

STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

NOV 29 2017

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Mikell R. Scarborough – Master-in-Equity

CASE NUMBER 2016-001197

LEON CHISOLM, JAMES ROOSEVELT CHISOLM, DORIS C. FLADGER, ROBERT CHISOLM, FLORENCE CHISOLM, ALICE C. JENKINS, SADIE Y. MCDONALD, MARTHA PRYOR, PATRICIA MILLIAN, MARGARET E. WARREN, ANDREW K. CHISOLM, EDRINA L. WILSON, CARL CHISOLM, LAWRENCE CHISOLM, ROOSEVELT CHISOLM, II, LOUIS CHISOLM, EDDIE CHISOLM, LEROY CHISOLM, AND TOMMY CHISOLM,

.....Respondents

v.

MARY FRANCES S. CHISOLM, WILLIAM CHISOLM, EMILY C. CAMPBELL, DEBRA C. MURPHY, ALLIE C. FRAZIER, CORA C. BROWN, CORDELL CHISOLM, CHARLES CHISOLM, JR., PHILLIP CHISOLM, ANTHONY CHISOLM, DAVID CHISOLM, LEONARD CHISOLM, AND LEVY CHISOLM, .....

Appellants

**SUPPLEMENTAL RECORD ON APPEAL**

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STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )  
 )  
LEON CHISOLM, JAMES ROOSEVELT )  
CHISOLM, DORIS C. FLADGER, )  
ROBERT CHISOLM, FLORENCE )  
CHISOLM, ALICE C. JENKINS, SADIE )  
Y. MCDONALD, MARTHA PRYOR, )  
PATRICIA MILLIAN MARGARET E. )  
WARREN, ANDREW K. CHISOLM, )  
EDRINA L. WILSON, CARL CHISOLM, )  
LAWRENCE CHISOLM, ROOSEVELT )  
CHISOLM, II, LOUIS CHISOLM, EDDIE )  
CHISOLM, LEROY CHISOLM, AND )  
TOMMY CHISOLM, )

PLAINTIFFS, )

VS. )

MARY FRANCES S. CHISOLM, )  
WILLIAM CHISOLM, EMILY C. )  
CAMPBELL, DEBRA C. MURPHY, )  
ALLIE C. FRAZIER CORA C. BROWN, )  
CORDELL CHISOLM, CHARLES )  
CHISOLM, JR., PHILLIP CHISOLM, )  
ANTHONY CHISOLM, DAVID )  
CHISOLM, LEONARD CHISOLM, AND )  
LEVY CHISOLM, )

DEFENDANTS. )

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT  
Case Number: 2006-CP-10-1772

**MOTION FOR RECONSIDERATION  
(Rule 59(e), SCRPC)**

FILED  
2014 SEP 30 PM 3:48  
JULIE J. ARMSTRONG  
CLERK OF COURT  
BY [Signature]

**TO: BARRY I. BAKER, ESQUIRE, AND HAROLD A. OBERMAN, ESQUIRE, ATTORNEYS FOR PLAINTIFFS**

NOW COME the Defendants in this case, who, by and through their undersigned counsel, pursuant to Rules 59(e), SCRPC, hereby move for reconsideration of the final order issued by the Charleston County Master in Equity ; and, as grounds for this Motion, allege and say the following:

**INTRODUCTION AND BACKGROUND INFORMATION**

1. This is a quiet title action regarding property located in Charleston County, South Carolina, that involves numerous owners who claim or may claim rights in the subject property.

2. The families of the late John Chisolm and Tracy Chisolm, and their successors, (hereinafter sometimes referred to as "Plaintiffs" as a group ), brought this suit to enforce a Judgment from a prior quiet title and partition action. This prior action also dealt with other property out the Estate of Charles Chisolm in addition to the Subject Property.

3. In the prior action, the then Master In Equity for Charleston County, Judge Louis E. Condon, ordered, on September 28, 1982, that a certain parcel of land, identified as Parcel Five, was to be conveyed to certain individuals as members of the "Family of John Chisolm" and the "Family of Tracy Chisolm" (John Chisolm and Tracy Chisolm were brothers).

4. Parcel Five was never deeded to those family members. The Plaintiffs are heirs of Tracey Chisolm and Leroy Chisolm. Plaintiffs brought this action to obtain an order vesting title to the Subject Property in the heirs of Tracy Chisolm and Leroy Chisolm, in fee simple absolute, barring any of the Defendants from having any rights in the subject property.

5. The Defendants are heirs of Charles Chisholm, Sr., who died on June 15, 1999. Defendants are not the heirs of the above-referenced John Chisolm and Tracy Chisolm mentioned above. The Defendants allege that they acquired title to the Subject Property after having continuously exhibiting all of the incidents of ownership in the Subject property for over a Ten (10) year period after the prior quiet title action was concluded with, and, accordingly, Defendants base their claim on adverse possession.

6. The Estate of Charles Chisholm, Sr., was probated in Charleston County under Case Number 1999-ES-10-0950 and his spouse, Mary Frances S. Chisolm, acted as Personal Representative of his estate. A Deed of Distribution, to all of the heirs of Charles S. Chisolm, Sr. was recorded and listed Parcel Five as being conveyed to the heirs of Charles S. Chisolm, Sr. Defendants do not base their claim to Parcel Five solely upon this Deed of Distribution, which served also to release the Subject Property from any claims that may have been made by parties under the Estate of Charles Chisolm, Sr.

7. The following relevant pleadings raised issues before the Master in Equity, and they are arranged chronologically, more or less, according to their dates of either preparation or filing of record with this Court:

- I. Plaintiffs' Motions Under Rules 60(a) and 60(b), SCRPC, filed on August 4, 2008.
- II. Defendants' Motion to Set Aside Default, filed on December 8, 2008.
- III. Plaintiffs' Motion for Reconsideration filed April 23, 2009.
- IV. Remand from South Carolina Court of Appeals Leon Chisolm, et al, v. Mary Frances S. Chisolm, et al, Unpublished Opinion No. 2011-UP-011 (S.C.Ct.App. filed January 24, 2011).

- V. Plaintiffs' Amended Complaint filed October 31, 2011:
- VI. Defendants' Answer to Plaintiff's Amended Complaint and Counterclaim dated December 2, 2011 which alleged Adverse Possession and Laches as an affirmative defense.
- VII. Plaintiffs' Amended Reply to Counterclaim filed July 6, 2012, which contains various causes of action: Tolling, Judicial Estoppel, Equity, Breach of Contract / Breach of Contract Accompanied by a Fraudulent Act, and Fraud / Constructive Fraud).

8. Plaintiffs Motions of record under Rules 60(a) and 60(b), SCRCPC, requested that this Court Correct Clerical Mistakes, Declare as Null and Void a Subdivision of the Subject Property and Void a Deed of Distribution:

a) Correct Clerical Mistakes Under Rule 60(a):

(1) That this Court issue a Master's Deed to Parcel 5 as described in the Plaintiffs' Complaint and bearing Tax Map No. 219-00-00-088, to the heirs of John Chisolm and Tracy Chisolm, in accordance with an Order previously issued by the Honorable Louis E. Condon, at that time Master-in-Equity for Charleston County, dated September 28, 1982;

(2) That this Court declare as null and void the subdivision of Parcel Five into six (6) lots, as shown on a plat prepared by George A.Z. Johnson, Jr., Inc., Land Surveyors, dated August 19, 2003, revised February 18, 2004, recorded Plat Book EG, page 929, RMC Office for Charleston County.

b) Void a Deed of Distribution under Rule 60(b) : Find that the Deed of Distribution executed by Mary Frances S. Chisolm, as Personal representative of the Estate of Charles Chisolm, Sr., dated April 15, 2000, recorded July 26, 2000, in Book W-351, page 020, RMC Office for Charleston County, conveying Parcel Five to the heirs of Charles Chisolm, Sr., is null and void and of no force and effect inasmuch as the Charleston County Probate Court never acquired jurisdiction over the said property.

9. The Master in Equity issued an order dated April 9, 2009, dismissing Plaintiffs' motion under Rule 60(b), SCRCPC, as untimely, and denying Plaintiffs' motion under Rule 60(a), SCRCPC.

10. Plaintiffs' Motion for Reconsideration filed April 23, 2009, requested that the Master in Equity clarify a number of matters as to my order dated April 9, 2009, and I denied this motion May 5, 2009.

11. On June 1, 2009, Plaintiffs' filed a Notice of Appeal as to my order dated April 9, 2009.

12. Plaintiff-Appellants appeal was dismissed and this case was remanded by the South Carolina Court of Appeals, cited as: *Leon Chisolm, et al, v. Mary Frances S. Chisolm, et al*, Unpublished Opinion No. 2011-UP-011 (S.C.Ct.App. filed January 24, 2011).

13. Following Plaintiffs' appeal and remand from the South Carolina Court of Appeals, the Plaintiffs amended their Complaint asking this Court for additional relief under

various causes of action styled as: Correction of a Clerical Error, Bell v. Knight, *Nunc Pro Tunc* Powers, Reform the Deed of Distribution, Quiet Title, and To Declare the Subdivision Null and Void.

14. Defendants answered Plaintiff's Amended Complaint (subsequently filed out of sequence) and included counter-claims and affirmative defenses therein for Adverse Possession and Laches.

15. Thereafter, Plaintiffs filed a Reply to Counterclaim on December 7, 2011, and an Amended Reply to Counterclaim on July 6, 2012.

16. Judge Condon's Order was that Parcel Five (5) be partitioned in kind and that Master's Deeds issue accordingly as set for the below and as shown on pages #16 and #17 of said Order:

"... ORDERED, ADJUDGED AND DECREED that real property at issue be partitioned as follows and that the Master issue deeds accordingly"):

\* \* \*

B) Family of John Chisolm

To: John L. Chisolm and Alice Chisolm, as tenants in common, an undivided one-half interest in Parcel Five.

\* \* \*

F) Family of Tracy Chisolm

To: A tenants in common in the fraction given as undivided interests one-half (1/2) interest in Parcel Five:

Roosevelt Chisolm	1/3
Roosevelt Chisolm, II	1/9
Louis Chisolm	1/9
Eddie Chisolm	1/9
Tommy Chisolm	1/3

17. No Master's Deeds were issued to reflect Judge Condon's partition in kind.

18. Under the above Family of John Chisolm, John L. Chisolm and Alice Chisolm, who were ordered to receive an undivided one-half interest in Parcel Five, are both deceased: John L. Chisolm died in 2004 and Alice Chisolm died in 1986.

19. Of the above Family of Tracy Chisolm, three are deceased (Roosevelt Chisolm, Louis Chisolm, and Tommy Chisolm) and two are living (Roosevelt Chisolm II, a/k/a "Ben" Chisolm, and Eddie Chisolm).

20. The Master's Deed to be issued under Judge Condon's Order was to be a deed granting legal title to Subject Property to those certain named individuals (as shown above in paragraph 14(A) and 14(B)) who Judge Condon's had already decreed were owners thereof and to whom the Subject Property had already been partitioned in kind. A Master's Deed was never ordered by Judge Condon to be issued to the Plaintiffs named in this case or to heirs of John Chisolm and Tracy Chisolm some thirty (30) years after Judge Condon has already partitioned Lot 5 partition in kind in 1982).

#### **MOTION FOR RECONSIDERATION**

**This motion for reconsideration requests that the master reconsider the following issues and rule with specificity and, in addition, this motion preserves these same issues for purposes of any appeal:**

21. **Did the Master consider Defendants' Actual Possession?** – consistent with the possible uses of the Subject Property, the same being vacant farm land, Defendants continuously exercised their acts of ownership by farming the Subject Property and selling the crops derived therefrom. Evidence of Defendants actual possession was before the Master in Equity in the form of credible witnesses giving testimony on behalf of the Defendants.

22. **Did the Master consider Defendants' Open, Notorious and Hostile Possession?** - Defendants' continuous use of the Subject Property as their farm land for over a ten (10) year period, beginning when they took actual possession as stated above, was at once open, notorious and hostile as against the Plaintiffs:

- a. Defendants openly used the Subject Property as their farm land.
- b. Plaintiffs, as legal owners of the Subject Property in 1982 by virtue of Judge Condon's Order, would have, by ordinary diligence, known of Defendants farming operations as such was notoriously conducted without consent of the Plaintiffs.
- c. Even without Defendants placing permanent structures or residing on the farm land, their activities were sufficiently open and notorious as to put the Plaintiffs on notice that their land was being adversely possessed.

23. **Did the Master consider Defendants' Continuous Possession?** - Defendants' possession of the Subject Property described above was continuous as they farmed the land year to year for over ten (10) years without interruption by the Plaintiffs or any other person or entity. Defendants first act of possession stated above continued without any abandonment of possession by the Defendants as they continuously farmed the Subject Property which was a use of the land consistent with the nature and location thereof. Although Defendants may not have rested their feet upon the soil, their farming operations were a continuous possession under the circumstances and evidence before me. As to lots of

the Subject Property situated at the water's edge, Defendants testified before me that they actively harvested oysters next to the Subject Property and allowed trees on these lots to serve as a natural buffer against chemicals and other aspects of their farming operations.

**24. Did the Master consider Defendants' Exclusive Possession?** – Testimony was clear and convincing that the Defendants were the only persons or entities in actual possession of the Subject Property. Plaintiffs did not enter upon the land for more than ten (10) years while the Defendants continuously maintained their farming operations and performed other acts of exclusive ownership. After Defendants' possession of the Subject Property, it was subdivided by Defendants into six (6) lots in April, 2004, by a plat recorded at Plat Book EH, page 46, RMC Office of Charleston County and approved by the Charleston County Planning Board. After Defendants' possession of the Subject Property, the Estate of Charles Chisholm, Sr., was probated in Charleston County under Case Number 1999-ES-10-0950 and his spouse, Mary Frances S. Chisolm, acted as Personal Representative of the estate. A Deed of Distribution to all of the heirs of Charles S. Chisolm, Sr., as to any interests Parcel Five, was recorded July 26, 2000, in Book W-351, page 020, RMC Office for Charleston County.

**25. Did the Master Address the fact that a Lack of a Master's Deed did not Change Title as previously Ordered?** The fact is, as of September 28, 1982, title to the Subject Property passed to family members of the Plaintiff and in the above fractional amounts, as undivided interests, by virtue of Judge Condon's Order of record some twenty (20) ago. Issuing a Master's Deed from the Court, as requested by the Plaintiffs, would require that the said deed be styled as *nunc pro tunc* with reference to Judge Condon's 1982 Order such that the same would not change any current ownership interests in the Subject Property due to the manner in which Defendants' obtained title as set forth herein. Issuing such a deed would necessarily contain deceased grantees and the same would not assist the Plaintiffs in their request for a current title given the present and exclusive title interests of the Defendants. Such a deed would be redundant under law of South Carolina. See *Bell v. Knight* 376 S.C. 380, 656 S.E.2d 393 (Ct. App. 2008), holding that the issuance of a deed is not necessary to give effect to a court order because the court order, by itself, is sufficient regarding title to real property interests. Plaintiffs' motions seek to change the substantial rights of the parties contrary to Judge Condon's own order rather than correcting a mere clerical error. The Bell Court phrased the issue as follows: "The question ... is whether the issuance and recording of a deed was necessary to give effect to the probate court's order." *Bell*, 376 S.C. at 383, 656 S.E.2d at 395. I have concluded that a Masters' Deed is not necessary to give effect to Judge Condon's Order because his order, by itself, was sufficient to partition the Subject Property in 1982 when said order was issued. Declaring a subdivision of Parcel 5 into six (6) lots as null and void would not assist the Plaintiffs in their request for a current title in the Subject Property given the present and exclusive title interests of the Defendants obtained after the partition via adverse possession as set forth

below. The Subject Property was subdivided into six (6) lots in April, 2004, by a plat recorded at Plat Book EH, page 46, RMC Office of Charleston County and approved by the Charleston County Planning Board. This Subdivision Plat was recorded some twenty-two (22) years after Judge Condon's Order and after Defendants had already acquired title thereto by adverse possession.

**26. Did the Master address incapacity, or lack thereof, evident in the record before Judge Condon?** Though there is evidence of incapacity of the Plaintiffs AFTER September 28, 1982, such incapacity was not evident in the record before the then Master in Equity (Condon) as of the time of the 1982 Condon Order when the property was partitioned in favor of the Plaintiffs.

**27. Does Judicial Estoppel even apply in this case?** Plaintiffs' cause of action styled as "Judicial Estoppel" does not apply under the facts and evidence of this case because the facts giving rise to the Defendants under adverse possession and ouster occurred after the 1982 order.(emphasis added). Judge Condon's Order could not and did not immunize the Subject Property from adverse possession by Defendants or any other parties after the date of his order. As to Plaintiffs' allegation about the Subject Property not being listed in the Estate of Charles Chisolm prior to the Deed of Distribution being recorded, it is clear that Defendants' title need not rest upon said Deed of Distribution which acted merely as a release of claims by the Estate against the Subject Property acquired by Defendants via adverse possession and ouster as set forth herein. Because South Carolina law requires, that a disability for tolling purposes must have existed at the time the adverse possession began, (here, September 28, 1982), and because the evidence before the Master in Equity shows that such a disability of the Plaintiff's father did not occur until after the 1982 Order. The statutory "clock" started running for the Twenty year (20) period required for a showing of adverse possession and ouster in 1982. Whatever disability then attributable to the Plaintiff's mother, the successor in interest to his father, is moot since Defendants gained title by presumption of grant and constructive ouster before her period of disability.

**28. Were the equities in this balanced by the Master in Equity?** There should be a balancing of the equities in this case in favor of the Defendants because, though the elements of adverse possession require actual or constructive possession as against the legal rights of the Plaintiffs, such continuous use and sustained possession was not evidence of unclean hands because it was done in harmony with the policy of the law of adverse possession to favor the vigilant with respect to property rights and the actual or constructive possession thereof. Rewarding Defendants for their actual use of the abandoned property is equitable given that the Plaintiffs, whether with clean or unclean hands, have not appeared to defend their erstwhile property rights for more than twenty (20) years. Given that the Defendants are now vested with the Subject Property, their efforts to quiet the same against Plaintiffs and all the world is not against equity but is supported as rewards for the vigilance and their efforts in preserving the property. Any contract, circa 1981-1982, between Plaintiffs and Defendants merged into

Judge Condon's Partition Order and was fully executed upon issuance thereof. Further, any contractual rights Plaintiffs might have had in 1982 have long since been foreclosed by the equitable doctrine of Laches and the applicable statute of limitations for contractual rights. No credible evidence was before the Master that the Defendants caused any deeds or Masters' Deeds not to be recorded or that the Defendants took any actions such that said deeds not be issued. Whether or not Defendants listed the Subject Property as an asset of the Estate of Charles Chisolm is not dispositive in this case. There was no evidence before the Master in Equity as to material false representations on the part of the Defendants. Again, the remedy that Plaintiffs seek (a *nunc pro tunc* deed per Judge Condon's 1982 Order) would not change title to the property given the adverse possession and ouster of all possible claimants by the Defendants which transpired after Judge Condon's Order. Any alleged family agreement outlined in the 1982 order were merged into said order and thus were fully executed upon execution of said order: the property was partitioned in kind by Judge Condon and vested the then Plaintiffs with title which has since been adversely possessed by Defendants.

29. **Are corrections of Clerical Errors relevant or substantial?** Regarding Plaintiffs cause of action for Correction of a Clerical Error and Plaintiffs' motions of record under Rules 60(a) and 60(b), SCRPC, requesting that this Court Correct Clerical Mistakes Under Rule 60(a) as to the Masters' Deed of Judge Condon 's 1982 Order and as to the subdivision of Parcel 5 into six lots and under Rule 60(b) to Void a Deed of Distribution, because the Defendants are vested with title, these Motions moot and as such , whether untimely or not, they are not relevant. Granting the Plaintiffs their requested relief in this case would not change any substantial rights of the Plaintiffs if such a Masters' Deed were issued, it would necessarily have to be one that relates *nunc pro tunc* and the grantees would be the deceased ancestors of the Plaintiffs whose heirs lost title via the Defendants actions. Such relief is not necessary or useful to the Plaintiffs cause. The Deed of Distribution is a mere release of claims of the Estate of Charles Chisolm, Sr., and it did not vest title in the Defendants. Defendant's acts, consistent with ownership, adverse to any claims by the Plaintiffs, vested title in them. Voiding a subdivision of property that Plaintiffs' no longer own would not benefit the Plaintiffs or be within their rights to seek redress under the facts of this case. This Court has the power to issue Masters' Deeds for clerical errors, the relief sought by Plaintiffs under Judge Condon's order would have to be *nunc pro tunc* given Defendants' title by adverse possession, and the same would be redundant. *See Bell v. Knight* 376 S.C. 380, 656 S.E.2d 393 (Ct. App. 2008), holding that the issuance of a deed is not necessary to give effect to a court order because the court order, by itself, is sufficient regarding title to real property interests. Plaintiff's request that this court find that the Deed of Distribution from the Estate of Charles Chisolm, Sr., null and void and of no force and effect, this Court concludes that such Deed of Distribution did not vest any title interests in Defendants but merely served as a release of the Subject Property from any claims of the

Estate of Charles Chisolm, Sr., as to Parcel Five. The Deed of Distribution did however bolster the Plaintiffs claim that Parcel Five was claimed by the Estate of Charles Chisolm, Sr.

30. **Was Ouster at issue in this case?** Even though it appears that Defendants' adverse possession would have also amounted to a presumption of "ouster" by possession if they were cotenants with Plaintiffs at the time Judge Condon's 1982 order was issued, I need not address the law of ouster in this case because ouster is a matter law only for adverse possession between co-tenants. Defendants' were not co-tenants with Plaintiffs' but strangers to title at the time Judge Condon's 1982 order was issued.

a. Testimony evidence before this Court was clear and convincing that the Defendants held adverse possession of the Subject Property for more than ten (10) years, and in fact for more than twenty (20) years, following Judge Condon's 1982 Order.

b. Defendants continuously farmed the Subject Property consistent with the historical uses thereof.

c. As to lots of the Subject Property situated at the water's edge, Defendants actively harvested oysters next to the Subject Property and allowed trees on these lots to serve as a natural buffer against chemicals and other aspects of their farming operations.

d. Defendants possession and acts of ownership constituted adverse possession as against the Plaintiffs who had by all evidence abandoned the Subject Property and, by such adverse possession, Defendants were in continuous, active, hostile, actual, open, notorious and exclusive possession of the Subject Property for the statutory ten (10) period.

e. Based upon the clear and convincing evidence, portions of the Subject Property were in the actual possession of the Defendants for more than ten (10) years following Judge Condon's 1982 Order in a manner that satisfies adverse possession in favor of the Defendants.

31. **Was the laches issue fully addressed?** Based upon the facts and evidence of this case, it is clear and convincing to me that Plaintiffs' delayed the bringing of this action for some 24 years (1982 to 2006) while the Subject Property was being farmed and otherwise adversely possessed, as indicated above, by the Defendants for well more than Ten (10) years. Is there any reason for the Plaintiff's neglect of the Subject Property? No credible facts were in evidence before the Master to provide any reason for Plaintiffs' neglect of the Subject Property under the circumstances of this case. For instance, there is no evidence of difficulty for the Plaintiffs to visit the Subject Property or that they lived too far to have visited the property over the period it was adversely possessed by the Defendants. Had Plaintiffs Abandoned the Subject Property? I do find evidence that the Plaintiffs' unreasonable delay in asserting their property rights given to them by Judge Condon's 1982 Order, thereby prejudicing the Defendants because, as to the viewpoint of the Defendants, Plaintiffs had abandoned or surrendered their claim or

rights which they only now assert too late. Plaintiff testified that he visited the adjacent property with his mother and was told not to communicate with the Charles Chisolm, Sr. family, saw the farming activity and did nothing; said action indicates that Plaintiff had knowledge of the use to which the Defendants were putting the land. Were the Defendants rewarded for active use of the Subject Property? Given the law in our State, which rewards the active use of property, I do not find that the Plaintiffs have unclean hands in their claim to the Subject Property which, after so many years, was abandoned. Did the Plaintiffs appear much too late to defend their erstwhile property rights: Plaintiff's present claim aged more than twenty (20) years and is therefore barred.

32. The ruling in the Order is inconsistent with the finding made during the trial that Roosevelt Chisolm was competent at the time of Judge Condon's order. This finding was based upon the well-reasoned conclusion based upon the fact that Roosevelt Chisolm was represented by counsel, that there was a court-appointed Guardian Ad Litem, and that the issue of the competency of Roosevelt Chisolm, after being discussed at the prior hearing an order issued without providing for any special protections for Roosevelt Chisolm.

Respectfully submitted,

HEIRS PROPERTY LAW CENTER, LLC

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September 29, 2014  
Charleston, South Carolina

#### CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Motion for Reconsideration was timely served on September 29, 2014, as follows: by depositing same in the United States Mail, postage pre-paid and properly addressed, and also by emailing a copy of the same, using the following contact information:

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1130 Third Avenue  
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biblaw@bellsouth.net

1 A Not to my knowledge.

2 Q You were also asked about Big John  
3 Chisolm?

4 A Yes.

5 Q Very, very prominent figure in town?

6 A Yes.

7 Q To your knowledge, was he a party of this  
8 lawsuit in the 80's, the second lawsuit?

9 A I don't know because I wasn't here. I  
10 know he was involved in the first lawsuit, because  
11 he came to the courtroom.

12 Q Do you know if he had knowledge of the  
13 second lawsuit?

14 A I can't answer that question.

15 Q After the second lawsuit, to your  
16 knowledge, did he make any claims to Parcel 5?

17 A I can't answer that question.

18 Q Your relationship, John Chisolm's  
19 relationship to your father after this -- after this  
20 1980 lawsuit, was it still one of family?

21 A Yes.

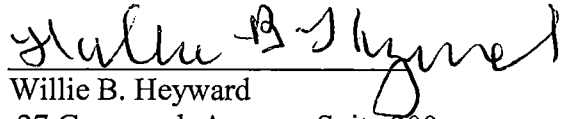
22 Q Your relationship, his relationship to or  
23 Charles Chisolm after this 1980 lawsuit, was it one  
24 of family?

25 A Yes.

---

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

November 25, 2017



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