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S.C. SUPREME COURT

**CROWLEY LAW FIRM, LLC**

8 Gillon Street, Ste. B  
Charleston, South Carolina 29401  
TEL: (843) 789-9614  
FAX: (843) 559-3162

Mailing address:  
PO Box 30189  
Charleston, South Carolina 29417

EMAIL: jcrowleylawfirm@gmail.com

August 4, 2018

Via Electronic and US Mail

Daniel E. Shearouse, Clerk of Court  
Post Office Box 11330  
Columbia, SC 29211

**Re: Ex Parte Lisa Fisher, Appellant,  
In re Bessie Huckabee, Respondent, v. Candace Rickborn, Defendant.  
Appellate Case No. 2018-001332  
Lower Court Case No. 2017CP1006629**

Dear Mr. Shearouse,

On July 20, 2018, Lisa Fisher filed Notice of Appeal in the above-referenced case. In your July 20, 2018 correspondence to Ms. Fisher regarding her *pro se* Notice of Appeal, you asked her to explain within ten days of the date of your letter what legal interest she has in the ejection action in light of this Court's Order in Case Number 2018-000566 placing control of all real and personal property in the Personal Representative, Bessie Huckabee. Despite Ms. Fisher's pretensions, she has no legal interest in property belonging to the estate.

Ms. Fisher is the former conservator for Alice Shaw-Baker, whose role and duties in that capacity ended on May 11, 2009 when she was discharged as conservator following Mrs. Shaw-Baker's death. Ms. Fisher lives in California, has never had a personal interest in the estate real property, and has never lived in the property. Candace Rickborn is the individual who occupied the property, without authorization of the Personal Representative of Mrs. Shaw-Baker's estate, when Ms. Huckabee served a proper notice to vacate and thereafter commenced the action for ejectment.

The title to the real property at issue is undisputed. It belongs to the estate of Alice Shaw-Baker. Ms. Fisher was not a party to the ejection action in the Magistrate Court and Candace Rickborn was represented by separate counsel. Ms. Fisher attempted to intervene in the appeal<sup>1</sup>, *not* in the underlying Magistrate case. Of course, it is fundamental that one who is not a party in an underlying case or the appeal of that case, cannot become a party for the purposes of

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<sup>1</sup> Ms. Fisher filed *Motion to Intervene and as Joinder* on May 22, 2018, moments before hearing on the appeal was scheduled, and a full five months after Writ of Ejectment was issued by the Magistrate.

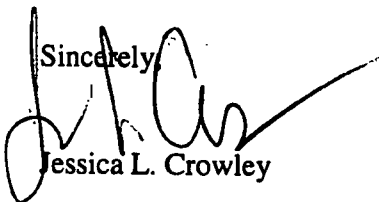
appealing the appellate court's decision.<sup>2</sup> Ms. Fisher did not move to intervene in the ejection action. The ejection of Candace Rickborn has no effect on any of the interests in the property itself.

Ms. Fisher's reply to your letter asserts some notion of being aggrieved by virtue of an alleged indemnification. There exists no obligation on the part of Ms. Fisher to indemnify Ms. Rickborn in the event the latter is required to forfeit the appeal bond she was required to post as a condition for staying in the home belonging to the estate for an additional 7 months without paying any rent. Certainly, indemnification was never an issue at the trial level or at the appeal. New issues cannot be raised for the first time on appeal, particularly by a non-party (who has no legal interest in the outcome, and who has not, herself, posted the required appeal bond). As for Ms. Fisher's other claims of being aggrieved by the reviewing courts' affirmance of the ejection, she simply makes reference to other unrelated cases which are currently before this Court for review. She is not now, nor has she ever been, an interested party for purposes of the action to eject Candace Rickborn.

Candace Rickborn, who has been represented since shortly after Ms. Huckabee served her with a Notice to Vacate, has not appealed the circuit court's affirmance of her ejection. Ms. Fisher's attempted intervention and notice of appeal appear to be in a representative capacity for Ms. Rickborn, which poses its own problems. However, Ms. Rickborn has vacated the house and there is no indication she intends to return. Any fees and costs assessed against Ms. Rickborn in the ejection action can in no way be logically related to making Ms. Fisher an aggrieved party.

It is exactly the type of frivolous filing that Ms. Fisher has engaged in for the past nine years. The costs, not only financial, to the Respondents in this and related actions, have been exorbitant. Ms. Fisher has appealed and appealed and appealed almost every ruling in every court during the nine-year history of these matters. If the Court would like full briefing on the law pertaining to who is an aggrieved party and the attendant right to appeal, Respondent will certainly provide it.

Sincerely,



Jessica L. Crowley

CC: Client (via regular mail only)  
Neil Thomson, Esq.  
W. Westbrook Wills, III, Esq.  
Lisa Fisher

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<sup>2</sup> "An aggrieved party is one who is aggrieved by the judgment or decree when it operates on his rights of property or bears directly on his interest, the word aggrieved referring to a substantial grievance, a denial of some personal or property right, or the imposition on a party of a burden or obligation." First Union Nat. Bank of S.C. v. Soden, 333 S.C. 554, 565 (Ct. App. 1998).