

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2016CP2302045

Wilson Garner Jr.
Nell Gaines
Ruby Lee Douglas

Nell Gaines Estate Of
Hazel Hastings

Nell Gaines
Nell Gaines Estate Of

John Allen Head

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonstuit)
☐ Rule 43(k), SCRPC (Settled); ☐ Other: _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____
- ☒ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☒ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

2162

Judge Code

For Clerk of Court Office Use Only

9/14/2016

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CPFORM4Cm

SCCA SCRPC Form 4C (Revised 3/2013)

MAY 04 2017

SC Court of Appeals

ELECTRONICALLY FILED - 2016 Sep 14 11:58 AM - GREENVILLE - COMMON PLEAS - CASE# 2016CP2302045

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on , to attorneys of record or to parties (when appearing pro se) as follows:

Richard L. Patton 819 E. North St. Greenville, SC 29601

ATTORNEY(S) FOR THE PLAINTIFF(S)

Marcus Wesley Meetze PO Box 81118 Simpsonville, SC 29680

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Paul B. Wickensimer Greenville County Clerk Of Court - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

ELECTRONICALLY FILED - 2016 Sep 14 11:58 AM - GREENVILLE - COMMON PLEAS - CASE#2016CP2302045



Greenville Common Pleas

Case Caption: Wilson Garner Jr. , plaintiff, et al VS Nell Gaines , defendant, et al
Case Number: 2016CP2302045
Type: Order/Form 4

So Ordcred

s/Letitia H. Verdin, SC Judge 2162

Electronically signed on 2016-09-14 11:18:11 page 3 of 3

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MAY 04 2017

SC Court of Appeals

Marcus W. Meetze

From: Richard Patton <pattonlawfirm@hotmail.com>
Sent: Wednesday, October 19, 2016 4:28 PM
To: lverdinj@sccourts.org; Wes@meetzelaw.com
Subject: Case # 2016-CP-2302045 / Garner et al v. Estate of Nell Gaines / On Appeal before Court of Common Pleas

Dear Judge Verdin:

I was at the Clerk's office last week to discuss a matter involving how the above-referenced case has been previously indexed in the Court of Common Pleas. Since your ruling, I have taken the case up on appeal to the SC Court of Appeals and they have written back instructing us to utilize the alignment of parties as they appear in the Order you sent up. Because of the way the case was indexed by your Clerk's office, that alignment now indicates that the Estate of Nell Gaines is both an Appellant and an Appellee. In speaking with your Clerk's office, they indicated it was they who abbreviated the designation of parties when they originally indexed the case on the computer filing system. The original pleadings in the Probate Court below show the Appellants as "Wilson Garner, Jr., Ruby Lee Douglas, & Hazel L. Hastings as statutory heirs of the Estate of Nell Gaines ..." The Clerk in your Court shorthanded the designation to make it appear as though the Estate of Nell Gaines was also a party Appellant rather than just as an Appellee. Striking the phrase "as statutory heirs of" has created this confusion. The SC Court of Appeals informed me that the Form 4 / Order of Court will have to be amended, refiled and resent up to them in order for it to be changed on their end. They see the conflict and they realize that any published opinion hereafter will only be confusing if this isn't changed before their decision is reached. What I am asking is that the indexing and your Order be amended to add back the original designation of my three individuals "as statutory heirs of the Estate of Nell Gaines." Once amended, please resend the amended Order to the SC Court of Appeals.

Please advise whether this is enough information for your purposes. I am copying opposing counsel, Marcus Meetze, so that he knows about this request, and to avoid ex-parte discussions with the court. I believe he is in agreement that we need to correct this matter. Otherwise, any published opinion hereafter will look very strange.

Thank you for your kind consideration:

Rick Patton
Attorney for Appellants
The Patton Law Firm
819 East North Street
Greenville, SC 29601
(864) 233-9797

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MAY 04 2017

SC Court of Appeals

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2016CP2302045

Wilson Garner Jr.
Ruby Lee Douglas
Hazel Hastings

Estate of Neil Gaines et. al

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

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Date

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SC Court of Appeals

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Richard L. Patton 819 E. North St. Greenville, SC 29601

ATTORNEY(S) FOR THE PLAINTIFF(S)

Marcus Wesley Meetze PO Box 81118 Simpsonville, SC 29680

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Paul B. Wickensimer Greenville County Clerk Of Court - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

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ELECTRONICALLY FILED - 2016 Oct 24 12:55 PM - GREENVILLE - COMMON PLEAS - CASE#2016CP2302045



Greenville Common Pleas

Case Caption: Wilson Garner Jr. , plaintiff, et al VS Nell Gaines , defendant, et al
Case Number: 2016CP2302045
Type: Order/Form 4

So Ordered

s/Letitia H. Verdin, SC Judge 2162

Electronically signed on 2016-10-23 16:27:20 page 3 of 3

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MAY 04 2017

SC Court of Appeals

ELECTRONICALLY FILED - 2016 Oct 24 12:55 PM - GREENVILLE - COMMON PLEAS - CASE#2016CP2302045

The Law Office of Marcus W. Meetze, LLC

Post Office Box 81118
Simpsonville, South Carolina 29680
864-271-3555 (o)
864-757-8691 (f)

Marcus W. Meetze, Esquire

wcs@mcctzelaw.com

May 4, 2017

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MAY 04 2017

SC Court of Appeals

VIA U.S. MAIL and FACSIMILE

The Honorable V. Claire Allen
Deputy Clerk of Court, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

RE: *Wilson Garner, Jr., et. al. v. The Estate of Nell Gaines, et. al.*
Appellate Court No: 2016-002015

Dear Mrs. Allen:

I represent the respondents, The Estate of Nell Gaines and John Allen Head, in the above-referenced matter. Richard Patton represents the appellants, Wilson Garner, Jr., Ruby Lee Douglas and Hazel L. Hastings.

By letter dated April 27, 2017, I was informed of a deficiency in respondents' final brief in that the caption did not comply with Rule 267(a), SCACR. The letter stated the caption should read:

Wilson Garner, Jr., Nell Gaines, Ruby Lee Douglas, Estate of Nell Gaines, Hazel
Hastings, Appellants,

v.

Nell Gaines, Estate of Nell Gaines, John Allen Head, Respondents.

I believe this caption was based off of a Form 4 filed in the Clerk of Court's Office for Greenville County on September 14, 2016. A copy of the Form 4 is attached to this letter. Mr. Patton filed a Notice of Appeal on September 24, 2017. On September 27, 2014, a letter was mailed to the parties assigning an appellate case number and stating the title in the above matter had been changed to the above.

Shortly thereafter, Mr. Patton recognized the caption misidentified the appellants and respondents and contacted the Greenville County Clerk of Court's Office. A copy of Mr. Patton's communications with Judge Verdin is attached to this letter. On October 24, 2016, a Form 4 was filed in the Greenville County Clerk of Court's Office identifying the Plaintiffs/ Appellants as Wilson Garner, Jr., Ruby Lee Douglas and Hazel Hastings, and identifying the Defendants/ Respondents as Estate of Nell Gaines, et. al. A copy of the Form 4 is attached to this letter.

The issuance of multiple Form 4's in the above-referenced matter created some confusion as to the proper caption of the appeal. Upon information and belief, the caption which would properly reflect the identity and relationship of the appellants and respondents would read as follows:

The Honorable V. Claire Allen
Deputy Clerk of Court, South Carolina Court of Appeals
May 4, 2017
Page 2 of 2

Wilson Garner, Jr., Nell Gaines, Ruby Lee Douglas, Appellants,

v.

Estate of Nell Gaines, John Allen Head, Respondents.

Respondents are happy to comply with the Court's letter of April 27th and submit a final brief with a revised caption, but prior to doing so I wanted to confirm which caption would be correct. Both the appellants and respondents used the caption "Wilson Garner, Jr., et. al., Appellants, v. The Estate of Nell Gaines, et. al., Respondents"

I am copying Mr. Patton on this letter. If you have any questions or need anything further regarding this matter, please do not hesitate to contact my office.

With kind regards,



Marcus W. Meetze

Enclosure(s)

cc: Richard L. Patton (w/ enclosures)

FAX TRANSMISSION

LAW OFFICE OF MARCUS W. MEETZE, LLC

*P.O. Box 81118**Simpsonville, South Carolina 29680**Tel: (864) 271-3555**Fax: (864) 757-8691*

TO:	The Honorable V. Claire Allen Deputy Clerk of Court, South Carolina Court of Appeals	FAX NO.	(803) 734-1839
	Richard L. Patton		(864) 233-9790
FROM:	Marcus W. Meetze	PAGES:	10 (Including Cover)
RE:	Appellate Court No.: 2016-002015		
		DATE:	May 4, 2017

COMMENTS:

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SC Court of Appeals

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