

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

SEP 05 2017

SC Court of Appeals

APPEAL FROM KERSHAW COUNTY

ALISON RENEE LEE, CIRCUIT COURT JUDGE

CASE NO. 2015-001556

Jimmy Boykin, Sammy Boykin a/k/a Sandy H. Boykin, Sr. And  
Kenny Boykin, Plaintiffs

v.

Zady R. Burton, Individually and as Personal Representative of  
the Estate of Helen L. Burton, and Sandy Boykin a/k/a Sandy H. Boykin, Jr., Defendants

Of Whom Zady R. Burton, Individually and as Personal Representative of the Estate of  
Helen L. Burton is the Appellant and Jimmy Boykin is the Respondent.

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**RESPONDENTS' RETURN  
TO APPELLANTS'  
PETITION FOR REHEARING**

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Camden, SC 29020  
Telephone: (803) 432-4391

Attorney for Respondent

Camden, South Carolina 29020  
September 5, 2017

Roger B. Jellenik  
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Attorney for Appellants

**RETURN OF RESPONDENT TO POINTS ALLEGED  
BY APPELLANT TO BE OVERLOOKED  
OR MISAPPREHENDED**

1) “Burton’s first argument”:

Appellant (Burton) now submits that the court has misapprehended the substance of his argument in that the lower court order has enforced a non-existent mediation agreement.

However, the mediator’s Proof of ADR form specifically confirms that the matter was “fully settled” with the terms being reduced to writing and signed by the parties (R.pp. 42-44) .


2) “Burton’s second argument”:

Appellant (Burton) now submits that the lower court order has improperly added terms to above mediation agreement that fully settled the case. To the contrary, in order to ascertain the intentions of the parties’ settlement agreement, the lower court based its decision upon “the pleadings, motions, memoranda, exhibits, exhibits, affidavits and upon argument of counsel....” (R.p.2). The lower court order required that the mutual releases to settle the issues and the real estate closing, as ascertained, occur simultaneously rather than piecemeal as Burton had required.

**CONCLUSION**

Based upon the above arguments, Respondent (Boykin) submits that Appellant’s Petition for Rehearing should be denied and that the lower court order should remain Affirmed.

Respectfully submitted this 5<sup>th</sup> day of September, 2017.

  
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PROOF OF SERVICE

I, the undersigned, an employee of Savage, Royall & Sheheen, do hereby certify that I have  
served Respondents' Return to Appellants' Petition for Rehearing by depositing a copy of  
same in a United States Postal Mailbox, first class mail, postage prepaid, addressed to the  
attorney below on the 5th day of September, 2017.

Roger B. Jellenik, Esquire  
1106 Little Street  
Camden, South Carolina 29020

*Nancy M. Richbourg*  
Nancy M. Richbourg  
Secretary for  
Moultrie B. Burns, Jr.  
Camden, SC 29021  
(803) 432-4391

SWORN TO and subscribed before me this  
5<sup>th</sup> day of September, 2017

*Donald A. Ald*

Notary Public for South Carolina  
My Commission expires: 2-2-2022