

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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APPEAL FROM LANCASTER COUNTY

DEC 09 2016

Court of Common Pleas

SC Court of Appeals

Deandrea G. Benjamin Circuit Court Judge

Case No. 2014-CP-29-00442

Appellate Case No. 2015-002524

Josh Hammond..... Respondent,

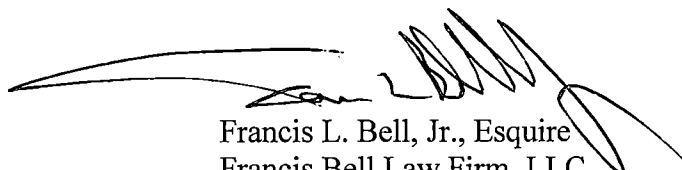
v.

Richard Tod Hammond Appellant,

v.

Titan Logging, LLC..... Third Party Defendant.

INITIAL REPLY BRIEF OF THE APPELLANT



Francis L. Bell, Jr., Esquire
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Attorney for Appellant

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STATEMENT OF THE CASE

The Appellant adopts and incorporates by reference the Statement of the Case and Facts presented in their Initial Brief. Any factual history discussed below is limited to reply to the issues raised in the Respondent's Statement of the Case and Statement of the Facts. The Appellant does question several of the alleged facts and disagrees with Respondent's Statement of Facts when it refers to their "above stated undisputed facts". (Respondent's Initial Brief pg 6)

ARGUMENTS

I. The Two Issue Rule does not apply in this matter.

Appellant disagrees that the two issue rule applies to this matter. The lower court in its Order Granting Plaintiff's Motion for Partial Summary Judgment stated that the "Plaintiff has satisfied the essential element of title or right to possession sufficient for his claim for conversion of the three items at issue items of equipment." (Order Granting Motion Summary Judgment Pg. 5) The order also states "the Defendant's cross claims for conversion are dismissed based on above." (*Id*) The only issue in front of the lower court was ownership of items. There were three individual items of equipment and two individual checks. The lower court Judge found that the Respondent had satisfied the element of right to possession on all items. Appellant disagreed with the procedure of the hearing but also that the lower court erred when it came to the existence of a genuine issue of material fact specifically to partial or full ownership of the items presented at the lower court.

II. Genuine Issue of Material Fact Does Exist

Respondent argues that Appellant's use of the word agent, which was used once in reference to Respondent's position within Appellant's business, is not an argument and not preserved. It was raised in Appellant's Brief as an added explanation of evidence already presented in affidavit form and others that help show there is a genuine issue of material fact of ownership of the pieces of equipment in question in this matter.

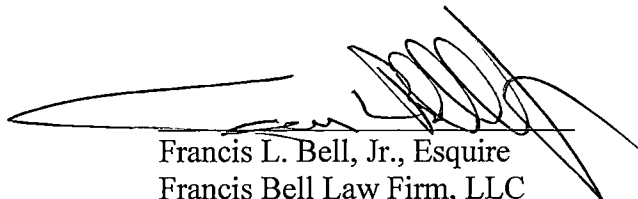
The issue of who owned Hammond Land Clearing was brought to the attention of the lower court at the hearing and in affidavits submitted. It also goes to prove that there is a genuine issue of material fact of ownership of the pieces of equipment in question in this matter.

CONCLUSION

For all the foregoing reasons, Appellant requests that this Court reverse the lower court ruling.

Respectfully submitted,

December 6, 2016



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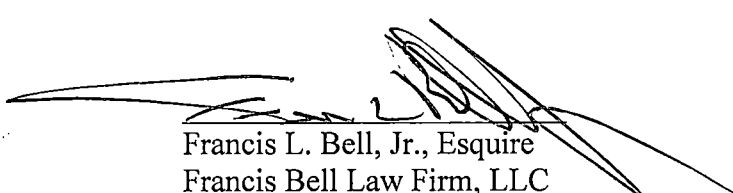
Josh Hammond vs. Richard Tod Hammond vs. Titan Logging, LLC

PROOF OF SERVICE

I certify that I have served the *Initial Reply Brief of Appellant*, by depositing copies of same in the United States Mail, postage prepaid, on December 7, 2016, addressed to Respondents' attorneys of record as follows:

Ryan P. Compton
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Goldfinch Winslow
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December 7, 2016



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December 7, 2016

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SC Court of Appeals

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

Re: *Josh Hammond vs. Richard Tod Hammond vs. Titan Logging, LLC*
Trial Court Case No.: 2014-CP-29-00442
Appellate Case No. 2015-002524

Dear Madam Clerk:

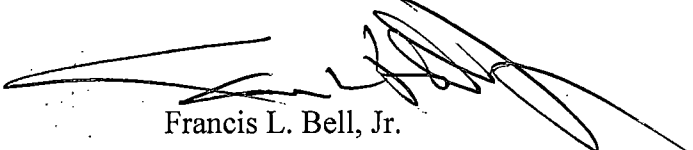
Enclosed for filing in the above matter are:

-original + one copy of *Initial Reply Brief of the Appellant*, together with *Proof of Service* on Respondents' attorneys of record;

I am requesting that you please return clocked copies to my office in the envelope provided.

Very truly yours,

FRANCIS BELL LAW FIRM, LLC

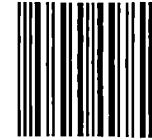

Francis L. Bell, Jr.

FLBjr/jbg

cc: Ryan P. Compton
& Stephen L. Goldfinch, Jr. (w/encs.)



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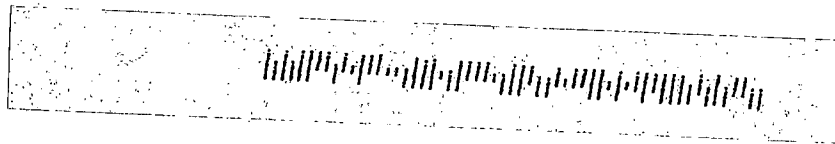
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