

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Case No. 2017-002386

Karen F. Wagner, as Property
Manager of Windy Hill MHP
LLC,

Respondent,

v.

Chris Holcombe,

Appellant.

Final Brief of Appellant

The undersigned certified that this Final Brief complies with Rule 211(b), SCACR.

February 1, 2019

/s/ Chris Holcombe
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CASES

none

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OTHER AUTHORITIES

none

STATEMENT OF ISSUES ON APPEAL

1. ALL THE LAWS IN REGARDS TO THE ISSUE ARE UNKNOWN TO EVERYONE THAT I SPEAK WITH.
2. THIS WHOLE PROCESS IS REALLY AFFECTING MY HEALTH BECAUSE OF ME HAVING THE DISABILITIES THAT I HAVE.

STATEMENT OF THE CASE

The property manager for Windy Hill MHP LLC has been trying to evict me, since March of 2015. The letter was dated for March 15, 2015; I was in the hospital at that time from a severe auto accident that I was involved in on March 8, 2015.

The property manager of Windy Hill MHP LLC took me to magistrate court on August 31, 2016 to have me evicted from the park; I have live at Windy Hill since June of '99. I was unable to find an attorney to represent me for the magistrate court trial. I appealed the case to Anderson County Civil court where I was able to find an attorney to assist me with the case from the SC Legal Services.

There was a mentioning of the Fair Housing Act and the rules related. There was question on what were necessary accommodations. The attorney from the SC Legal Services mentioned what was being requested to be able to stay till the end and be the last to have to move out.

There was talk about the property that I own. It was discussed about the work that needed to be done to the property before I can move on it. It was discussed about the financial part of having to move and being able to afford the cost of having the septic put in and the home moved.

There was the conversation about not just simply being able to up and move anywhere because of my disability. Being able to simply move is just not possible because of my home being custom to me for me to live in. It was mentioned how important it was for me to be able to stay in my home because of it being setup specifically for me.

It was mentioned that I was a bad neighbor, but the attorney of Windy Hill MHP LLC mentioned he didn't think I was a bad neighbor. The attorney for Windy Hill MHP LLC feels like they do not have to make accommodations because of the lease has been terminated. It was also mentioned that two years was outrageous for the length of time for an eviction.

I did not completely understand the ruling from the civil case because the judge said he was not making a ruling at that time, but he did make the comment about likely in 60 days there will be a someone with a crane moving my home if there's not something concrete accomplished towards getting out.

FACTS

Rule To Vacate Or Show Cause included
Writ Of Ejectment included
Property Management Information included
Medical Documentation included

ARGUMENTS

- I. The Hud laws state that changes should be made to prevent an eviction or financial burden.
- II. I strongly feel as if I was not fully represented in the civil court case because there was not any defense from the attorney from the SC Legal Services. The attorney from SC Legal Services was not able to answer many questions about my well-being. There was not any mentioning of my full medical conditions. Along with being a spinal cord patient, I am also a traumatic brain injury patient also. With my traumatic brain injury, this has caused me to do nothing but cry over all this mess that has been going on, even with the medication my Dr has prescribed to me. Having physical and mental disabilities I am considered a vulnerable adult by law. I also have issues with Hypertension, Anxiety, and Depression. Because of the stress from all this of this for the last 3 years, my Dr. has had to put me on an antidepressant. I have had to go to the ER on two different occasions because there were symptoms of a heart attacked but it was ruled out and determined that it was stress causing the issues. I was sent to a Cardiologist to be evaluated and the doctor had me to wear a heart monitor for a week to check to make sure the symptoms were false

or inaccurate. The findings or results were the same as the other results, stress from everything related to this case for the last three years.

- III. I understand that the property manager of Windy Hill MHP LLC is trying to make me move my home. With the major modifications that have been made, is not movable. The major modifications include cutting down in the floor to put a roll in handicap shower. All the door frames have been opened up to 34-36" to be able to get through the door jams. With these major modifications my home has become unmovable because it is out of its original engineered design. All the moving companies have informed me that the home is subject to collapse when they start moving it because of it being outside of its original design and if something happens; their insurance will not cover it and they do not want to be responsible
- IV. The property manager of Windy Hill MHP LLC called me on several occasions. On 2 different phone calls she referred to me as "Trailer Trash" or "Trailer Park Trash". One of those conversations she informed me that she was tired of me leaving tire marks in the yard. Being confined to my wheelchair, I can't help that my chair is leaving tire marks or a path in the yard. At the Magistrate Court hearing, the property manager of Windy Hill MHP LLC denied making that, those comments. I am asking the court to reach out to my cell phone carrier, AT&T, to request of the phone records from the number she used to be able to obtain that information to prove that I am not being dishonest.

On one of the conversations we had, I ask her if she could widen my driveway because my van takes up and requires the whole driveway to get in and out of my van and so my son would not have to park his truck in the grass. She informed that that would cost too much. Since this time, she has added gravel places next to some of the driveways.

One of the conversations we had, she informed me that if I had my son to leave that I could stay and not worry about moving because he was supposedly causing trouble or issues. The accusations made about the things my son may have done, I was not aware of.

My son has moved to Florida. With my son gone, this puts me in a really bad position because my son helped me with my medical needs and other things that I needed. With my son gone I have no way to be able to do anything. I am not physically able to move things or anything that require lifting.

In one of those conversations, something was said about him parking is truck in the grass. I mentioned to her that there were other people in the neighborhood doing it also; she informed me that they were here residences.

CONCLUSION

For the reasons stated, this Court should reverse the judgment of the circuit court.

Respectfully submitted,

February 1, 2019

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