte
1320 West Poinsett Street
Greer, SC 29650
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http://cp.mcafee.com/d/2DRPoAd1MQrho7noKe79ECXCNPzzWrb3VIsUU-COgehNIsUU-COMUr7eefFcZBZMT51K5Jw2yIE4jZclttBrWsKraOwhfQNIrSILFOVJMQsIWNEV_HYyqem4PhOy_RXBQQQTep76zBdOXDkhjmKCHuXfaxVZicHs3jq9JcTvAQT1PbPaq8UTsSkUHa14_j5nnpm-DbCRECq7fTjvhlGKy-sGoHl2waFqRmUPFM04SgekTQjoK0GhEw2mNfS21Ew6ZfH3Ph0pFNEw6_fcOwq81LjWMY0Ph02WA9gd40NeeM8-0pEwS21Ew3GMxFEw6ZfH3YjKy-n4wlnojbFFLI6TDPpOD1rduncan@kinglawoffices.com

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-----Original Message-----

From: Woods, Margaret [<mailto:mwoods@sccourts.org>]
Sent: Monday, August 01, 2016 3:29 PM
To: Rusty Duncan
Subject: RE: Garland Malone vs. Melvin Malone, Robin Strange, and Donna Malone/2015-CP-42-2254

Okay, thanks.

Maggie Woods
Circuit Court Reporter
Seventh Judicial Circuit At-Large

From: Rusty Duncan [RDuncan@kinglawoffices.com]
Sent: Monday, August 1, 2016 2:15 PM
To: Woods, Margaret
Cc: Tyler Hembree
Subject: RE: Garland Malone vs. Melvin Malone, Robin Strange, and Donna Malone/2015-CP-42-2254

I now represent the Defendants and have filed an appeal. Attached is the notice of appeal.

Please let me know if you need anything else.

Thanks,
Rusty

Rustin B. Duncan, Partner
South Carolina and North Carolina Attorney

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Greer/Rutherfordton/Shelby/Columbus/Marion/Hickory/Charlotte
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Greer, SC 29650
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-----Original Message-----

From: Woods, Margaret [<mailto:mwoods@sccourts.org>]

Sent: Monday, August 01, 2016 12:12 PM

To: Rusty Duncan

Subject: Garland Malone vs. Melvin Malone, Robin Strange, and Donna Malone/2015-CP-42-2254

Dear Mr. Duncan,

Tyler Hembree has requested the above transcript on your behalf and according to my notes you were not present for the hearing and so I am required to get permission from the judge to release the transcript to you. Please let me know your reason for requesting the transcript and I will forward the information to Judge Hayes for approval of release. Thank you.

Sincerely,

Maggie Woods

Circuit Court Reporter

Seventh Judicial Circuit At-Large

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.



State of South Carolina  
The Circuit Court of the Seventh Judicial Circuit

Margaret A. Woods  
Official Court Reporter

August 5, 2016

P.O. Box 80243  
Simpsonville, SC 29680  
(864)380-8442

King Law  
1320 West Poinsett Street  
Greer, SC 29650

RE: Garland Malone vs. Melvin Malone, Robin Strange, and Donna Malone  
Case No.: 2015-CP-42-2254  
Date of hearing: May 13, 2016  
7 pages @ 3.25/pg

**TOTAL DUE= \$22.75**

Payment is due upon receipt of this invoice. Please make check payable to Margaret A. Woods and submit to the above-mentioned address. Thank you.

*Margaret A. Woods*  
8/5/16

**NOTE:** PURSUANT TO RULE 607(h)(1)(B), SCACR, "A COURT REPORTER SHALL RECEIVE THE FEE OF \$.75 PER PAGE FOR FURNISHING A COPY OF A PREVIOUSLY PREPARED TRANSCRIPT." ALL REQUESTS FOR COPIES OF THE ATTACHED TRANSCRIPT FROM OPPOSING PARTY OR NON-PARTIES SHOULD BE SENT TO THE ABOVE ADDRESS.



RECEIVED  
AUG 18 2016  
SC Court of Appeals

Tuesday, August 16, 2016

The South Carolina Court of Appeals  
Attn: Jenny Abbot Kitchings, Clerk  
PO Box 11629  
Columbia, SC 29211

RE: Garland Malone v. Melvin Malone, Robin Strange, and Donna Malone,  
Appellate Case No. 2016-001520

Dear Clerk:

Enclosed please find two originals of the Proof of Service of the summary judgment hearing transcript, as well as the transcript itself and all correspondence with the court reporter. Please file and return a copy to my office in the enclosed self addressed stamped envelope.

Thank you for your cooperation in this matter. Please don't hesitate to contact me should you have any questions.

Sincerely,

King Law Offices, PLLC

Rustin B. Duncan

Enclosures

Available attorneys in both North Carolina and South Carolina  
Rutherfordton - Columbus - Marion - Shelby - Hickory - Charlotte - Gastonia - Greer - Gaffney  
Corporate Address: 215 North Main St., Rutherfordton, NC 28139  
Phone: 828.286.3332 Toll free: 888.748.KING Fax: 828.286.1110  
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|---------------------------|---|------------------------------|
| STATE OF SOUTH CAROLINA   | ) |                              |
|                           | ) | IN THE COURT OF COMMON PLEAS |
| COUNTY OF SPARTANBURG     | ) |                              |
| Garland Malone,           | ) |                              |
|                           | ) | TRANSCRIPT OF RECORD         |
| Plaintiff,                | ) | 2015-CP-42-2254              |
| -vs-                      | ) |                              |
|                           | ) |                              |
| Melvin Malone, Robin      | ) |                              |
| Strange and Donna Malone, | ) |                              |
|                           | ) | May 13, 2016                 |
| Defendants.               | ) | Spartanburg, South Carolina  |

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 SC Court of Appeals

B E F O R E:  
 HONORABLE J. MARK HAYES, II, JUDGE

A P P E A R A N C E S:  
 MARK A. NOWELL, ESQUIRE  
 Attorney for the Plaintiff  
 PRO SE  
 Attorney for the Defendants

**ORIGINAL**

Margaret A. Woods  
 Circuit Court Reporter

1 THE COURT: Now we have, uh, Malone vs. Malone. Alright,  
2 I've got down that this is the case of, uh, Malone vs. Melvin  
3 Malone, Donna Malone and Robin Strange. Uh, if you would just  
4 give me your name.

5 MS. STRANGE: Robin Strange.

6 THE COURT: Alright.

7 MS. MALONE-ROLLINS: And I'm Donna Malone-Rollins.

8 THE COURT: Okay. Thank ya'll for coming today, uh, just  
9 need let you know we are making a recording of everything that  
10 happens here. This (indicating) lady that's sitting over to  
11 my right she is a court reporter, she's taking down everything  
12 that's said so if ya need to speak to me today, if you would  
13 please speak up loud enough so that both she and I can hear  
14 you and if ever durin' this process if you cannot hear me,  
15 immediately let me know and I'll speak up as well.

16 Uh, Mr. Nowell is gonna let us, gonna let me know why  
17 we're here today and what he's asking me to do, uh, please  
18 listen to him because after, uh, he gets finished, you'll have  
19 a chance tell me if you agree or disagree with him and why you  
20 take those positions. Yes, sir.

21 MR. NOWELL: Thank, Your Honor, may it please the Court.  
22 Uh, you're here today, Your Honor, for a motion for summary  
23 judgment, uh, we're pursuing an action, uh, seeking  
24 declaratory judgment as well as a quiet title to a piece of  
25 property located here in Spartanburg County. Uh, my client

1 Garland Malone owns a piece a property, uh, 675 Hammett Store  
2 Road, that's located Lyman which is in Spartanburg County,  
3 Your Honor. Uh, more or less the reason why we pursue this  
4 action is there is a defect on the title, uh, specifically  
5 the, uh, legal description on this piece of property and the  
6 deed transferring the, uh, property from his father to him in  
7 2005 is, uh, inaccurate in that there is a scrivener's error,  
8 uh, from previous deeds and really the only thing we're asking  
9 the Court to do is declare or issue an order declaring the  
10 property, uh, to have that inaccurate legal description, to  
11 clean that legal description up by, uh, this declaratory  
12 judgment, also quiet the title, Your Honor, and I actually  
13 have a copy of the deed from the f -- from his father to him  
14 and also a previous deed that shows the, uh, difference  
15 between the two legal descriptions, Your Honor.

16 THE COURT: Alright. Were those a part of your motion?

17 MR. NOWELL: They were not, Your Honor, I will submit  
18 them to the Court.

19 (Whereupon, counsel handed the documents to the Court.)

20 MR. NOWELL: I note to the Court the highlighted areas of  
21 the 1981 deed, uh, are not found in the 2005 deed, Your Honor,  
22 believe that they should be added to the 2005 deed to correct  
23 the title defect.

24 THE COURT: Alright, okay, uh, and if it's, uh, who wants  
25 to go first, Ms. Strange? Ms. Malone?

1 MS. MALONE-ROLLINS: I can, sir.

2 THE COURT: Okay, yes, ma'am.

3 MS. MALONE-ROLLINS: Uh, well we disagree with what he's  
4 sayin', that on the, on the deed it says that he was deeded  
5 the homestead and I think 1.7 acres a land and we agree that  
6 belonged to him but not the entire property.

7 THE COURT: Okay. Yes, ma'am, do you wish to ---

8 MS. STRANGE: Oh, ---

9 THE COURT: --- s ---

10 MS. STRANGE: --- I just feel like that I don't, I feel  
11 like my dad didn't want him to have all of that for it to be  
12 divided up what was left for the rest of us.

13 THE COURT: Alright, did, uh, uh, did thi -- did this go  
14 through a probate proceeding?

15 MR. NOWELL: I think they're actually still in probate  
16 court on this, actually he, uh, took quite a bit a time to  
17 open an estate, estate to my knowledge is still open.

18 THE COURT: Okay.

19 (Pause.)

20 THE COURT: Alright. Alright, I've got the affidavit of,  
21 uh, Garland Malone attached to the motion for summary  
22 judgment. Uh, I will take a look at it, I'll need to, I don't  
23 do a lotta deed work so I'll have do some research on this,  
24 figure it out.

25 Uh, again, thank ya'll for coming today, I would

1 encourage, uh, the, uh, the defendants to please speak with a  
2 lawyer, uh, that I know lawyers can be expensive at times but  
3 I think, uh, frequently that's very, uh, good, a wise decision  
4 and a good investment if you talk with a lawyer to get proper  
5 legal advice, uh, and I think that, yeah, and I think this is  
6 one a those 'cause I cannot sit up here and give either side  
7 legal advice but I can encourage you to seek the guidance of  
8 an attorney. Uh, if you can't afford an attorney, there's a  
9 agency called Piedmont Legal Services, it's an, it's a  
10 non-profit agency here in Spartanburg County, they're located  
11 downtown Spartanburg right across from the street from the,  
12 uh, uh, sorta, sorta across the street from Carolina Cash  
13 department store, they're in a two-story brick buildin'. If  
14 you're qualified for their services then you're entitled to  
15 free legal advice from from their lawyers, uh, I would  
16 encourage you to have, to seek out that as an option as well  
17 as the, uh, South Carolina Bar has a, uh, lawyer referral  
18 service and a pro bono program which you can, uh, call them  
19 and, uh, and get them to refer a lawyer to you, uh, and  
20 possibly do the work at a reduced or free charge and I'm gonna  
21 let the officer, uh, give you this brochure, it's got  
22 telephone numbers for the South Carolina Bar on it. Uh,  
23 you know, frequently, uh, when pro se individuals represent  
24 themselves in a, in a court, uh, rules that I have to apply  
25 sometime determine the outcome of cases, uh, and in this

1 particular case the plaintiff has filed a motion for summary  
2 judgement and has filed the, uh, the appropriate documents,  
3 uh, and so, uh, there, under the rules there certain  
4 requirements that a defendant has to do in response to a  
5 motion for summary judgement and right now there's not been  
6 any response to the motion for summary judgment, uh, so I  
7 encourage you to talk with a lawyer and, uh, and get the  
8 appropriate legal advice but I'll take a look at it, I'll let  
9 you know.

10 MR. NOWELL: Thank Your Honor.

11 THE COURT: Thank you ---

12 MS. MALONE-ROLLINS: Thank you.

13 THE COURT: --- very much.

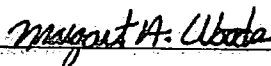
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1 CERTIFICATE OF REPORTER

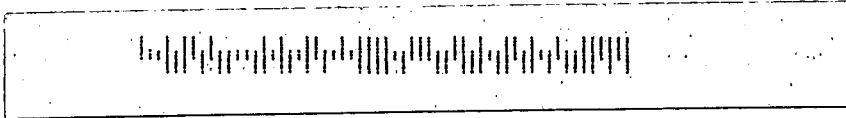
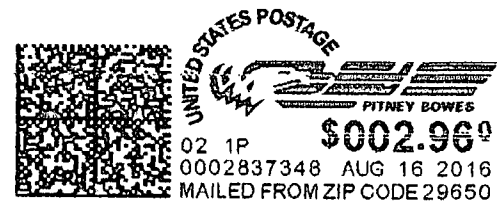
2  
3 I, Margaret A. Woods, Court Reporter in and for the State  
4 of South Carolina at Large, hereby certify that I reported the  
5 preceding case on May 13, 2016 at the time and place  
6 heretofore set forth; and that the foregoing pages numbered  
7 from 2 through 6, inclusive, constitute a true and accurate  
8 transcription of my stenographic notes of the said proceeding.

9 I further certify that I am neither attorney nor counsel  
10 for, nor related to or employed by any of the parties  
11 connected to the action, nor am I financially interested in  
12 the action.

13 August 5, 2016

14  
15 

16 Margaret A. Woods, Court Reporter  
17 in and for the State of South Carolina at Large.



215 North Main Street  
Rutherfordton, NC 28139

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SC Court of Appeals

The South Carolina Court of Appeals  
Attn: Jenny Abbot Kitchings, Clerk  
PO Box 11629  
Columbia, SC 29211