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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM LANCASTER COUNTY

Court of Common Pleas

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.

FINAL REPLY BRIEF OF THE 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." (R.p. 10) 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.

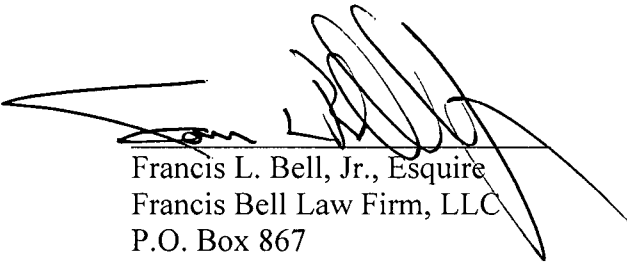
The issue of who owned Hammond Land Clearing was brought to the attention of the lower court at the hearing and in affidavits submitted. It also goes to prove that there is a genuine issue of material fact of ownership of the pieces of equipment in question in this matter.

CONCLUSION

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

Respectfully submitted,

January 17, 2017



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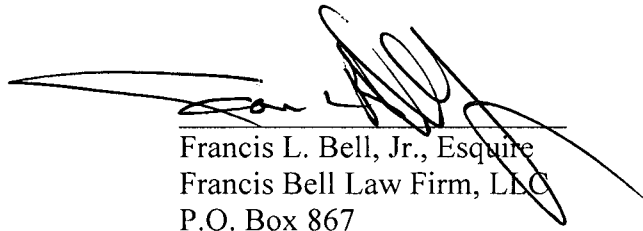
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CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the *Final Reply Brief of Appellant* complies with Rule 211(b), SCACR.

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