

**LETTER TO THE SOUTH CAROLINA SUPREME COURT
FILING THE NOTICE OF APPEAL**

November 15, 2018

RECEIVED

The Honorable Justice Kaye G. Hearn
Supreme Court
1231 Gervais Street
Columbia, SC 29201
(803) 734-1080

NOV 26 2018

S.C. SUPREME COURT

RE: Vivian M Woods as Personal Representative of the Estate of Deborah E. Woods and individually, Appellant, v. Roosevelt Rawlins and Sharon Miller Young, Respondent(s)
Appellate Case No:2018-001565

Dear Honorable Justice Hearn,

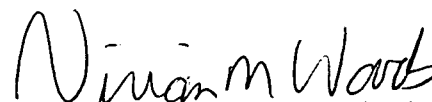
Enclosed you will find a notice of appeal and appeal in the above case. Also enclosed are the following:

- (1) Proof of Service of notice of appeal on the respondent(s)
- (2) A Copy of the order from the Court of appeal to be challenged on appeal of decision
- (3) Appellate' s appeal request or review thereof.
- (4) A Motion to Proceed in Forma Pauperis and affidavit

This appeal and/or review of the South Carolina's court of appeals decision, to deny appellant's request to proceed forma pauperis is being sought because based on appellant's information and belief, the South Carolina's court of appeals denial is a violation of the Appellant's constitutional rights.

Respectfully Submitted,

Sincerely,



Vivian M Woods, Pro Per, Appellant
PO Box 21723
Hilton Head Island, SC 29925

Dated: November 15, 2018

Cc:
Douglas MacNeille, Esq
William C Clark Esq.
Marvin H. Duke, III, Judge, CP
SC Court of Appeals

NOTICE OF APPEAL FROM COURT OF APPEALS
THE STATE OF SOUTH CAROLINA SUPREME COURT

APPEAL FROM COURT OF APPEALS

James E. Lockemy, Chief Judge

Appellate Case No. 2018-001565

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S.C. SUPREME COURT

Estate of Deborah Elaine Woods by Vivian M. Woods as
Personal Representative; and Vivian M. Woods. Individually, Appellant

v.

Roosevelt Rawlins, Respondent.

Estate of Deborah Elaine Woods by Vivian M. Woods as
Personal Representative; and Vivian M. Woods. Individually, Appellant

v.

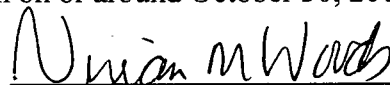
Sharon Miller Young, Respondent.

Appellate Case No. 2018-001565

NOTICE OF APPEAL

Vivian M Woods appeals the decision of the Honorable James E. Lockemy dated October 25, 2018. Appellant received a copy of this decision on or around October 30, 2018

November 15, 2018



Vivian M Woods, Pro Per, Appellant
Post Office Box 21723
Hilton Head Island, SC 29925
843-338-3679

Cc: Douglas W. MacNeille, Esq, William C Clark, Esq.
Court of Common Pleas, Court of Appeals

THE SOUTH CAROLINA SUPREME COURT

Estate of Deborah Elaine Woods by Vivian M. Woods as
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Appellant

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v.

NOV 26 2018

Roosevelt Rawlins, Respondent.

S.C. SUPREME COURT

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v.

Sharon Miller Young, Respondent.

Appellate Case No. 2018-001565

APPEAL COURT OF APPEALS DECISION

The motion to proceed in forma pauperis was denied pursuant to Ex parte Martin, 321 S.C. 533, 471 S.E.2d 134 (1995). The Appellant received the Order¹ to pay the filing fee within fifteen days of the date of the order. The order was dated October 25, 2018; however, Appellant did not receive the order until 4-5 days after the order date.

The Appellant is respectfully asking the court to reconsider the decision denying the Appellant to proceed without cost (forma pauperis). The Chief Judge of the SC Court of Appeals prematurely denied the Appellant, Appellant constitutional rights of under the 5th and 14th amendment. According to the Ex parte Martin as cited by the clerk, it states, in the future, when an indigent litigant files a motion to proceed in forma pauperis to Rule 3(c), and the complaint does not appear to fit within one of the statutory or constitutional exceptions to the requirement of filing a fee, the

clerk of court (must) submit the motion to the judge for a ruling as to whether the complaint does fit within one of the statutory exceptions or whether the cause of action concerns a fundamental right that requires waiver of the filing fee.

According to U.S. 47 CFR 1.224 – Motion to proceed forma pauperis (c)(1)(2) personal financial was submitted to support the request to proceed forma pauperis. It reflected the Appellant having a negative balance in checking in excess of \$500 five-hundred dollars, in addition to no income.

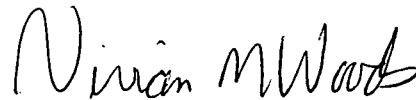
According to the 14th amendment, Appellant’s right’s to Life, Liberty and Property shall not be deprived of (To have (something) withheld or taken away) without due process of law (Legal procedures carried out according to established law of the land.) By denying the Appellant’s motion to proceed forma pauperis, it clearly denies Appellant, an indigent litigant access to the established law of the land, further violating Appellant’s constitutional rights (See Due Process Clause).

Appellant is being denied rights as an indigent litigant rights provided by the 5th and 14th amendment of the United States Constitution and was ratified to adopt by the State of South Carolina, “No person shall be deprived of life, liberty or property, without due process of law...” and [N]or shall any State deprive any person of life, liberty, or property, without due process of law...”

Appellant is hereby requesting that the South Carolina Supreme Court reverse the decision, denying Appellant’s request to proceed without cost and approve Appellant’s request.

Appellant SO MOVE,

Sincerely,



Vivian M Woods, Pro Per, Appellant

Dated: November 15, 2018

Cc: Douglas W. MacNeille, Esq.
William C. Clark, Esq.
South Carolina Court of Appeals
Marvin H. Dukes, III, Judge

¹ See Exhibit#1: Order from SC Court of Appeals Dated October 25 2018

Exhibit

1

The South Carolina Court of Appeals

Estate of Deborah Elaine Woods by Vivian M. Woods as
Personal Representative; and Vivian M. Woods,
individually, Appellant,

v.

Roosevelt Rawlins, Respondent.

Estate of Deborah Elaine Woods by Vivian M. Woods as
Personal Representative, Appellant,

v.

Sharon Miller Young, Respondent.

Appellate Case No. 2018-001565

ORDER

The motion to proceed *in forma pauperis* is denied pursuant to *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995). The filing fee must be paid within fifteen days of the date of this order.



FOR THE COURT

Columbia, South Carolina

cc:
Vivian M. Woods
Douglas Whitsett Macneille, Esquire
William C. Clark, Esquire

FILED

October 25, 2018

UNITED STATES DISTRICT COURT
for the
DISTRICT OF SOUTH CAROLINA

Vivian M Woods, as)
Personal Representative of the Estate of)
Deborah E. Woods and individually,)

Appellant,)

Case No. 2013-CP-07-0660

v.)

Roosevelt Rawlins and Sharon)
Miller Young,)

Respondent(s)

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AUG 27 2018

SC Court of Appeals

**AFFIDAVIT ACCOMPANYING MOTION
FOR PERMISSION TO APPEAL IN FORMA PAUPERIS**

Affidavit in Support of Motion	Instructions
<p>I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)</p>	<p>Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.</p>
<p>Signed: <u>Vivian M Woods</u></p>	<p>Date: <u>8/23/18</u></p>

My issues on appeal are: I. Final Order Granting Summary Judgment to the Respondents/Defendants, II. Order on Plaintiffs' Motion to Reconsider In Part and III. Order Denying Plaintiffs' Motion for Summary Judgment.

1. *For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.*

Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 49	\$ 0
Home maintenance (repairs and upkeep)	\$ 0	\$ N/A
Food	\$ 192	\$ N/A
Clothing	\$ 0	\$ N/A
Laundry and dry-cleaning	\$?	\$ N/A
Medical and dental expenses	\$ 0	\$ N/A
Transportation (not including motor vehicle payments)	\$ 0	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$ 0	\$ N/A
Life:	\$ 74	\$ N/A
Health:	\$ 0	\$ N/A
Motor vehicle:	\$ 0	\$ N/A
Other:	\$ 0	\$ N/A
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$ 0	\$ N/A
Installment payments		
Motor Vehicle:	\$ 0	\$ N/A
Credit card (name):	\$ 0	\$ N/A
Department store (name):	\$ 0	\$ N/A
Other:	\$ 0	\$ N/A
Alimony, maintenance, and support paid to others	\$ 0	\$ N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ N/A
Other (specify):	\$ 0	\$ N/A
Total monthly expenses:	\$ 315	\$ N/A

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Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ 0	\$ N/A	\$ 0	\$ N/A
Self-employment	\$ 0	\$ N/A	\$ 0	\$ N/A
Income from real property (such as rental income)	\$ 0	\$ N/A	\$ 0	\$ N/A
Interest and dividends	\$ 0	\$ N/A	\$ 0	\$ N/A
Gifts	\$ 0	\$ N/A	\$ 0	\$ N/A
Alimony	\$ 0	\$ N/A	\$ 0	\$ N/A
Child support	\$ 0	\$ N/A	\$ 0	\$ N/A
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ N/A	\$ 0	\$ N/A
Disability (such as social security, insurance payments)	\$ 0	\$ N/A	\$ 0	\$ N/A
Unemployment payments	\$ 0	\$ N/A	\$ 0	\$ N/A
Public-assistance (such as welfare)	\$ 0	\$ N/A	\$ 0	\$ N/A
Other (specify):	\$ 0	\$ N/A	\$ 0	\$ N/A
Total monthly income: Did not have monthly income	\$ 0	\$ N/A	\$ 0	\$ N/A

2. List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
Island Packet	10 Buck Island Rd Bluffton, SC 29910	5/08 - 2/18	\$ 1981
N/A	N/A	N/A	\$ 0
N/A	N/A	N/A	\$ 0

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
N/A	N/A	N/A	\$ 0
N/A	N/A	N/A	\$ 0
N/A	N/A	N/A	\$ 0

4. How much cash do you and your spouse have? \$ 23

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
HUD Fed Credit	Checking	\$ 20	\$ 0
Sun Trust	Checking	\$ -651.00	\$ 0
Sun Trust	Savings	\$ 16	\$ 0

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home	Other real estate	Motor vehicle #1
(Value) \$ 0	(Value) \$ 0	(Value) \$ 200
N/A	N/A	Make and year: Buick 04
		Model: Century
		Registration #: 5ID194

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9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

10. Have you spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit? Yes No

If yes, how much? \$ _____

11. Provide any other information that will help explain why you cannot pay the docket fees for your appeal. No income right now.

12. State the city and state of your legal residence.

Your daytime phone number: (843) 338-3679

Your age: 52 Your years of schooling: 18

Last four digits of your social-security number: 4482

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SC Court of Appeals

STATE OF SOUTH CAROLINA)

2013-CP-07-00660
CIVIL CASE NUMBER

COUNTY OF BEAUFORT)

COURT OF COMMON PLEAS

DEBORAH E WOODS)
P O Box 21723)
Hilton Head Island, SC 29925)

**ORDER TO
PROCEED IN FORMA PAUPERIS**

Plaintiff(s),)

Vs.)

SHARON MILLER YOUNG)
37A WILD HORSE RD)
5 Bligen Lane)
Hilton Head Island, SC 29926)

Defendant(s).)

2013 JUL 16 PM 4:30
BEAUFORT COUNTY S.C.
COURT OF COMMON PLEAS

ORDER

- Leave is granted to proceed in forma pauperis without payment of the filing fee.
- Leave is granted to proceed in forma pauperis without payment of the service cost.
- Leave is granted to proceed in forma pauperis without payment of the reference fee.
- Leave is denied to proceed in forma pauperis.

Dated: 7-16, 2015



JUDGE/CLERK OF COURT

Beaufort, South Carolina

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Vivian M Woods as Personal Representative)
And individually,)
Appellant)
v.)
Roosevelt Rawlins and Sharon Miller)
Young,)
Respondent(s))

) Appeal from Beaufort County Court of
) Common Pleas,

) Case No: 2013-CP-07-00660

) The Honorable Marvin H Dukes, III, Judge

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Motion to Proceed On Appeal
In Forma Pauperis

S.C. SUPREME COURT

I, Vivian M. Woods, am the Appellant in the above-entitled case and hereby move for leave to proceed on appeal in forma pauperis pursuant to Appellate Rule the court may approve this motion.

As required by Appellate Rule, I am supplying with this motion: (a) an affidavit from me conforming to proving my inability to pay fee; and (b) the trial court's order denying my motion to proceed in forma pauperis.

Respectfully submitted,

Vivian M Woods
Signature

8/23/18
Date

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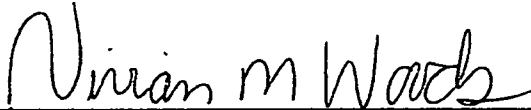
SC Court of Appeals

CERTIFICATE OF SERVICE

I hereby certify that on this 23th day of August, 2018, the foregoing was served upon the following persons, by electronic media (email) and/or U.S. Postal Service.

Douglas MacNeille
Ruth & MacNeille Law Firm
Post Office Box 5706
Hilton Head Island, South Carolina 29928
Douglas@ruthandmacneille.com
Attorney for Respondent, Roosevelt Rawlins

William C Clark
Clark & Stevens P.A.
Post Office Box 7788
Hilton Head Island, South Carolina 29928
Bill@clarkandstevens.com
Attorney for Respondent, Sharon Miller Young



Signature

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S.C. SUPREME COURT

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA SUPREME COURT

APPEAL FROM SOUTH CAROLINA

Court of Appeals

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James E. Lockemy, Chief Judge

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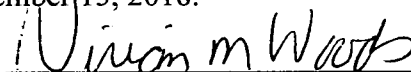
Sharon Miller Young, Respondent.

Appellate Case No. 2018-001565

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Roosevelt Rawlins by depositing a copy of it in the United States Mail, postage prepaid, on or around November 15, 2018, 2018, addressed to his attorney of record, Douglas MacNeille, Post Office Box 5706, Hilton Head Island, South Carolina 29928 and/or by electronic media (email) at douglas@ruthandmacneille.com and/or by personally delivering a copy of it to his attorney of record office at 10 Office Way Ste. #200, Hilton Head Island, SC 29928, on November 15, 2018.

Dated: November 15, 2018



Vivian M Woods, Pro Per, Appellant
Post Office Box 21723
Hilton Head Island South Carolina 29925

THE STATE OF SOUTH CAROLINA SUPREME COURT

APPEAL FROM SOUTH CAROLINA

Court of Appeals

James E. Lockemy, Chief Judge

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Dated: November 15, 2018



Vivian M Woods, Pro Per, Appellant
Post Office Box 21723
Hilton Head Island South Carolina 29925

Vivian M Woods
P O Box 21723
HHI, SC 29925



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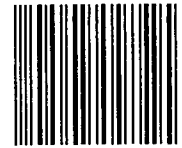
U.S. POSTAGE
\$1.63
FCM LG ENV
29926
Date of sale
11/15/18
06 2S SSK
11487548

USPS FIRST-CLASS MAIL

SHIP TO: Supreme Court³
Honorable Justice Kaye Hea

C020

1231 GERVAIS ST
COLUMBIA, SC 29201-3206



(420) 29201

