

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED

OCT 20 2016

SC Court of Appeals

Appeal from Chester County

Brian Gibbons, Circuit Court Judge

Appeal from Magistrate's  
Court, Rossville District

2015CP1200179 (Circuit)

2014CV1210400037 (Magistrate)

Robert H. Breakfield, as  
attorney-in-fact for John D.  
Hinson, Jerry Hinson, Kathy  
Huffstickle, Robert H. Hinson,  
Darrell W. Hinson, Lois Hinson,  
Tina Jones, George Stanford as  
Personal Representative of the  
Estate of Linda Stanford,  
William L. Hinson, Elaine H. Hensley,  
and William C. Hinson, Jr.,

Respondents,

vs.

Mell Woods,

Appellant.

Rule 240(e), SCACR RETURN to Motion

— / —

1. In the motion to dismiss filed by the respondent attorney B. Michael Brackett, it is alleged that Appellant Mell Woods filed a Rule 59(e) motion for reconsideration late which Mr. Brackett hopes will deprive the Court of Appeals of any jurisdiction to hear this appeal. The assertion by Mr. Brackett is simply not true, based on several reasons. The first reason is that appellant served the Rule 59(e) motion on July 28, 2016, after receiving written notice of the motion on July 18, 2016, which is well within the 10 day time frame allowed for Rule 59(e) motions.

2. In addition, although Mr. Brackett complained to the circuit court Judge about the Rule 59(e) motion being untimely, the Judge did not believe him because the circuit court Judge did not rule about whether the Rule 59(e) motion was timely, or not timely, in the court's order denying appellant's Rule 59(e) motion. At this point, the respondents had the option of filing their own Rule 59(e) SCRPC motion to address the non-ruling from the court about the purported time issue. The respondents did not do so and are now trying to get the Court of Appeals to rule on something the trial court did not feel was worth ruling on. The trial court did not address the time issue, and respondents failed to raise the issue in a post-trial motion. According the following authorities any issue about the time matter is not properly before the Court of Appeals:  
Noisette v. Ismail, 304 S.C. 56, 403 S.E, 2d 122, 124 (1991)  
(case held where a trial court does not explicitly rule on an argument raised, and the aggrieved party makes no Rule 59(e), SCRPC, motion to obtain a ruling, the appellate court may not

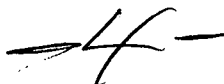
address the issue); Floyd v. Floyd, 365 S.C. 56, 73, 615 S.E.2d 465, 474 (Ct. App. 2005) (Floyd held that where a trial judge makes a general ruling on an issue, but does not address the specific argument raised by an aggrieved party, and that aggrieved party fails to raise the issue in a Rule 59(e) motion, the appellate court cannot consider the argument on appeal).

3. The 2008CP00475 E-mail issue: Mr. Brackett is trying claim that he notified appellant of the entry of the court order in question by E-Mail on July 12, 2016, thus starting the 10 day time clock ticking. Nothing could be more untruthful. Not only did the trial judge not believe Brackett since the court did not include the E-Mail issue in the Order denying appellant's Rule 59(e) motion, Brackett apparently did not believe the issue legitimate at the time, because Brackett failed to re-assert the issue to the court, or obtain a timely ruling from the trial court concerning his purported "service" of the court order.

4. How did the 2008CP00475@g-mail.com E-Mail come into existence? Why would someone use 2008CP00475, which is a Chester County civil case number as a personal E-Mail? There is only one answer: Brian Gibbons, the circuit judge ordered appellant to come up with an E-MAIL for Case Number 2008CP1200475, a partition case in which appellant has applied to be a party, and the Court wanted an E-MAIL address for that case, the 2008CP1200475, and the Order of the Court which is attached as page 9 of this reply does not mention having to furnish an E-Mail address for any other case, and certainly not this case.

5. Appellant Mell Woods shows by the affidavit attached hereto and numbered as page 10-11 of this reply, that the only written notice of the court order in question was from the clerk of the Chester County Court, which was received on July 18, 2016; the Court Order was in a brown mailer with the mailing address hand-addressed. There was no copy of the E-Mail that Brackett claims he sent to the clerk of court. The first time appellant Mell Woods ever saw the E-Mail was when it showed up marked as "Exhibit A" in Brackett's response to appellant's Rule 59(e) SCRC motion. Appellant Mell Woods does not inspect the 2008CP00475@g-mail.com E-Mail on a daily basis, simply because there is nothing going on in the partition case right now and appellant does not use the E-mail for any other purpose; the E-mail has not been checked for several months, the month of May was probably the last time.

6. As to the purported issue about "when" the Rule 59(e) SCRC motion was served by U.S. Mail on Mr. Brackett; it would seem that the certificate of service itself would suffice, but since compliance with the Rules does not suit Mr. Brackett, appellant Mell Woods shows by the additional affidavit attached as page 12-13 of this reply as to exactly where and when the motion was served. B. Michael Brackett has no personal knowledge of the mailing of the Rule 59(e) motion and anything he has to say about it is pure speculation.



7. If Mr. Brackett had wanted to be decent about the E-Mail business he could have at least sent the E-Mail to appellant via regular U.S. Mail, and then it would have been obvious that Brackett was up to something. But no, Brackett laid low and then used the E-Mail in his response to appellant's Rule 59(e) motion. Brackett has no business using a court-ordered E-Mail from a case in which Brackett has not made an appearance to try and "bush-whack" someone out of his day in court in another, entirely different case.

8. ADVERSE POSSESSION: Mr. Brackett is labeling appellant's appeal from magistrate court and from circuit court as "meritless." This is not true either. The respondents are trying to claim that this case has already been decided in the un-reported case number 2014-UP-010. Contrary to what Mr. Brackett is now telling the Court of Appeals, the Court of Appeals did not Rule that appellant could not claim adverse possession. But only that appellant could not "tack" to make the required 10 years, since the Ruling of the Court of Appeals *two years, and eleven months* ago, there has been a material change: *appellant has completed the required ten years, on his own and without the need to tack to the title of anyone else.* The date of completion of appellant's ten years of adverse possession was May 08, 2015, and during those ten years appellant Mell Woods was in continuous, hostile, open, actual, notorious, and exclusive possession under color of title to the land in question, for the FULL ten years, and in addition the property was fenced during the entire ten years.

9. Due the passage of time, the prescription issue is now ripe for adjudication; an affidavit describing the method of the ten years prescription in relation to the land in question is attached to this reply as page 14-15.

10. Mr. Brackett also complains about appellant representing himself; Mr. Brackett's complaint should be ignored because all persons in South Carolina have the statutory right to represent themselves, Washington v. Washington, 308 S.C. 549, 419 S.E.2d 779 (1992), and South Carolina Statute § 40-5-80; also appellant has a first amendment right to petition the government, including the judicial branch.

11. As to the sanctions part, if anyone should be sanctioned it should be Brackett for lying to the circuit court judge, and now lying to the South Carolina Court of Appeals, in regards to Elaine H. Hensley, a dead person that Mr. Brackett placed in the masthead of this lawsuit, a person who is still there even after the fact of her death was reported to Mr. Brackett, although Mr. Brackett already knew that Mrs. Hensley was dead when he filed the lawsuit. This matter alone defeats res judicata because the parties are not the same as in former lawsuits.

Respectfully submitted,

This 15 day of October, 2016.



---

Mell Woods

P.O. Box 2603  
Lancaster, SC 29721

CERTIFICATE OF SERVICE ON NEXT PAGE

STATE OF SOUTH CAROLINA )

COUNTY OF CHESTER )

Robert H. Hinson, William Calvin Hinson, )  
Jr., Charles Jerry Hinson, Elaine H. )  
Hensley, and Linda K. Stanford and )  
William Levy Hinson, )

Plaintiffs, )

vs. )

Lois H. Griffin, Christine G. Jones as )  
Trustee of the Lois H. Griffin Living Trust, )  
J. C. Hinson, Kathy Huffstickle, John )  
Daniel Hinson and Darrell Wayne Hinson, )

Defendants. )

IN THE COURT OF COMMON PLEAS

C.A. No.: 2008-CP-12-00475

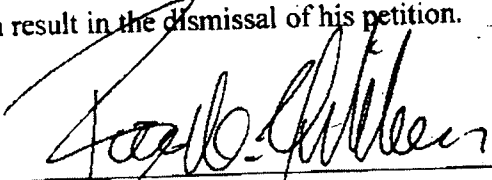
**ADMINISTRATIVE ORDER**

**FILED**  
2016 FEB 25 A H: 30  
CLERK OF COURT  
CHESTER CO S.C.

The case was to come before the court pursuant to Mell Woods' Motion to Intervene. The petitioner filed a Motion to Continue on the day prior to the hearing. The petitioner has not provided the court with a phone number or an email address. The rules require attorneys to provide a valid phone number and an email address as well as a valid address. The intervener is representing himself but is still subject to the rules and is likewise required to provide the same contact information.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED, that the intervener shall provide to the Clerk of Court his current and valid phone number, email address and current physical address as well as keep the court current on such information. The intervener's failure to provide this information can result in the dismissal of his petition.

February 23, 2016

  
Brian M. Gibbons

Chief Admin. Judge  
Circuit Court

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Chester County  
Brian Gibbons, Circuit Court Judge

Appeal from Magistrate's  
Court, Rossville District

2015CP1200179 (Circuit)

2014CV1210400037 (Magistrate)

Robert H. Breakfield, as  
attorney-in-fact for John D.  
Hinson, Jerry Hinson, Kathy  
Huffstickle, Robert H. Hinson,  
Darrell W. Hinson, Lois Hinson,  
Tina Jones, George Stanford as  
Personal Representative of the  
Estate of Linda Stanford,  
William L. Hinson, Elaine H. Hensley,  
and William C. Hinson, Jr.,

Respondents,

vs.

Mell Woods,

Appellant.

AFFIDAVIT

STATE OF SOUTH CAROLINA  
COUNTY OF COLLETON

Mell Woods, affiant herein, after being first properly  
deposed, states upon oath, and upon personal knowledge, the  
following facts to wit:

- 10 -

(a) concerning the written receipt of the twenty-six page Court Order in this case filed-stamped by the Clerk of the Chester Court of Common pleas on July 11, 2016; I, Mell Woods received the Court Order in the U.S. Mail on July 18, 2016; at no other time was I informed by anyone that the Court Order existed; July 18, 2016 was the first day I ever saw the Court Order in question;

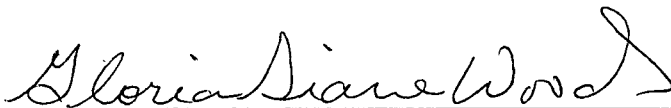
(b) I also never received any E-Mails, telephone calls, letters, FAX, or text message(s) or any type of communication about the Court Order prior to July 18, 2016;

Affidavit made this the 10<sup>th</sup> day of October, 2016.

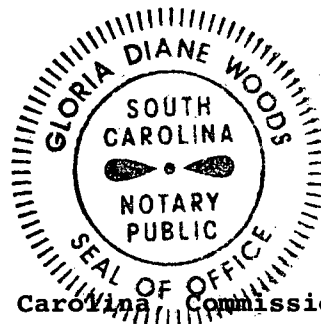
Further, affiant saith not.

  
Mell Woods, affiant

Sworn to, and subscribed before me,  
October 10, 2016,



Gloria Diane Woods, Notary Public for South Carolina, Commission Expires January 08, 2018.



- 11 -

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Chester County  
Brian Gibbons, Circuit Court Judge

Appeal from Magistrate's  
Court, Rossville District

2015CP1200179 (Circuit)

2014CV1210400037 (Magistrate)

Robert H. Breakfield, as  
*attorney-in-fact* for John D.  
Hinson, Jerry Hinson, Kathy  
Huffstickle, Robert H. Hinson,  
Darrell W. Hinson, *Lois Hinson*,  
Tina Jones, George Stanford as  
Personal Representative of the  
Estate of Linda Stanford,  
William L. Hinson, *Elaine H. Hensley*,  
and William C. Hinson, Jr.,

Respondents,

vs.

Mell Woods,

Appellant.

AFFIDAVIT

STATE OF SOUTH CAROLINA  
COUNTY OF COLLETON

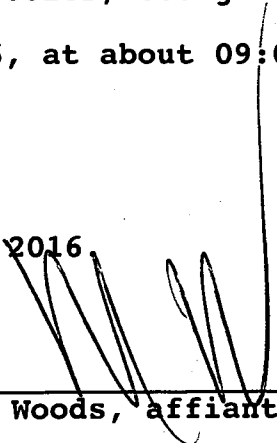
Mell Woods, affiant herein, after being first properly  
deposed, states upon oath, and upon personal knowledge, the  
following facts to wit:

-12-

- (a) On July 28, 2016, I, Mell Woods served Mr. B. Michael Brackett with a true copy of the Rule 59(e) SCRC motion filed in Case Number 2015CP1200179, by placing the copy in the U.S. Mail, with sufficient postage, and addressed to Mr. B. Michael Brackett at his address of Record, in Columbia, South Carolina;
- (b) the served motion was in a flat rate legal size post office mailer, with Mr. Brackett's address on the outside of the envelope; the envelope in question was placed in the U.S. Post Office at Pooler, Georgia on the night of Thursday July 28, 2016, at about 09:00 p.m.

Affidavit made this the 10<sup>th</sup> day of October, 2016

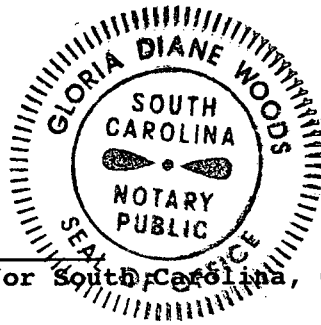
Further, affiant saith not.

  
Mell Woods, affiant

Sworn to, and subscribed before me,  
October 10, 2016,



Gloria Diane Woods, Notary Public for South Carolina, Commission Expires January 08, 2018.



STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Chester County  
Brian Gibbons, Circuit Court Judge

Appeal from Magistrate's  
Court, Rossville District

2015CP1200179 (Circuit)

2014CV1210400037 (Magistrate)

Robert H. Breakfield, as  
attorney-in-fact for John D.  
Hinson, Jerry Hinson, Kathy  
Huffstickle, Robert H. Hinson,  
Darrell W. Hinson, Lois Hinson,  
Tina Jones, George Stanford as  
Personal Representative of the  
Estate of Linda Stanford,  
William L. Hinson, Elaine H. Hensley,  
and William C. Hinson, Jr.,

Respondents,

vs.

Mell Woods,

Appellant.

AFFIDAVIT

STATE OF SOUTH CAROLINA  
COUNTY OF COLLETON

Mell Woods, affiant herein, after being first properly  
deposed, states upon oath, and upon personal knowledge, the  
following facts to wit:

-14-

(a) concerning the land at issue in this lawsuit;

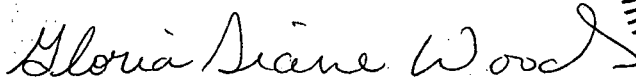
I, Mell Woods, did possess the land in question, starting on May 07, 2005 when I was placed in possession of the land by Mrs. Reba Hinson, the occupant of the land during year 2005, and was in continuous possession of the land through at least May 08, 2015; the land in question is the same land described in the land contract between Mrs. Reba Hinson, and Mell Woods, dated May 07, 2005, and the land contract is in the Record of this case; (a hand-drawn map of the land is in the Record also) I, Mell Woods stayed on the land for ten years, and did not hide the fact that I did occupy the land in question for ten years; the possession was often hostile as some of the Hinson heirs would come by and offer to physically assault me for occupying the land; I would always tell the Hinson heirs that they could not scare me off of land that I had purchased, and that the land was my land and not theirs and they could not trespass on the land or use the fishing dock and float attached to the land or cross-over the land or cut wood off of the land; and whenever the Hinson heirs would tear down portions of the fencing containing the land, I would repair the fencing within two to three days; all of this went on for the ten years that I occupied the land;

Affidavit made this the 10<sup>th</sup> day of October, 2016.

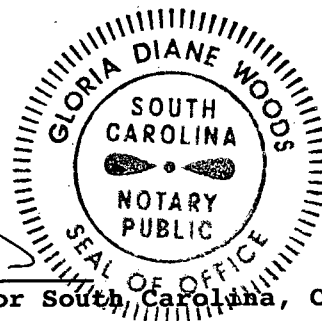
Further, affiant saith not.

  
Mell Woods, affiant

Sworn to, and subscribed before me,  
October 10, 2016,



Gloria Diane Woods, Notary Public for South Carolina, Commission Expires January 08, 2018.



STATE OF SOUTH CAROLINA  
CHESTER COUNTY

COURT OF COMMON PLEAS  
SIXTH JUDICIAL CIRCUIT

Appeal from Magistrate's  
Court, Rossville District

2015CP1200179 (Circuit)

2014CV1210400037 (Magistrate)

Robert H. Breakfield, as  
attorney-in-fact for John D.  
Hinson, Jerry Hinson, Kathy  
Huffstickle, Robert H. Hinson,  
Darrell W. Hinson, Lois Hinson,  
Tina Jones, George Stanford as  
Personal Representative of the  
Estate of Linda Stanford,  
William L. Hinson, Elaine H. Hensley,  
and William C. Hinson, Jr.,

Respondents,

vs.

Mell Woods,

Appellant.

FILED

2016 AUG - 5 A 10:45

CLERK OF COURT  
CHESTER CO S.C.

APPELLANT'S RULE 59(e) MOTION:

1. Certification under Rule 11(a) SCRCP

Appellant certifies that the required consultation would  
serve no useful purpose, but the opposing party has been  
notified of this motion in writing.

-/-

2. Pursuant to Rule 59(e), SCRCP, appellant Mell Woods moves that this Court reconsider its July 07, 2016 Order because the same was drafted by B. Michael Brackett, the respondent counsel, and contains factually inaccurate statements inserted in the Order by B. Michael Brackett. In addition, Mr. Brackett failed to mention the allegations of perjury and the evidence of perjury presented to the Court, over objection, concerning *Elaine H. Hensley*, a party to this case who was already dead at the time this case was filed. Appellant Mell Woods first received written notice of the entry of the Order on July 18, 2016.

3. This is a land case concerning land in Chester County, South Carolina. The respondents, or at least the alive ones, call themselves "remaindermen" of the estate of Levie Hinson. The litigation for this case and the others has lasted several years, and during year 2016, appellant Mell Woods completed the full ten years of adverse possession against everyone concerning the land in question, and without the need to tack to the possession of anyone else. The adverse possession details are in the Record, with the specific dates of the beginning and the continuance of the adverse possession for 10 years; appellant would appreciate a Ruling from the Court about the adverse possession issue.

-2-

4. In addition, and over the objection of the respondent counsel, B. Michael Brackett, appellant filed his Notice of Bar under SC Statute § 15-67-20, and cited several cases which stand for the proposition that once two suits, (and now only one) have been filed attacking someone's title and possession, there can be no more suits. South Carolina Statute § 15-67-20 has been the law for 272 years, being enacted during colonial times, and the statute and the cases construing the statute mean exactly what they do say, that: "the law is so written" and so what if the statute number has been changed, the law is still the same.

5. A copy of the NOTICE OF BAR UNDER SC STATUTE § 15-67-20, which was presented to the Court during the Appeal from Magistrate phase, is attached for ready reference;

also attached is a copy of Mrs. Hinson's plat, recorded in Plat CAB D slide 174, page 3B, a certified copy of which was presented in Court, is made a part of this motion;

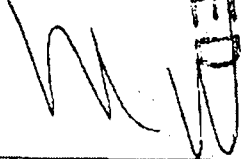
AND, a copy of the land sales contract between Mrs. Hinson and Mell Woods, which is the same as the one presented in Court is attached also.

6. Lastly is a copy of the affidavit, the original of which was presented to the court, which shows that Robert H. Breakfield lied to the Court.

Robert H. Breakfield is a licensed South Carolina Attorney and knows better than to present dead people to the Court. An attorney's authority to act for his client ends at the client's death. Carver v. Morrow, 213 S.C. 199, 48 S.E.2d 814 (1948). In this instance, the affidavit shows that Mr. Breakfield already knew of the death Mrs. Elaine Hensley well before the present suit was filed. Since Breakfield swore to a paper in connection with the filing of the present suit, the same constitutes perjury, and is in fact a fraud upon the Court. Appellant Mell Woods requests that the Court Rule on Breakfield's false statement used to obtain the jurisdiction of the Magistrate Court, while at the same time obtaining the desired results using false pretenses.

Respectfully submitted,

This 28 day of July, 2016.

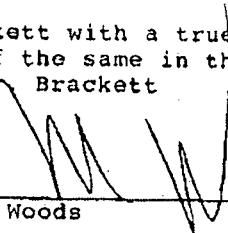
  
Mell Woods

P.O. Box 2603  
Lancaster, SC 29721

CERTIFICATE OF SERVICE

I hereby certify that I have served B. Michael Brackett with a true copy of the within and foregoing MOTION by placing a copy of the same in the U.S. Mail with sufficient postage and properly addressed to Mr. Brackett

on the 28 day of July, 2016.

  
Mell Woods

FILED  
AUG - 5 A 10 45  
CLERK OF COURT  
CHESTER CO S.C.

4 ~~50~~

August 15, 2015

Mell Woods  
P.O. Box 2603  
Lancaster, SC 29721

The Honorable Milton Hamilton  
Special Referee  
Chester Court of Common Pleas  
C/O Hamilton Delleney Grier & Cotten, LLC  
P.O. Drawer 808  
Chester, South Carolina 29706

Re: Hinson Partition case, Number 2008-CP-12-00475

Dear Judge Hamilton:

Enclosed is a pleading under Rule 24(a)(2) SCRPC, Motion to Intervene in the above case. The motion was served on August 10, 2015, and filed at the courthouse yesterday. The motion explains itself.

I am still looking for someone to represent me in this matter, preferably a Citadel Graduate, but it is hard to find Citadel Graduates who are licensed attorneys this far north. I stand ready to furnish the Court any additional information which is needed.

Thanking you,

Mell Woods

Copies of this letter sent to the following counsel of Record, at the Address of Record for each:

Bruce M. Poore, attorney at law  
J. Steedley Bogan, attorney at law  
Ned Gregory, II attorney at law  
Daniel D. D'Agostino, attorney at law

STATE OF SOUTH CAROLINA  
COUNTY OF CHESTER

IN THE COURT OF COMMON PLEAS

Robert H. Hinson, William  
Calvin Hinson, Jr.,  
Charles Jerry Hinson,  
Elaine H. Hensley, and  
Linda K. Stanford and  
William Levy Hinson,

Plaintiffs,

Civil Action, Number:  
2008-CP-12-00475

vs.

Lois H. Griffin, Christine  
G. Jones as Trustee of the  
Lois H. Griffin Living  
Trust, J.C. Hinson, Kathy  
Huffstickle, John Daniel  
Hinson and Darrell Wayne  
Hinson,

[Mell Woods, applicant  
for intervention]

Defendants.

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*Motion pursuant to Rule 24(a)(2) SCRPC:*

Mell Woods, as an applicant to intervene in the above styled action, comes now and shows to the Honorable Special Referee the following grounds for intervention.

1. The above action is for the partition of real estate.
2. Mell Woods is the legal owner of part of the real estate in suit.

3. Mell Woods has not been included in the pending partition case, and applicant claims an interest relating to the property in question and is so situated [meaning not being a party] that the disposition of the action without Mell Woods being included will impede both the applicant's interests, as well as the interests of the present parties.

4. This application is timely; applicant discovered the pending partition action only about a month ago; this case has been concealed from public view because of the way it is shown in the public data base provided by the South Carolina Supreme Court; the case is listed in a non-standard way which does not match the filed pleadings, one example, the Case Number in the data base is not hyphenated as one would expect. Any deviation will cause the computer to return "no results." In any event, the last entry in the case file is a note to Mr. Bruce Poore, an attorney for one of the parties, from the clerk of court wanting to know the status of the partition case, dated June 11, 2013, over two years ago, with the note to date not having been responded to. So, applicant is surely as timely as anyone else in the case.

5. There is an on-point South Carolina case about Rule 24, SCRPC. South Carolina requires a four point test to determine if an application for intervention should be granted, Berkeley Electric v. Town of Mt. Pleasant, 302 S.C. 186, 394 S.E.2d 712, (1990);

4 Parts:

- (1) establish timely application;
- (2) assert an interest relating to the property which is the subject of the action;
- (3) demonstrate that applicant is in a position such that without intervention, disposition of the action may impair applicant's ability to protect that interest;
- (4) demonstrate applicant's interest is inadequately represented by other parties.

6. Berkeley Electric also cited Spring Construction Co., Inc. v. Harris, 614 F.2d 374 (4<sup>th</sup> Cir. 1980), being timely was discussed in Spring Construction Co.; "Mere passage of time is but one factor to be considered in light of all the circumstances." and that, "the proper approach is to disregard non-prejudicial technical defects."

7. Will the present parties protect the interests of Mell Woods, the applicant for intervention? The answer is, no, simply because the existing parties have interests adverse to applicant's interests.

8. The disposition of the pending partition action without the addition of applicant will impede the final settlement of the land dispute between all of the parties for the simple reason that Mell Woods has a good and valid and legal claim to part of the land in question, and if any less than *all of the parties* are before the court at the disposition of the case, then the case will probably have to be filed again.

9. Applicant moves to be added as a party in the pending partition action.

Respectfully submitted,

this \_\_\_ day of August, 2015.

---

Mell Woods

P.O. Box 2603  
Lancaster, SC 29721

CHESTER COUNTY SOUTH CAROLINA  
COURT OF COMMON PLEAS

Civil Case Number: 2008-CP-12-00475

CERTIFICATE OF SERVICE:

Mell Woods has examined the case file for the above case.

Appearances have been filed by the following persons:

Bruce M. Poore, attorney at law

J. Steedley Bogan, attorney at law

Ned Gregory, II, attorney at law

Daniel D. D'Agostino, attorney at law

I hereby certify that I have served the foregoing four persons by mailing to each a copy of the within and foregoing Motion to Intervene by placing copies of the motion in the U.S. Mail, addressed to each person at the address of record listed on the pleadings, with sufficient first class mail postage.

This \_\_\_\_ day of August, 2015.

---

Mell Woods

P.O. Box 2603  
Lancaster, SC 29721

**STATE OF SOUTH CAROLINA  
COUNTY OF CHESTER**

**IN THE COURT OF COMMON PLEAS**

**Robert H. Hinson, William  
Calvin Hinson, Jr.,  
Charles Jerry Hinson,  
Elaine H. Hensley, and  
Linda K. Stanford and  
William Levy Hinson,**

**Plaintiffs,**

**Civil Action, Number:  
2008-CP-12-00475**

**vs.**

**Lois H. Griffin, Christine  
G. Jones as Trustee of the  
Lois H. Griffin Living  
Trust, J.C. Hinson, Kathy  
Huffstickle, John Daniel  
Hinson and Darrell Wayne  
Hinson,**

**[Mell Woods, applicant  
for intervention]**

**Defendants.**

**Objection that the applicant's MOTION TO INTERVENE**

**and Motion pursuant to Rule 24(a)(2) SCRPC**

**is scheduled for hearing on Wednesday, February 10, 2016,  
in front of a regular circuit court judge, instead of  
the Special Referee which the case has been assigned to:**

- 1. Applicant for Intervention, Mell Woods moved on August 10, 2015, that applicant be allowed to intervene in the above-styled case in order that the interests of applicant be protected.**

2. The motion in question was addressed to and delivered to the Honorable Milton Hamilton, the special referee assigned to the above-styled case.

3. Judge Hamilton is still conducting a review of the case and the pending motion; applicant is sure that Judge Hamilton will make a proper ruling when all of the facts are in; in the meantime, applicant for intervention, Mell Woods, *objects* to this matter being heard by any other judge.

4. All of this is simply a clerical error on the part of the clerk of court; a letter from Judge Hamilton and Court Order from Judge Hamilton are attached which clearly show that Judge Hamilton is the special referee assigned to the case under Rule 53(b), and Rule 53(c) SCRPC.

5. Applicant would have communicated with the Court earlier, but the notice by the clerk's office was not addressed correctly, said notice had a Rock Hill zip code attached to the notice card instead of the proper one for Lancaster, SC which delayed the notice until last Thursday, February 04, 2016. A copy of the notice card is attached for ready reference.

6. Applicant Mell Woods has filed this objection in order to protect the Record.

This \_\_\_\_\_ day of February, 2016.

---

Mell Woods

P.O. Box 2603  
Lancaster, SC 29721

STATE OF SOUTH CAROLINA  
CHESTER COUNTY

COURT OF COMMON PLEAS  
SIXTH JUDICIAL CIRCUIT

Appeal from Magistrate's  
Court, Rossville District

2015CP1200179 (Circuit)

2014CV1210400037 (Magistrate)

Robert H. Breakfield, as  
attorney-in-fact for John D.  
Hinson, Jerry Hinson, Kathy  
Huffstickle, Robert H. Hinson,  
Darrell W. Hinson, Lois Hinson,  
Tina Jones, George Stanford as  
Personal Representative of the  
Estate of Linda Stanford,  
William L. Hinson, Elaine H. Hensley,  
and William C. Hinson, Jr.,

Respondents,

vs.

Mell Woods,

Appellant.

August 01, 2016

Mell Woods  
P.O. Box 2603  
Lancaster, SC 29721

The Honorable Sue Carpenter, Clerk of Court  
Sixth Judicial Circuit  
P.O. Drawer 580  
Chester, SC 29706

Attention Civil Division, Re: the above case numbers

Dear Mrs. Carpenter:

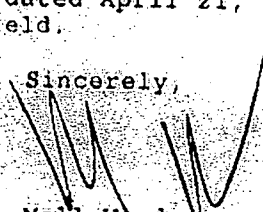
Enclosed for filing is a Rule 59(a) Motion with attachments  
as part of the Motion. The \$25.00 filing fee is attached,  
and also the motion cover sheet.

The motion was served on the opposing parties by mail last  
Thursday, July 28, 2016. The motion is being filed with the  
clerk within 5 days as is required by Rule 5(d), SCRCP.

Please file the attached motion, along with the following:

- (1) Copy of the Notice of Bar under SC § 15-67-20
- (2) Copy of the Reba Hinson Land Plat, CAB D slide 174 page 3B
- (3) Copy of the land sales agreement between Mell Woods and Mrs. Hinson
- (4) Copy of the Affidavit of Mell Woods dated April 21, 2016, concerning Elaine H. Hensley and Robert Breakfield.

Sincerely,

  
Mell Woods

Copy to: B. Michael Brackett at his address of Record.

FILED  
2016 AUG -5 A B S S  
CLERK OF COURT  
CHESTER CO S.C.

STATE OF SOUTH CAROLINA

COUNTY OF

Chester

Robert Breakfield  
Plaintiff,

vs.

Mell Woods  
Defendant.

IN THE COURT OF COMMON PLEAS  
6th JUDICIAL CIRCUIT

CASE NO.:

2015-CP-12-00179

**MOTION AND ORDER INFORMATION  
FORM AND COVERSHEET**

Plaintiff's Attorney: <u>B. M. CHALBRACKET</u> Bar No. _____	Defendant: <u>Mell Woods</u> Bar No. _____
Address: <u>Box 100261</u>	Address: <u>P.O. Box 2603</u>
Phone: <u>COLA, SC 29202</u>	Phone: <u>LANCASTER, SC 29721</u>
E-mail: _____	E-mail: _____

- MOTION HEARING REQUESTED** (attach written motion and complete SECTIONS I and III)  
 **FORM MOTION, NO HEARING REQUESTED** (complete SECTIONS II and III)  
 **PROPOSED ORDER/CONSENT ORDER** (complete SECTIONS II and III)

Nature of Motion: Rule 59(e) SECTION I: Hearing Information  
 Estimated Time Needed: 40 mins Court Reporter Needed:  YES /  NO

- Written motion attached  
 Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of [Signature] Plaintiff /  Defendant

Date submitted: Aug 01, 2016

**SECTION III: Motion Fee**

**PAID - AMOUNT:** \$ 25.00  
 **EXEMPT:** (check reason)

- Rule to Show Cause in Child or Spousal Support
- Domestic Abuse or Abuse and Neglect
- Indigent Status  State Agency v. Indigent Party
- Sexually Violent Predator Act  Post-Conviction Relief
- Motion for Stay in Bankruptcy
- Motion for Publication  Motion for Execution (Rule 69, SCRCP)
- Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter: \_\_\_\_\_  
 Other: \_\_\_\_\_

**JUDGE'S SECTION**

Motion Fee to be paid upon filing of the attached order.  
 Other: \_\_\_\_\_

JUDGE CODE \_\_\_\_\_  
 Date: \_\_\_\_\_, 20\_\_

**CLERK'S VERIFICATION**

Collected by: \_\_\_\_\_ Date Filed: \_\_\_\_\_, 20\_\_

MOTION FEE COLLECTED: \$ \_\_\_\_\_  
 CONTESTED - AMOUNT DUE: \$ \_\_\_\_\_

FILED  
 2016 AUG - 5 A.D. 5:01  
 CLERK OF COURT  
 CHESTER CO. S.C.

STATE OF SOUTH CAROLINA  
CHESTER COUNTY

COURT OF COMMON PLEAS  
SIXTH JUDICIAL CIRCUIT

Appeal from Magistrate's  
Court, Rossville District

2015CP1200179 (Circuit)

2014CV1210400037 (Magistrate)

Robert H. Breakfield, as  
attorney-in-fact for John D.  
Hinson, Jerry Hinson, Kathy  
Huffstickle, Robert H. Hinson,  
Darrell W. Hinson, Lois Hinson,  
Tina Jones, George Stanford as  
Personal Representative of the  
Estate of Linda Stanford,  
William L. Hinson, Elaine H. Hensley,  
and William C. Hinson, Jr.,

Respondents,

vs.

Mell Woods,

Appellant.

FILED  
2016 AUG -5 A 10 45  
CLERK OF COURT  
CHESTER CO S.C.

NOTICE OF BAR UNDER SC STATUTE § 15-67-20

1. Mell Woods, appellant above named, and defendant below, comes now and exercises the right granted by the South Carolina Legislature and codified as § 15-67-20 which reads as follows:  
"The plaintiff in actions for recovery of real property or the recovery of the possession ~~of the possession~~ of real property is limited to one action for recovery."

—/—

2. An eviction case is one for recovery and possession of real property, Stewart-Jones Co. v. Hankins, 155 S.C. 234, 152 S.E. 430 (1930). The statute 15-67-20 was formerly § 10-2402 in the 1952 Code; and in the second Stewart-Jones case it was the ruling of the Honorable J.K. Henry, right here in the Chester County Courthouse on August 31, 1928, that the filing of three evictions against Mrs. Hankins, and the failure to pay costs was enough for the circuit court to confirm title to the real estate in the name of Mrs. Hankins, and to no one else.

3. SC Statute § 15-67-20 has been a South Carolina law for 272 years, being enacted in 1744 by the colonials. The statute has had different numbers but always had the same wording with the exception that prior to 1988 TWO ATTEMPTS at eviction were allowed, and since 11/25/1988, only one.

4. In the present case against Mell Woods, THREE attempts at eviction have been made. In Carr v. Mouzon, 93 S.C. 161, 76 S.E. 201 (1912), the Court took the time to explain why the "two strikes and your out" statute was enacted. Under the English Common Law an unlimited number of land suits for possession of a parcel of land could be brought, and the English judges would employ fictions (meaning Richard Roe) to justify the fiction that the suit had never been brought before. SC Statute §15-67-20, and the former ones, worded the same, (before 1988) are meant to defeat the English practice of endless land suits.

5. Defendant Mell Woods, brought up the more than one eviction case issue in the answer filed in the magistrate court, but the judge failed to rule on the point. In addition a Rule 59(e) motion was filed about the point after the magistrate judge issued his Ruling. The Rule 59(e) motion was not specifically addressed either, so defendant and appellant has done all that it can to preserve the issue for appeal.

6. A non-suit, or discontinuance, voluntary, or not voluntary, started the clock ticking for another stipulation built into § 15-[6]7-20 prior to 1988, which was that the second suit had to be brought within TWO years of the first discontinuance, or any other further suits concerning the same land were barred, and title to the land in question was established against the plaintiff's bringing the action to start with, in other words bring the first one, and then the other one within two years, or be forever barred from bringing another one, and neither suit had to be litigated to a finish, a simple discontinuance would do to start the two years. Dyson v. Leek, 5 Strob. (36 S.C.L.) 141; Binda v. Benbow, 11 Rich. (45 S.C.L.) 24., today, however, the two years has been eliminated and starting in 1988, once an eviction is started it must be kept alive and not allowed to languish because a second action is not allowed anymore, there is no "dismissal without prejudice" because the South Carolina Legislature has kept the same law on books for at least 272 years with one minor change: there is no second chance.

7. S.C. Code Anno. § 10-2402 used to read:

"The plaintiff in all actions for recovery of real property or the possession thereof is hereby limited to two actions for the same and no more. And before any second such action shall be brought the costs of the first action shall be first paid."

And there was a time limitation that went with it:

§ 10-125: "A second action for the recovery of real property shall be brought within two years from the rendition of the verdict or judgment in the first action or from the granting of a nonsuit or discontinuance therein."

Today, the same reads:

§ 15-67-20: "The plaintiff in actions for recovery of real property or of the possession of real property is limited to one action for recovery."

8. The Rule in South Carolina about reaffirmance of existing statutes is well stated in the case of State v. Patterson, 220 S.C. 269, 66 S.E.2d 875 (1951) where it was held that:

"It is a general rule of law that where a statute is repealed and all, or some, of its provisions are at [the] same time re-enacted, the re-enactment is considered a reaffirmance of the old law, and a neutralization of repeal, so that the provisions of the repealed act which are thus re-enacted continue in force without interruption, and all rights and liabilities incurred thereunder are preserved and may be enforced." 25 R.C.L. 934; and then they cited Brown v. Brown, 213 N.C. 347, 196 S.E. 333, as follows:

"Likewise, where the terms used in a statute have acquired a settled meaning through judicial interpretation, and the same terms are used in a subsequent statute upon the same subject matter, they are to be understood in the same sense unless by qualifying or explanatory addition

24-

the contrary intent of the Legislature is made clear. Such a construction becomes part of the law, as it is presumed that the Legislature in passing the law knew what the judicial construction was which had been given to the words of the prior reenactment." 25 R.C.L., 992.

9. In the case of Logan v. Jones, 155 S.C. 258, 152 S.E. 518 (1930) it was held that § 15-67-20 as it existed in 1930, is a statute of repose and that a maximum of two actions for recovery of land could be brought since a defendant under the statute has a right at some point to be relieved of continued attacks on his title by the same person, or those claiming under the same person, and if the plaintiff's claim from a common source, the maximum number of actions in 1930 was two. Walsh v. Evans, 112 S.C., 131, 99 S.E. 546; Water Power Co. v. Land Co., 47 S.C., 117, 25 S.E. 48; Mitchum v. Shaw, 98 S.C., 175, 82 S.E. 401; Water Power CO. v. Land Co., 42 S.C., 488, 20 S.E. 378; Love v. Turner, 84 S.C., 178, 65 S.E. 1043.

10. In Richardson v. Riley, 67 S.C. 53, 45 S.E. 104 (1903) a circuit court was reversed because it allowed another action filed later than two years after the first filing to be tried after a formal bar was pled, the Court held:

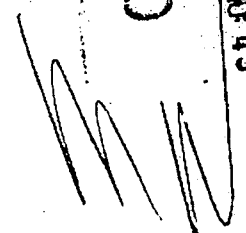
"It is useless to go further in this case, so far as the grounds of appeal are concerned. If the second action was barred, as we have just held, under our statute, no proceedings in that action were of any avail. The Circuit Judge was in error, and his judgment must be reversed."

-5-

11. Mell Woods, defendant below, and appellant herein incorporates by reference and republishes each of stated grounds for appeal, and points out that Elaine H. Hensley is a dead person and a party to these proceedings. This was brought up in the answer since Robert H. Breakfield, listed Mrs. Hensley as a party, and then swore to the truth of paper listing Mrs. Hensley as a live person. Mrs. Hensley does not have a personal representative, and her estate has been closed out.

Respectfully submitted,

This 01 day of June, 2016.


  
Mell Woods

P.O. Box 2603  
Lancaster, SC 29721

Certificate of Service

I hereby certify that I have served B. Michael Brackett with a true copy of the within and foregoing document [six pages] by handing the copy to him at the Chester County Courthouse.

This 01 day of June, 2016

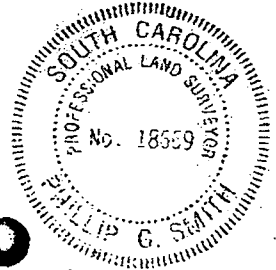
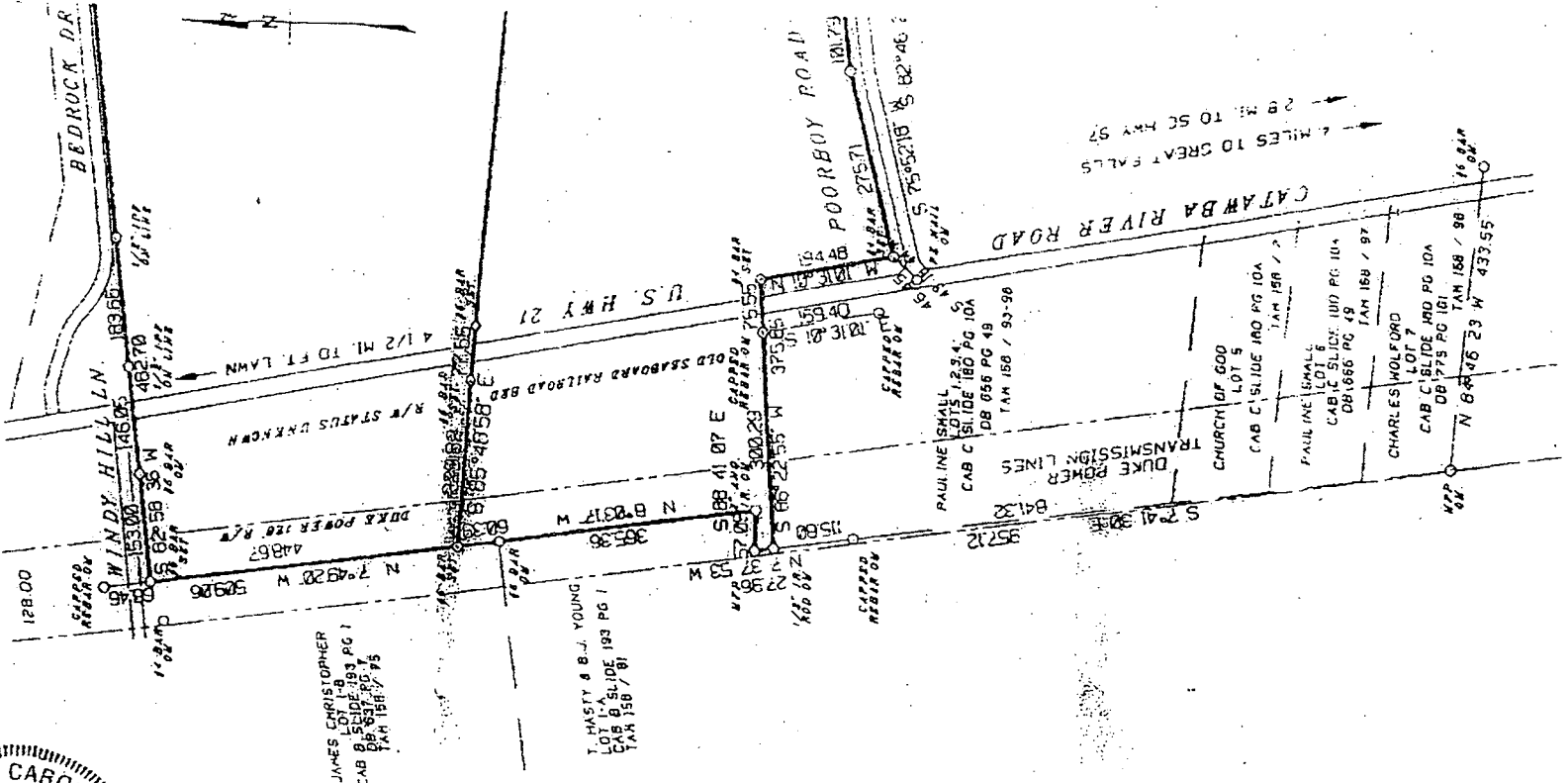
  
Mell Woods

FILED

2016 AUG -5 A 10:45

CLERK OF COURT  
CHESTER CO S.C.

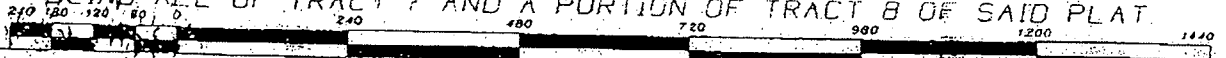
In the absence of my knowledge, the survey herein was made in accordance with the Minimum Standards for the Practice of Land Surveying in South Carolina, and meets the requirements for a Class A Survey as defined therein.

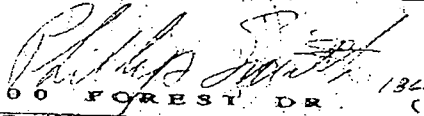


STATE OF SOUTH CAROLINA  
 COUNTY OF CHESTER  
 PLAT OF SURVEY FOR

REBA P. HINSON

LOCATED ABOUT 4 1/2 MILES SOUTH OF SC HWY 9 AT FT. LAWN ON BOTH SIDES OF U.S. HWY 21  
 BEING A PORTION OF THE REBA HINSON LANDS SHOWN AS TRACTS No. 7 & 8 OF PB "B" PAGE 106  
 BEING ALL OF TRACT 7 AND A PORTION OF TRACT 8 OF SAID PLAT.



 <b>JACK SMITH</b> <b>SURVEYING</b>		©2002js
800 FOREST DR (803) 283-2646 LANCASTER SOUTH CAROLINA		
DRAWN BY PS	SCALE 1" = 240'	TAX MAP P/O 158 / 3
	FILE# HNSNREBA	DATE 13 MAY 2002





CHESTER COUNTY, SOUTH CAROLINA

Date: May 07, 2005~~6~~ 2005

LAND SALES AGREEMENT between REBA P. HINSON and MELL WOODS

Total amount of Contract . . . . .	\$28,530.00
Credit for prior payment (minus)	3,804.00
due May 06 <del>6</del> , 2011 extra payment for land . .	19,020.00
\$5.00 consideration for this new contract	5.00

\$24,731.00  
Remains

To date Mell Woods has paid in \$3,804.00 ground rent on the property described in this contract. He, (Mell Woods) bought the building sitting on my land from Bobby Gardner. Mell Woods can move the building if he wants to. The rent contract was \$951.90 per year. The rental contract for the ten years is now modified; credit against the contract price, in the amount of \$3,804.00 is allowed, and it is now agreed that Mell Woods is buying the land where building is, instead of renting the land. (1537 Hinton Road)

PROMISES BY MELL WOODS

Mell Woods owes Reba P. Hinson the following money:  
\$951.00 times ten = \$9,510.00, plus double the amount paid-in \$19,020.00, as a final payment, total of \$28,535.00 for the land. Mell Woods can move the building off if he wants to. Mell Woods has 90 days after May 06, 2011 to finish paying the \$28,535.00 to either Reba P. Hinson her heirs, or assigns. If the total amount is not paid within 90 days all unpaid amounts will start earning 8% per year interest, after August 06, 2011.

DESCRIPTION OF LAND.

The land sold today is shown on the plat of Phillip G. Smith, a registered surveyor, and dated May 13, 2002 -- reference is made to the Smith plat which shows lands of Reba P. Hinson;

Starting at the dividing line between Tract #2, and Tract #3 at the junction of the line S 59° 45' 57" E and the EAST side of Hinton Road, then turning South for appx 130 feet alongside the East side of Hinton Road to an existing wood fence, then turn east toward Fishing Creek Lake, and go down the existing wood fence appx 115 feet, then turn North along the other existing wood fence and go appx ~~###~~ 106 feet until intersecting with the dividing LINE S 59° 45' 57" E on the plat of Phillip Smith, and Jack Smith Surveying Company, and last go WEST back toward Hinton Road by going along the S 59° 45' 57" E line for appx 100 feet to arrive at the starting place.

All of the described land is coming out of

Tract #2 as shown on the May 13, 2002 plat of Phillip Smith.

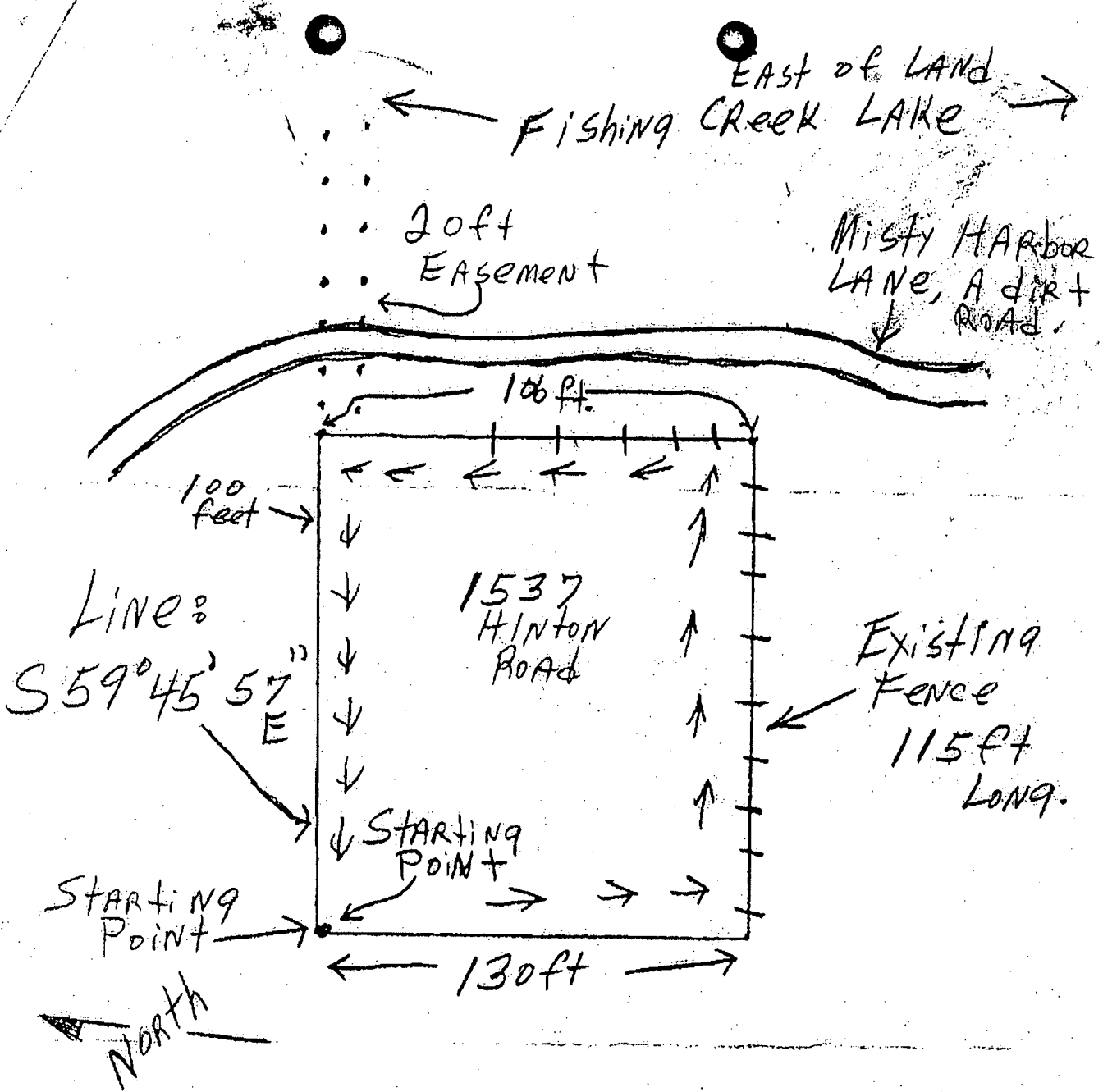
In addition Mell Woods, and assigns, is granted a 20ft. easement to Fishing Creek Lake along the South Side of the extension of line S 59° 45' 57" E. SEE THE ATTACHED DRAWING ON PAGE TWO of this contract for illustration purposes; if there is any variation between the drawing and the above word description, then the words control over the drawing.

Mell Woods is to get the above lot surveyed at his own expense.

Mell Woods is hereby put in possession of the described lands as a buyer, and debtor. Mell Woods is no longer a tenant of Reba P. Hinson. The description from the plat, and attached drawing is everything needed for this agreement to sell the land. Mell woods can move the building if he wants to. It is the further condition of this agreement that once the sum promised is paid-in, Mell Woods, or assigns, is the fee-simple owner of the described property without restriction. Any of the eight % interest which may accrue after Aug. 06, 2011 will be due in a lump sum the following Jan 15, 15, any interest not paid on time will incur a one time late fee of fifty dollars; Accrued interest may be collected by court action, with the limitation of four hundred dollars attorney fee per collection. This contract is a sealed instrument. This contract can be assigned to others by either party, or assigns. Mell Woods will have a deed and plat prepared. Reba P. Hinson will sign, and then keep the deed until the money promised has been paid-in.

Reba P. Hinson  
SELLER

Mell Woods  
BUYER



Hinton Road, Paved

ALL LAND comes out of Tract #2, Phillip G. Smith Plat. TOTAL LAND AREA, Less Than one half Acre. NOT TO SCALE.

STATE OF SOUTH CAROLINA  
CHESTER COUNTY

COURT OF COMMON PLEAS  
SIXTH JUDICIAL CIRCUIT

Appeal from Magistrate's  
Court, Rossville District

2015CP1200179 (Circuit)

2014CV1210400037 (Magistrate)

Robert H. Breakfield, as  
attorney-in-fact for John D.  
Hinson, John C. Hinson, Jerry Hinson,  
Kathy Huffstickle, Robert H. Hinson,  
Darrell W. Hinson, Lois Hinson,  
Tina Jones, George Stanford as  
Personal Representative of the  
Estate of Linda Stanford,  
William L. Hinson, Elaine H. Hensley,  
and William C. Hinson, Jr.,

Respondents,

vs.

Mell Woods,

Appellant.

AFFIDAVIT

In order to protect the Record, Mell Woods, appellant  
above, comes now and presents the following affidavit allowed  
under S.C. Statute § 18-7-180:

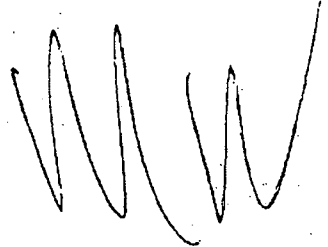
— / —

State of South Carolina  
County of Chester

After being first deposed, Mell Woods, affiant herein, makes the following statements based upon the personal knowledge of affiant,

1. Elaine H. Hensley, a listed party above has died, and was already dead when the above case was first filed;
2. Robert H. Breakfield, one of the parties above, already knew of Mrs. Hensley's death when the case was filed, and represented to the court that Mrs. Hensley was alive instead of dead;
3. Attached to this affidavit, is certified copy of the Deed of Distribution filed in the Chester County Real Estate Records, which shows that Robert H. Breakfield was a witness to the Deed of Distribution concerning Mrs. Hensley's property, and for this reason did know that he filed suit for a dead person after her estate had been closed out, and a personal representative no longer existed;

FURTHER, affiant saith not.

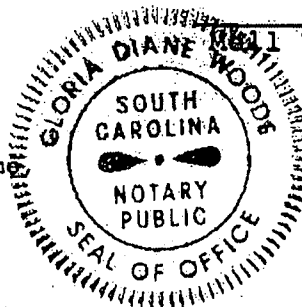


Sworn to, and subscribed before me

This 21 day of April, 2016.

Gloria Diane Woods

Gloria Diane Woods Notary public for South Carolina, Comm. Expires 01/08/2018



STATE OF SOUTH CAROLINA  
COUNTY OF CHESTER

IN THE MATTER OF:  
ETTA ELAINE HENSLEY  
(Decedent)

County where property is located if not above County:

The undersigned states as follows:

Decedent died on NOVEMBER 30, 2013 and probate of the Estate is being administered in the Probate Court for CHESTER County, South Carolina, in File # 2013ES1200318

I/We was/were appointed Personal Representative (s) on DECEMBER 9, 2013

Decedent owned real property described as follows:

Tax Map Number: 202-10-15-27

Street/Property Address: 8 CHURCH STREET, GREAT FALLS, SC 29055

Legal Description: AN UNDIVIDED 1/2 INTEREST IN THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND WITH ANY AND ALL IMPROVEMENTS THEREON SITUATE, LYING AND BEING IN THE TOWN OF GREAT FALLS, CHESTER COUNTY, SOUTH CAROLINA AT 8 CHURCH STREET, AND SHOWN AND DESIGNATED AS LOT NO. 10, SECTION 5, ON THE CERTAIN PLAT OF VILLAGE NO. 1 OF REBULIC COTTON MILLS DATED DECEMBER 31, 1948 AND RECORDED IN PLAT BOOK B, AT PAGE 49 AND HAS SUCH COURSES AND DISTANCES, METES AND BOUNDS AS SHOWN ON SAID PLAT WHICH SAID PLAT IS INCORPORATED HEREIN BY REFERENCE. THIS IS THE IDENTICAL REAL ESTATE CONVEYED TO W. HENSLEY & BRENDA J. HENSLEY BY DEED RECORDED IN DB 518, PAGE 188; BRENDA J. HENSLEY CONVEYED HER 1/2 INTEREST TO MORRIS W. HENSLEY BY DEED RECORDED JANUARY 31, 1990 IN DB 579, PAGE 171; MORRIS W. HENSLEY THEN CONVEYED AN UNDIVIDED 1/2 INTEREST TO BONNIE L. HENSLEY BY DEED RECORDED IN DB 692, PAGE 319. BONNIE L. HENSLEY CONVEYED HER 1/2 INTEREST TO MORRIS W. HENSLEY BY DEED RECORDED MAY 23, 1994 IN DB 668, PAGE 285. ALL REFERENCES BEING MADE TO THE OFFICE OF THE CLERK OF COURT FOR CHESTER COUNTY, SC.

DERIVATION: REFERENCE IS ALSO MADE TO THAT CERTAIN DEED FROM MORRIS W. HENSLEY TO ELAINE H. HENSLEY CONVEYING A 1/2 INTEREST BY DEED DATED FEBRUARY 19, 1999 AND RECORDED FEBRUARY 25, 1999 IN DB 752, PAGE 292 IN THE OFFICE OF THE CLERK OF COURT FOR CHESTER COUNTY, SC.

CHESTER COUNTY TAX ASSESSOR  
DATE 2-7-14  
TAX MAP NO. 202-10-15-27

I hereby certify that the within Deed  
has been this 7 day of  
February A.D. 2014  
recorded in Book J of Deeds.  
Donald G. Wade  
AUDITOR, CHESTER COUNTY

True and correct copy of original paper  
on file in this office.  
Sue K. Carpenter  
Clerk of Court  
Chester County, SC  
Date 4-15-16

201400080616 1095 23  
IN THE PROBATE COURT  
DEED OF DISTRIBUTION  
(Real Property Only)  
NOT A WARRANTY DEED  
CASE NUMBER: 2013ES1200318  
201400080616  
Filed for Record in  
CHESTER COUNTY SC  
SUE K. CARPENTER, CLERK OF COURT  
02-06-2014 At 02:31:24 pm.  
DEED DIST 10:00  
Volume 1095 Page 23 25

aaa 04/15/2016

Instrument  
201400080616

Volume Page  
1095 24

This transfer is made pursuant to:

- Decedent's Will
- Intestacy Statute: SCPC 62-2-103
- Private Family Agreement: SCPC 62-3-812
- Disclaimer by: \_\_\_\_\_
- Probate Court Order issued on \_\_\_\_\_
- Other: \_\_\_\_\_

04/15/2016

Instrument 201400020616 Value Base 1095 25

In accordance with the laws of the State of South Carolina, the Personal Representative(s) does/do hereby release all of Personal Representative(s)' right, title and interest, including statutory and/or testamentary powers, over the real property described to the beneficiaries named below:

Name: MORRIS WILLIAM HENSLEY  
Address: 6 CHURCH STREET  
GREAT FALLS, SC 29055

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

An additional sheet is attached for names of additional beneficiaries (check, if applicable)

IN WITNESS WHEREOF, the undersigned, as Personal Representative(s) of the above Estate, has executed this Deed of Distribution, on this 4<sup>th</sup> day of FEBRUARY, 2014.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

Witness: Patricia S. Davis

Print Name: PATRICIA S. DAVIS

Witness: Kelly S. Sumwalt

Print Name: KELLY S. SUMWALT

Estate of: ETTA ELAINE HENSLEY

Signature of Personal Representative: Morris William Hensley

Print Name: MORRIS WILLIAM HENSLEY

If applicable,  
Signature of Co-Personal Representative: \_\_\_\_\_

Print Name: \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
  )

ACKNOWLEDGMENT

COUNTY OF CHESTER

I, ROBERT H. BREAKFIELD, Notary Public, a notary for the State of South Carolina do hereby certify that MORRIS WILLIAM HENSLEY, as Personal Representative(s) of the Estate of ETTA ELAINE HENSLEY, personally appeared before me this day and acknowledged the due execution of the foregoing Deed of Distribution.

Witness my hand and seal this the 4 day of FEBRUARY, 2014.

Robert H. Breakfield (SEAL)  
(Signature of Notary Public)  
ROBERT H. BREAKFIELD  
(Print name of Notary Public)  
Notary Public for State of SOUTH CAROLINA  
My Commission Expires: 9/25/2017

Note: It is recommended that an attorney prepare this document and determine if a title examination is necessary.

OF SOUTH CAROLINA

COUNTY OF CHESTER

IN THE PROBATE COURT

APPLICATION FOR SETTLEMENT

LOUIS H. RODDEY

JUDGE OF PROBATE

THE MATTER OF ETTA ELAINE HENSLEY

CASE NUMBER: 2013ES1200318

2014 AUG 15 P 1:45

The undersigned as the Personal Representative(s) has/have collected and managed the assets of the estate; has/have paid all lawful claims against the estate; either has/have distributed assets or propose(s) to distribute as designated on the Proposal for Distribution; and has/have performed all other required acts pertaining to estate of decedent.

The Personal Representative(s) has/have filed:

- Proof of Publication.
- an Inventory.
- a Proposal for Distribution.
- a Final Accounting.
- all required returns (including final income tax return, fiduciary income tax return, estate tax return); If not, please explain.

The time period for submission of claims has expired.

I request that the Court issue Orders as appropriate together with such other Orders as the law may require and as the Co. may deem applicable and proper.

I request that the Court: (check all that apply)

- A. Consider and approve the Personal Representative's Final Accounting and the Proposal for Distribution.
- B. Approve the distributions previously made and authorize the Personal Representative(s) to transfer title to the assets and distribute them to the distributees in the amount and manner set forth in the Proposal for Distribution (Form #401PC).
- C. Discharge, or set forth the conditions of the termination of the appointment of the Personal Representative, and the release of the Personal Representative's bond, if any.
- D. (Other:)

Notice of Right to Demand Hearing and copies of the Final Accounting, the Proposal for Distribution, and this Application have been/are being sent to all interested persons as required by law.

Executed this 15 day of August, 2014

ORN to before me this 15 day of August, 2014

Terri B. Zear  
ary Public for South Carolina

Commission Expires: May 9, 2016

Signature: Morris William Hensley

Name: MORRIS WILLIAM HENSLEY

Address: 6 CHURCH STREET

GREAT FALLS, SC 29055

Telephone (O): \_\_\_\_\_

(H): 803 374-1036

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone (O): \_\_\_\_\_

(H): \_\_\_\_\_

A TRUE COPY  
Louis H. Roddey  
JUDGE OF PROBATE  
CHESTER COUNTY, S.C.

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED

OCT 20 2016

Appeal from Chester County  
Brian Gibbons, Circuit Court Judge

SC Court of Appeals

Appeal from Magistrate's  
Court, Rossville District

2015CP1200179 (Circuit)

2014CV1210400037 (Magistrate)

Robert H. Breakfield, as  
attorney-in-fact for John D.  
Hinson, Jerry Hinson, Kathy  
Huffstickle, Robert H. Hinson,  
Darrell W. Hinson, Lois Hinson,  
Tina Jones, George Stanford as  
Personal Representative of the  
Estate of Linda Stanford,  
William L. Hinson, Elaine H. Hensley,  
and William C. Hinson, Jr.,

Respondents,

vs.

Mell Woods,

Appellant.

CERTIFICATE OF SERVICE

Mell Woods, appellant below, and appellant herein hereby  
Certifies that B. Michael Brackett, the attorney of Record for  
the above listed Respondents was served on October 15, 2016,  
with a copy of the within and foregoing *Reply to Motion to Dismiss*  
by placing the documents in the U.S. Mail, with  
First Class postage affixed and addressed as follows:

Moses & Brackett, PC  
attention of B. Michael Brackett  
P.O. Box 100261  
Columbia, SC 29202

-7-

Certificate of Service, page 2.

This 15 day of October, 2016.



---

Mell Woods

P.O. Box 2603  
Lancaster, SC 29721

→ 8 -

STATE OF SOUTH CAROLINA  
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and William C. Hinson, Jr.,

Respondents,

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2016  
October 17, ~~2006~~

To: Court of Appeals of South Carolina

Re: 2016-002016

Dear Sir, or Madam:

Enclosed is a response to the Motion to Dismiss the Appeal  
filed in the above case.

Please file this response with the other papers in the  
case.

Mr. Brackett was served with a copy of this filing over the  
weekend, or on Saturday, October, 15 to be exact.

Thanks. Mell Woods