

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM HAMPTON COUNTY  
Court of Common Pleas

Walter H. Sanders Jr., Special Referee

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Case No. 2018-001554

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**SC Court of Appeals**

Shirley Heyward,

Respondent,

v.

Yvette Cole,

Appellant

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BRIEF OF APPELLANT

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Yvette Cole  
152 East 111<sup>th</sup> Street Apt. 6D  
New York, NY 10029  
(212)-427-2042  
Appellant

TABLE OF CONTENTS

Statement of Issues ..... 3

Statement of the Case ..... 4

Argument ..... 5

    I.    THE PROPERTY THAT IS IN DISPUTE IS *NOT* THE PROPERTY THAT  
          SPECIAL REFEREE WALTER H. SANDERS JR. RENDERED A DECISION  
          ON..... 5

    II.   THERE WAS A TITLE SEARCH DONE ON THE PROPERTY LOCATED AT  
          560 SAPP BLVD, SE, ESTILL SOUTH CAROLINA 29918 AND IT WAS  
          DETERMINED THAT I, YVETTE COLE AM THE SOLE OWNER OF THIS  
          PROPERTY. .... 5

    III.  SPECIAL REFEREE WALTER H. SANDERS JR. SHOULD HAVE RECUSED  
          HIMSELF FROM OVERSEEING THIS MATTER. .... 5

Conclusion ..... 6

## STATEMENT OF ISSUES

The issues that will be discussed in this brief are as follows:

- 1- The property that is in dispute is *not* the property that Special Referee Walter H. Sanders Jr. rendered a decision on.
- 2- There was a title search done on the property located at 560 Sapp Blvd, SE, Estill South Carolina 29918 and it was determined that I, Yvette Cole am the sole owner of this property.
- 3- Special Referee Walter H. Sanders Jr. should have recused himself from overseeing this matter.

## STATEMENT OF THE CASE

The history of the proceedings is as follows:

- 1- The date of the commencement of the action was January 31, 2017
- 2- The nature of the action was a quiet title action to determine that I, Yvette Cole am the sole property owner, has the sole interest, and rights to the property located at 560 Sapp Blvd, SE, Estill SC 29918.
- 3- The nature of the defense was that Shirley Heyward had an interest in and ownership rights to the property located at 560 Sapp Blvd, SE, Estill SC 29918
- 4- Judge Young resided over the quiet title action on August 24, 2017 and did not render a decision but instead referred the case to Special Referee Walter H. Sanders Jr.
- 5- The Hearing was held on December 19, 2017 in front of Special Referee Walter H. Sanders Jr.
- 6- The mode of the proceeding was a hearing heard solely by Special Referee Walter H. Sanders Jr. There was only me (Yvette Cole), the defendant, one court officer, one court clerk and Special Referee Walter H. Sanders Jr. This proceeding was not transcribed in any way and there is no official record of what was said and done that day by either party or by Walter H. Sanders Jr.
- 7- There is no monetary amount involved in this appeal. The property located at 560 Sapp Blvd, SE, Estill SC 29918 is the matter of value involved in this appeal
- 8- The date of the judgment appealed from is January 15, 2018
- 9- The date of the service of the notice of appeal is September 4, 2018.
- 10- Motion for Reconsideration denied on July 11, 2017

## ARGUMENT

### I. THE PROPERTY THAT IS IN DISPUTE IS *NOT* THE PROPERTY THAT SPECIAL REFEREE WALTER H. SANDERS JR. RENDERED A DECISION ON.

The property that is in dispute in this matter is *NOT* the property that Special Referee Walter H. Sanders Jr. Rendered his decision on. The property that is in dispute in this matter belongs to me, Yvette Cole and is located at 560 Sapp Blvd, SE Estill SC 29918. The Map Number for this property is *069-01-12-007*.

The property that Special Referee Walter H. Sanders Jr. rendered his decision on belonged to Hezekiah Heyward. This property was purchased in 2007 by Shirley Heyward through a tax sale. The Map Number for this property is *069-01-12-010*

### II. THERE WAS A TITLE SEARCH DONE ON THE PROPERTY LOCATED AT 560 SAPP BLVD, SE, ESTILL SOUTH CAROLINA 29918 AND IT WAS DETERMINED THAT I, YVETTE COLE AM THE SOLE OWNER OF THIS PROPERTY.

The property that Ruth Heyward Thornton conveyed her undivided interest to the Plaintiff Yvette Cole, by deed dated June 27, 1997 and recorded July 11, 1997 in Deed Book D203 at Page 336 in the Office of the Clerk of Courts for Hampton County, South Carolina is the property located at 560 Sapp, Blvd, SE, Estill, SC 29918 and *not* the property Hezekiah Heyward devised to his seven children testate, and that Shirley Heyward purchased through a tax sale.

The title search that was done on the property located at 560 Sapp, Blvd, SE, Estill, SC 29918 and is filed in the Hampton County Court, deemed Yvette Cole the *sole* owner of the property. This title search was done by attorney Thayer Rivers. A copy of the title and deed to the property located at 560 Sapp Blvd, SE, Estill SC 29918 has been attached for your review and convenience.

### III. SPECIAL REFEREE WALTER H. SANDERS JR. SHOULD HAVE RECUSED HIMSELF FROM OVERSEEING THIS MATTER.

1. Walter H. Sanders Jr. was hired to represent Yvette Cole in 1998 in an eviction action against Shirley Heyward over the property located at 560 Sapp Blvd, SE, Estill, SC 29918. This is the same property at dispute in this case.
2. Walter H. Sanders Jr. took \$300.00 from Yvette Cole and did nothing further.
3. Actions were taken in the form of filing a complaint against Walter H. Sanders Jr. with the South Carolina Bar association disciplinary committee. Nothing further was done after the filing of the complaint.

CONCLUSION

I, Yvette Cole, respectfully request that this court find that I own the property located at 560 Sapp Blvd, SE, Estill SC 29918, Free and Clear of interest and rights from any other individual.

Respectfully Submitted,

*/s/ Yvette Cole*

Yvette Cole

152 East 111<sup>th</sup> Street Apt. 6D

New York, NY 10029

Appellant

Dated: November 6, 2018

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PROOF OF SERVICE

I certify that I have served the Appellate Brief and Designation of Matter on Shirley Heyward by depositing a copy of it in the United States Mail, postage prepaid, on November 7, 2018, addressed to, Shirley Heyward 560 Sapp Blvd, SE, Estill, SC 29918.

November 6, 2018

/s/ Yvette Cole

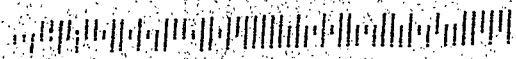
Yvette Cole

152 East 111<sup>th</sup> Street Apt. 6D

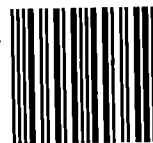
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Appellant



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