

20044

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chester County
Court of Common Pleas
Brooks P. Goldsmith, Circuit Court Judge

In the Matter of the Estate of Reba P.
Hinson, Probate # 2008-ES-12-297,
Circuit Court # 2010-CP-12-201,

Mell Woods Appellant,

v.

Robert H. Breakfield, as Personal Representative
of the Estate of Reba P. Hinson, Respondent.

RECORD ON APPEAL
Court Of Appeals Internal Tracking Number: 2011-201066

Mell Woods
P.O. Box 2603
Lancaster, SC 29721

Volume Two
Of Two.

Moses Koon & Brackett, PC
B. Michael Brackett
Attorney for Respondent
Post Office Box 100261
Columbia, S.C. 29202

Respondent Telephone (803) 461-2300

**OFFICE OF THE PROBATE COURT
CHESTER COUNTY
PO DRAWER 580
CHESTER, SC 29706**

CASE# : 2008ES1200297

ESTATE OF: REBA PETTIT HINSON,

Payor: ROBERT HAROLD BREAKFIELD

Receipt Number: 3443

Officer: DIANNE

Cash or Check# : 2058

Date of Receipt: 01/29/2010

TOTAL FEES: \$5.50

PAYMENTS: \$5.50

ENDING BALANCE: \$0.00

ACCOUNT:

COMMENTS:

COUNTY OF CHESTER

IN THE MATTER OF ESTATE OF REBA HINSON

CASE NUMBER 2008 ES 1200 297

PROPOSAL FOR DISTRIBUTION

Personal Representative(s): Robert H. Breakfield, Esq.

Name and Address of Distributee	Amount or Item
Lois Hinson - (SEE ATTACHED LIST FOR ADDRESSES)	\$76,162.85 - Cash
John C. Hinson	\$76,162.87 - Cash
Kathy Huffstickle	\$15,511.43 - Cash; an Acct. Receivable for \$60,651.42
Darrell W. Hinson	\$9,520.35 - Cash
E/O Linda Stanford	\$9,520.35 - Cash
Elaine H. Hensley	\$9,520.35 - Cash
William C. Hinson, Jr.	\$9,520.35 - Cash
Robert H. Hinson	\$9,520.35 - Cash
Charles J. Hinson	\$9,520.35 - Cash
John D. Hinson	\$9,520.35 - Cash
William L. Hinson	\$9,520.35

LOIS H. RODDEY
JUDGE OF PROBATE
2010 JAN 27 P 12:23
CHESTER COUNTY S.C.

Executed this 21st day of December, 2009.

Signature: _____

Name: _____

Address: _____

Telephone (O): _____

(H): _____

Signature: 

Name: Robert H. Breakfield

Address: PO Box 36061

Rock Hill, SC 29732

Telephone (O): _____

(H): _____

Lois Hinson
1399 Beaver Dam Rd.
Richburg, SC 29729

Kathy H. Huffstickle
5715 Lake View Cr.
Fort Lawn, SC 29714

John C. Hinson
1563 Hinton Dr.
Great Falls, SC 29055

William L. Hinson
611 Hughes Street
Sanford, NC 27330

John D. Hinson
1683 Poorboy Road
Great Falls, SC 29055

Charles J. Hinson
237 Laura, Lot 21
Florence, SC 29506

Robert H. Hinson
P.O. Box 72
McConnells, SC 29726

William C. Hinson, Jr.
118 Nella Street
Chester, SC 29706

Elaine H. Hensley
6 Church Street
Great Falls, SC 29055

E/O Linda H. Stanford
6969 Snowy Owl Rd.
Kershaw, SC 29067

Darrell W. Hinson
PO Box 163
Fort Lawn, SC 29714

LOIS H. RODDEY
JUDGE OF PROBATE
2010 JAN 21 P 12:23
CLERK OF COURT

STATE OF SOUTH CAROLINA

PROBATE COURT

COUNTY OF CHESTER

THE MATTER OF REBA P. HINSON

CASE NUMBER: 2008ES1200297

RECEIPT

The undersigned hereby acknowledges receipt from the Personal Representative in this matter of the following property:

A distribution check from the Estate in the amount of \$76,162.85.

Executed this 28th day of December, 2009.

Witness:

[Signature]

Beneficiary:

Lois Hinson
Lois Hinson

LOIS H. RODDEY
JUDGE OF PROBATE
2010 JAN 27 P 12 23
CLERK OF COURT

502

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHESTER)

IN THE PROBATE COURT
FOR CHESTER COUNTY

Estate of Reba P. Hinson
2008-ES-1200-297

LOIS H. RODDEY
JUDGE OF PROBATE
2010 JAN 27 P 12 23
CLERK

This agreement between Robert H. Breakfield, Personal Representative of Estate of Reba P. Hinson, and Kathy H. Huffstickle resolves the matter of certain funds removed by Kathy H. Huffstickle from the bank account of Reba P. Hinson on or about December 28, 2006 in the amount of \$260,651.42.

In exchange for the estate electing not to pursue a claim against Kathy H. Huffstickle for interest earned on \$260,651.42 from December 28, 2006 to July 27, 2009 and to not pursue the bank interest penalty forfeiture on funds that were removed from the accounts of Reba P. Hinson on December 28, 2006 by Kathy H. Huffstickle, Kathy H. Huffstickle has paid over to the estate the sum of \$200,000.00. In addition, the estate will hold an account receivable in the amount of \$60,651.42 from Kathy H. Huffstickle which shall be subtracted from her share of the Hinson estate. Therefore, upon the closing of the Hinson estate and the distribution of assets to the estate beneficiaries in lieu of the first \$60,651.42 that is distributable to Kathy H. Huffstickle, the receivable will be reduced dollar for dollar until the receivable is extinguished. Thereafter, Kathy H. Huffstickle shall receive her probate share of the estate distribution.

Executed this 27 day of July, 2009

Witnesses

Patricia Davis
Kelly S. Sumwalt
Patricia Davis
Kelly S. Sumwalt

Kathy Huffstickle
Kathy H. Huffstickle
Beneficiary

Robert H. Breakfield
Robert H. Breakfield
Personal Representative of
Estate of Reba P. Hinson

Robert H. Breakfield
Personal Representative
12/22/09

STATE OF SOUTH CAROLINA

COUNTY OF: LANCASTER

IN THE MATTER OF: LINDA HINSON
STANFORD

IN THE PROBATE COURT

CERTIFICATE OF APPOINTMENT

CASE NUMBER: 2010ES2900006

This is to certify that

GEORGE W. STANFORD, SR

is/are the duly qualified

☒
☐
☐
☐
☐

PERSONAL REPRESENTATIVE
GUARDIAN
CONSERVATOR
TRUSTEE

in the above matter and that this appointment, having been executed on the 7th day of January, 2010, is now in full force and effect, including authorization to receive all monies, income, principal, interest & dividends of and belonging to said estate.

RESTRICTIONS:

NONE

Executed this 7th day of January, 2010.

LOIS H. RODDEY
JUDGE OF PROBATE
2010 JAN 27 P 12:23
LANCASTER COUNTY S.C.

Sandra S. Estridge

SANDRA S. ESTRIDGE, Probate Court Judge

Do not accept a copy of this certificate without the raised seal of the Probate Court.

504

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

IN MATTER OF REBA PETTIT HINSON

IN THE PROBATE COURT
CERTIFICATE OF APPOINTMENT

CASE NUMBER: 2008ES1200297

This is to certify that
ROBERT HAROLD BREAKFIELD

is/are the duly qualified

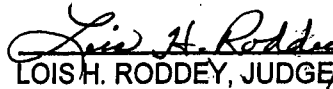
- ☒ PERSONAL REPRESENTATIVE
☐ GUARDIAN
☐ CONSERVATOR
☐ TRUSTEE

In the above matter and that this appointment, having been executed on the 18th day of February, 2009 is now in full force and effect, including authorization to receive all monies, income, principal, interest & dividends of and belonging to said estate.

RESTRICTIONS: NONE.

Executed this 18th day of February, 2009.

Do not accept a copy of this certificate without
the raised seal of the Probate Court.


LOIS H. RODDEY, JUDGE OF PROBATE

505

STATE OF SOUTH CAROLINA

PROBATE COURT

COUNTY OF CHESTER

IN THE MATTER OF ESTATE OF REBA HINSON

CASE NUMBER 2008ES1200297

PROOF OF DELIVERY

On the 21st day of December, 2009, I mailed or delivered an Estate distribution check,

a copy of which is attached hereto and incorporated herein, by the following method (check appropriate box):

- ☒ personal delivery
☒ ordinary first class mail
☐ certified mail
☐ registered mail

to each of the following persons at the address shown:

NAME

ADDRESS

SEE ATTACHED LIST

SWORN to before me this 21 day of
December, 2009

Kelly S. Sunwalt
Notary Public for South Carolina
My Commission Expires: 1-16-2014

Signature: Patricia Davis

Name: Patricia Davis

Address: C/O Robert H. Breakfield

P.O. Box 36061, Rock Hill, SC 29732

Telephone(O): (803) 329-4920

(H): _____

Signature: _____

Name: _____

Address: _____

Telephone(O): _____

(H): _____

STATE OF SOUTH CAROLINA

COUNTY OF: Chester

IN THE MATTER OF: Reba P. Hinson

IN THE PROBATE COURT

STATEMENT OF CREDITOR'S CLAIM

CASE NUMBER: _____

Decedent's Date of Death (if known): 1-3-07
Decedent's Last Mailing Address: 1414 Catawba River Rd; Fort Lawn, SC 29714

Creditor: Lancaster Convalescent Center
Address: PO Box 1749
Lancaster, SC 29721
Telephone: 803-285-7907

Basis of claim: NB charges for Reba Hinson as agreed.

Amount of claim, \$ 962.00

Date claim will become due (if not already due): already due, 20____

Nature of uncertainty as to amount of claim and due date, if any:

Description of any security as to claim:

Signature: Donna B. Lyle
Title: Business Office Mgr
Date: 3-14-07

INSTRUCTIONS: Claims must be filed with the Probate Court of this county and delivered or mailed to the Personal Representative appointed to administer the estate (see section 62-3-803, 62-3-804, and 62-3-806 on next page.)



Chester County, South Carolina

LOIS H. RODDEY, JUDGE OF PROBATE
POST OFFICE DRAWER 580
CHESTER, SOUTH CAROLINA 29706

January 25, 2008

Mr. James W. Boyd
Attorney at Law
Post Office Box 36425
Rock Hill, SC 29732

In Re: Estate of Reba P. Hinson

Dear Mr. Boyd:

Regarding the above referenced matter, please find enclosed Notice of Hearing to Kathy Huffstickle and James W. Boyd, Attorney.

Yours truly,

A handwritten signature in cursive script that reads "Lois H. Roddey".

Lois H. Roddey
Judge of Probate

LHR/sfw

508

GREGORY & GREGORYSM

ATTORNEYS AT LAW

Ned Gregory, II

Post Office Box 967
210 West Meeting Street
Lancaster, South Carolina 29721-0967
Telephone (803) 283-3324
Fax Line (803) 283-3326
E-Mail: ngregory@comporium.net

Toy R. Gregory, Sr.
(1899 - 1973)
Ned Gregory, Sr.
(1903 - 1985)

January 11, 2009

Chester County Probate Court
Post Office Drawer 580
Chester, SC 29706-0580

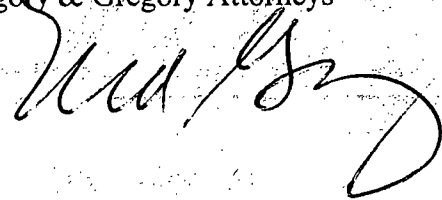
RE: Estate of Reba Pettit Hinson

In regards to the above captioned case, enclosed please find an original and a copy of the Proof of Delivery. Once this has been recorded please return copy to us in the provided self addressed stamped envelope.

Yours very truly,

Gregory & Gregory Attorneys

By:



11

LOIS H. RODDEY
JUDGE OF PROBATE
2009 JAN 14 A 11:44
PROBATE COURT
CHESTER COUNTY S.C.

NGII/law
enclosure

509

Returned clocked copy 1-14-09

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

PROBATE COURT

IN THE MATTER OF REBA PETTIT HINSON

CASE NUMBER 2008-ES-12-00297

PROOF OF DELIVERY

On the 9th day of January, 2009 I mailed or delivered a copy of Petition for Appointment, a copy of which is attached hereto and incorporated herein, the following method (check appropriate box):

- ☐ personal delivery
☒ ordinary first class mail
☐ certified mail
☐ registered mail

LOIS H. RODDEY
JUDGE OF PROBATE
2009 JAN 14 11:44
PROBATE COURT
CHESTER COUNTY S.C.

to each of the following persons at the addresses shown:

Lois Hinson	1414 Catawba River Road	Fort Lawn, SC 29714
Kathy Hinson Huffstickle	5715 Lake View Circle	Fort Lawn, SC 29714
John Calhoun Hinson	1563 Hinton Drive	Great Falls, SC 29055
William Levy Hinson	909 Stone Oak Court	Sanford, NC 27330
John Daniel Hinson	5621 Footlose Road	Fort Lawn, SC 29714
Charles Jerry Hinson	237 Laura Lot 21	Florence, SC 29506
Robert Harold Hinson	Post Office Box 72	McConnells, SC 29706
William Calvin Hinson, Jr.	118 Nella Street	Chester, SC 29706
Etta Elaine H. Hensley	6 Church Street	Great Falls, SC 29055
Linda Kay H. Stanford	6969 Snowy Owl Road	Kershaw, SC 29067
Darrell Wayne Hinson	Post Office Box 163	Fort Lawn, SC 29714

SWORN to before me this 9th day of
January, 2009

Signature

Name Ned Gregory, II

Address: Post Office Box 967

Lancaster, SC 29721-0967

Telephone (O) (803) 283-3324

Signature _____

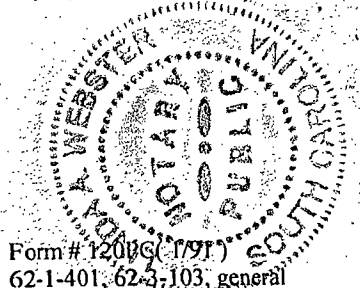
Name _____

Address: _____

Telephone (O) _____
(H) _____

Linda A. Webster
Notary Public for South Carolina

My Commission Expires: 8/31/2014



GREGORY & GREGORYSM
ATTORNEYS AT LAW

Ned Gregory, II

Post Office Box 967
210 West Meeting Street
Lancaster, South Carolina 29721-0967
Telephone (803) 283-3324
Fax Line (803) 283-3326
E-Mail: ngregory@comporium.net

Toy R. Gregory, Sr.
(1899 - 1973)
Ned Gregory, Sr.
(1903 - 1985)

December 1, 2008

Judge Lois H. Roddey
Post Office Box 580
Chester, SC 29706

RE: Estate of Reba Pettit Hinson

Dear Judge Roddey,

Enclosed please find the original and one copy of the Petition of Robert Harold Breakfield, Esq. for Appointment of Personal Representative in the above captioned estate.

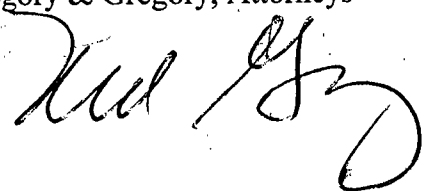
Please file in your Court and have the copy conformed and returned in the self-addressed stamped envelope.

Please advise how you wish to proceed.

Yours very truly,

Gregory & Gregory, Attorneys

By:



II

NGII/law
enclosure
cc. Robert Harold Breakfield, Esq.
Lois Hinson

LOIS H. RODDEY
JUDGE OF PROBATE
2008 DEC 15 P 4:09
PROBATE COURT
CHESTER COUNTY S.C.

GREGORY & GREGORYSM

ATTORNEYS AT LAW

LOIS H. RODDEY

Post Office Box 907 PROBATE

210 West Meeting Street

Lancaster, South Carolina 29721-0967

Telephone (803) 283-3324

Fax Line (803) 283-3326

E-Mail: ngregory@comcast.net

Toy R. Gregory, Sr.

(1899 - 1973)

Ned Gregory, Sr.

(1903 - 1985)

September 4, 2008

Chester County Probate Court
Post Office Drawer 580
Chester, SC 29706-0580

RE: Estate of Reba Pettit Hinson

I understand that on June 19, 2008, James W. Boyd, Esq. notified via fax Steedley J. Bogan, Esq., Bruce M. Poore, Esq., and the undersigned regarding the proposed appointment of John Gettys, Esq. as Personal Representative of the above captioned estate and that, after receiving no response, sent a follow up fax on August 26, 2008.

While my client neither agrees with nor opposes the appointment of Gettys, Robert Harold Brakefield, Esq. of the Rock Hill Bar has consented to serve as Personal Representative and is hereby submitted to the Probate Court for its consideration. Mr. Brakefield's phone number is (803) 329-4920.

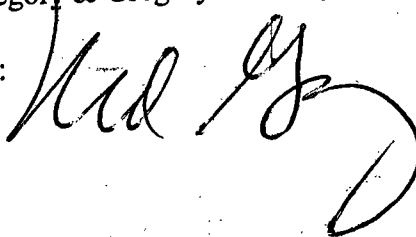
I personally believe that Mr. Brakefield would make an excellent choice as Personal Representative of the Estate of Reba P. Hinson, would act promptly and serve efficiently. Therefore, by way of copies hereof to the noted attorneys, I am requesting that responses be made to the Probate Court by September 15, 2008; otherwise, I hereby request that Mr. Brakefield be appointed by the Probate Court.

P.S. Mr. Boyd has confirmed by phone conversation on September 4, 2008 that he has no objective with appointment of Mr. Brakefield.

Yours very truly,

Gregory & Gregory Attorneys

By:



11

NGII/law

cc. Lois Hinson
Steedley J. Bogan, Esq.
James W. Boyd, Esq.
Bruce M. Poore, Esq.

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

IN THE PROBATE COURT
FIDUCIARY LETTERS

IN THE MATTER OF REBA PETTIT HINSON

CASE NUMBER: 2008ES1200297

Recorded- Book C
Page 8

- ☒ PERSONAL REPRESENTATIVE
☐ GUARDIANSHIP
☐ CONSERVATORSHIP
☐ TRUSTEESHIP
☐ _____

On the 18th day of February, 2009

ROBERT HAROLD BREAKFIELD

was/were appointed and qualified as Fiduciary(ies) of the above matter by this court, with all the authority granted to a fiduciary by law.

NOW, THEREFORE, LETTERS are issued, as evidence of such appointment, qualification, and authority of the above fiduciary(ies) to do and perform all acts which may be authorized by law.

RESTRICTIONS:

NONE.

Executed this 18th day of February, 2009

Do not accept a copy of this certificate without
the raised seal of the Probate Court.

Loish H. Roddey
LOISH H. RODDEY, JUDGE OF PROBATE

STATE OF SOUTH CAROLINA

COUNTY OF: CHESTER

IN THE MATTER OF: REBA P. HINSON

IN THE PROBATE COURT

NOTICE OF: HEARING

CASE NUMBER:

TO: KATHY HUFFSTICKLE AND JAMES W. BOYD, ATTORNEY.

DATE: FEBRUARY 28, 2008

TIME: 2:00 PM

PLACE: CHESTER COUNTY PROBATE COURT, 1476 J. A. COCHRAN BY-PASS, CHESTER, SC

DESCRIPTION OF ATTACHED PLEADINGS (example: petition for formal appointment, filing of bond, hearing to determine heirs, etc.):

TO APPOINT A PERSONAL REPRESENTATIVE OR CO-PERSONAL REPRESENTATIVES FOR THE ESTATE OF REBA P. HINSON.

Executed this 25th day of January 2008.

Lois H. Roddey
LOIS H. RODDEY, JUDGE OF PROBATE

IF TRANSCRIPT OF HEARING IS DESIRED, YOU WILL NEED TO ARRANGE FOR A COURT REPORTER.

2-18-2010
Per Judge Gettys -
Original Private Last
Will dated April 5,
2003 is in safe

FORM #110PC (1/89)

62-1-401, 62-3-201, 62-3-310, 62-3-403, 62-3-414, 62-3-611, 62-3-721
62-3-1002, 62-3-1003, 62-3-1102, 62-4-203, 62-4-303, 62-5-301, 62-5-305, 62-5-309,
62-5-401, 62-5-402, 62-5-405, 62-5-406, 62-5-412, 62-5-413, 62-5-422, 62-7-206, etc.

Recently private Last Will
as of April 5-2003

Last Will and Testament of Reba
Pettit Hinson

1. I will and direct that my
Executor hereinafter shall from
first money coming into their hands
from my estate pay all my just debts
if any doctors, hospital, and burial
as soon as possible. After he or she
is qualified. The Cash if any
will be divided equal between my
four children name 1. Lois S. Huffer
Kathy E. Hufferstickle, John C. Hinson
William C. Hinson - heirs (he is deceased)

at my death I request to my
daughter Lois S. Huffer Certificate
at Spratts Bank in Chester, S.C.
to be given at my death to be put in
trust fund. ^{she will not have an income} Why she has no land
bordering the river except one small
area. ^{she will} She inherits Track #4
which is the Home Stead. The land
was given to me by my father & mother
Sufford Pettit and Hattie Pettit. I
my self bought my sister part and my

brothers part 2 Reba P Hinson paid for it with my money.

also I ask that all household goods stay in my house until Lois S. Hiffin death to be divided between the four children or their heirs, Name ^{Lois S} Hiffin heirs, Kathy Huffstickle, John C Hinson William C Hinson (deceased) heirs

at my death I will to Lois Hiffin my automobile, my rings, watch, cell jewelry.

As for land that was willed to me my life time by Levie Hoyt Hinson my husband as follows

1. Lot # 1 Kathy Huffstickle
2. Lot # 2 John C Hinson
3. Lot # 3 William C Hinson (deceased) his heirs.

Levie Hoyt Hinson desire was for Lois S Hinson to have track number 4 which is the homestead and the land that is in Reba P Hinson only. track # 4.



Chester County, South Carolina

LOIS H. RODDEY, JUDGE OF PROBATE
POST OFFICE DRAWER 580
CHESTER, SOUTH CAROLINA 29706

January 25, 2008

Mr. Ned Gregory, II
Gregory & Gregory
Attorneys at Law
Post Office Box 967
Lancaster, SC 29721

In Re: Estate of Reba P. Hinson

Dear Mr. Gregory:

Regarding the above referenced matter, please find enclosed Notice of Hearing to Lois Hinson Griffin and Ned Gregory, II, Attorney.

Yours truly,

Lois H. Roddey
Lois H. Roddey
Judge of Probate

LHR/sfw

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STATE OF SOUTH CAROLINA

COUNTY OF: CHESTER

IN THE MATTER OF: REBA P. HINSON

IN THE PROBATE COURT

NOTICE OF: HEARING

CASE NUMBER:

TO: LOIS HINSON GRIFFIN AND NED GREGORY, II, ATTORNEY.

DATE: FEBRUARY 28, 2008

TIME: 2:00 PM

PLACE: CHESTER COUNTY PROBATE COURT, 1476 J. A. COCHRAN BY-PASS, CHESTER, SC

DESCRIPTION OF ATTACHED PLEADINGS (example: petition for formal appointment, filing of bond, hearing to determine heirs, etc.):

TO APPOINT A PERSONAL REPRESENTATIVE OR CO-PERSONAL REPRESENTATIVES FOR THE ESTATE OF REBA P. HINSON.

Executed this 25th day of January 2008.

Lois H. Roddey

LOIS H. RODDEY, JUDGE OF PROBATE

IF TRANSCRIPT OF HEARING IS DESIRED, YOU WILL NEED TO ARRANGE FOR A COURT REPORTER.



Chester County, South Carolina

LOIS H. RODDEY, JUDGE OF PROBATE
POST OFFICE DRAWER 580
CHESTER, SOUTH CAROLINA 29706

January 25, 2008

Mr. John C. Hinson
1563 Hinton Road
Great Falls, SC 29055

In Re: Estate of Reba P. Hinson

Dear Mr. Hinson:

Regarding the above referenced matter, please find enclosed Notice of Hearing scheduled for February 28, 2008 at 2:00 PM.

Yours truly,

Lois H. Roddey
Lois H. Roddey
Judge of Probate

LHR/sfw

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STATE OF SOUTH CAROLINA

COUNTY OF: CHESTER

IN THE MATTER OF: REBA P. HINSON

IN THE PROBATE COURT

NOTICE OF: HEARING

CASE NUMBER:

TO: JOHN C. HINSON

DATE: FEBRUARY 28, 2008

TIME: 2:00 PM

PLACE: CHESTER COUNTY PROBATE COURT, 1476 J. A. COCHRAN BY-PASS, CHESTER, SC

DESCRIPTION OF ATTACHED PLEADINGS (example: petition for formal appointment, filing of bond, hearing to determine heirs, etc.):

TO APPOINT A PERSONAL REPRESENTATIVE OR CO-PERSONAL REPRESENTATIVES FOR THE ESTATE OF REBA P. HINSON.

Executed this 25th day of January 2008.

Lois H. Roddey
LOIS H. RODDEY, JUDGE OF PROBATE

GREGORY & GREGORYSM

ATTORNEYS AT LAW

Ned Gregory, II

Post Office Box 967
 210 West Meeting Street
 Lancaster, South Carolina 29721-0967
 Telephone (803) 283-3324
 Fax Line (803) 283-3326
 E-Mail: ngregory@infoav.com

Toy R. Gregory, Sr.
 (1899 - 1973)
 Ned Gregory, Sr.
 (1903 - 1985)

March 15, 2007

via facsimile (803) 581-5180

Chester County Probate Court
 Honorable Lois H. Roddey
 Post Office Box 580
 Chester, SC 29706

RE: Estate of Reba P. Hinson

Dear Judge Roddey,

Please be advised, that I have been retained by Lois H. Griffin to represent her in the above captioned case. I have prepared an Application for Appointment for her to submit to the Court for filing and in that regard, please accept this letter as a formal request for a hearing to appoint the Personal Representative in this case.

*Lois Griffin
 Wants you to wait
 until next week
 to set date for
 hearing on Petition
 if you can.*

3-20-07

*4-4-07
 Put in vault
 Per Judge*

Yours very truly,

Gregory & Gregory Attorneys

By:

[Signature]

II

4-2-07

*Will be scheduling
 hearing next week &
 will notify you by
 letter*

*Renunciations need to
 be signed by one not
 serving as P.R.*

521

March 15, 2007

Lois Hinson Griffin and her daughter left these papers – they were told they needed to file the original and have copies clocked (clocked copies of course given back to them)

Shortly thereafter daughter returned asking if she could please check information to make sure it is correct as to names and addresses of heirs which I allowed her to do. I then inquired as to an attorney representing them and she said that would be Gregory and Gregory, Lancaster, SC.

I told them they would need to call back this afternoon for further instructions.

STATE OF SOUTH CAROLINA

COUNTY OF: CHESTER

IN THE MATTER OF: Reba Pettit Hinson

IN THE PROBATE COURT

CASE NUMBER:

APPLICATION FOR

INFORMAL

(check any that apply)

☒ PROBATE OF WILL

☒ APPOINTMENT

PETITION FOR

FORMAL

☒ TESTACY

☒ APPOINTMENT

Applicant/Petitioner: Lois Hinson Griffin

Address: 1414 Catawba River Road

Telephone: Fort Lawn, South Carolina 29714

I. ALL APPLICANTS/PETITIONERS MUST COMPLETE THIS SECTION.

1. Give your relationship to the decedent, if any, and your interest in this proceeding.

As Decedent's oldest daughter. I am interested in processing the Estate according to the wishes of my mother.

2. Decedent Information

Name: Reba Pettit Hinson

Social Security Number: [REDACTED]

Date of Birth: July 3, 1915

Date of Death: January 3, 2007

Age at date of death: 91

Domicile at date of death: Chester South Carolina
(county) (state)

3. Venue for this proceeding is proper in this county because:

- ☒ Decedent was domiciled in this county at date of death.
☐ Decedent was not domiciled in South Carolina, but property of Decedent was located in this county at date of death.
☐ Decedent has a right to take legal action in this county because:

- 4.a. Names and addresses of devisees in the will including dates of birth of minors. If there are no minors, so state.

Name	Date of Birth	Address	Relationship to Decedent
Lois Hinson Griffin	4-14-33	1414 Catawba Street, Ft. Lawn, SC 29714	daughter
Kathy Hinson Huffstickle	12-4-52	5715 Lake View Cir., Ft. Lawn, SC 29714	daughter
John Calhoun Hinson	5-9-28	1563 Hinton Dr., Great Falls, SC 29055	son
William Levie Hinson	3-19-47	909 Stone Oak Court, Sanford, NC 27330	grandson

(use additional sheet if necessary)

Estate of Reba Pettit Hinson

Cont.

4.a.

<u>Name</u>	<u>Date of Birth</u>	<u>Address</u>	<u>Relationship</u>
John Daniel Hinson	4-19-48	56 Foot Loose Road, Ft. Lawn, SC 29714	grandson
Charles Jerry Hinson	12-20-49	237 Laurell Lot 21, Florence, SC 29506	grandson
Robert Harold Hinson	12-3-50	PO Box 72, McConnells, SC 29726	grandson
Michael Dennis Hinson	4-3-52	Deceased 4-17-52	grandson
William Calvin Hinson, Jr	7-17-53	118 Nella St., Chester, SC 29706	grandson
Etta Elaine H. Hensley	7-31-54	6 Church St., Great Falls, SC 29055	granddaughter
Linda Kay H. Stanford	2-6-56	PO Box 271, Lancaster, SC 29721	granddaughter
Darrell Wayne Hinson	4-5-61	PO Box 163, Fort Lawn, SC 29714	grandson

- 4.b. Names and addresses of intestate heirs who are not devisees, including dates of birth of minors. If there are no minors, so state. Intestate heirs are the persons who would inherit if the decedent left no will.

Name	Date of Birth	Address	Relationship to Decedent
None			

(use additional sheet if necessary)

5. Did decedent have any change of marital status or the birth or adoption of any children after execution of this will, if one exists, or has any child of the decedent been born since his death, or is any birth of a child of the decedent anticipated? (This includes illegitimate children.)
- ☒ NO ☐ YES If yes, please explain, on page 3.
6. To the best of your knowledge, was the decedent a patient in a South Carolina Mental Health facility during his/her lifetime?
- ☒ NO ☐ YES If yes, please explain, on page 3.
7. Has a guardian or conservator ever been appointed for this person?
- ☒ NO ☐ YES If yes, please explain on page 3.
8. Has a personal representative of the decedent been appointed prior to this date by a Court in this state or elsewhere?
- ☒ NO ☐ YES If yes, please state details, including name and address of such Personal Representative on page 3.
9. Have you received or are you aware of any demands for notice of any probate or appointment proceeding concerning the decedent that may have been filed in this state or elsewhere?
- ☒ NO ☐ YES If yes, please state details, including names and addresses of such Personal Representative, on page 3.
10. Have more than ten years passed since the decedent's death?
- ☒ NO ☐ YES If yes, please state circumstances authorizing tardy probate on page 3.
11. The decedent died with a personal estate of about the value of \$308,000.00 and real estate of about the value of N/A. (A full inventory and appraisal, Form #350PC, must be filed within 90 days.) If decedent was non-resident, please attach South Carolina Commission form ET 101.
12. After the exercise of reasonable diligence, are you aware of any unrevoked will and/or codicil(s), other than the one(s) attached hereto, relating to property in this State?
- ☒ NO ☐ YES If yes, please explain on page 3 and then proceed to Section II.

IF A WILL EXISTS, PLEASE COMPLETE THIS SECTION.

1. Regarding the decedent's will:

- ☐ The original is attached
- ☒ The original is in the Court's possession
- ☐ An authenticated copy of a will probated in another jurisdiction is attached
- ☐ An authenticated copy of a will not probated in another jurisdiction is attached
- ☐ The will is lost, destroyed, or otherwise unavailable, however, a description of its contents is attached

2. Do you believe, to the best of your knowledge, the will described above was validly executed?

- ☒ Yes ☐ NO If no, please explain on page 3.

3. The date of execution of the will was: June 23, 1998

codicil(s): N/A

4. Are you aware of any instrument or document amending or revoking the will?

- ☒ NO ☐ YES If yes, please explain on page 3.

5. Have you exercised reasonable diligence to determine there is no instrument or document revoking the will?

- ☒ YES ☐ NO If no, please explain on page 3.

6. Do you believe the will defined in "1" above is the decedent's last will?

- ☒ YES ☐ NO If no, please explain on page 3.

COMPLETE EXPLANATION (S) FOR QUESTIONS IN SECTIONS I and II HERE.
(If more space is required, use additional sheet.)

3 to 4, 5, 6 - The handwritten document apparently written by Decedent dated April 5, 2003 and the typed document dated April 5, 2003 and witnessed April 24, 2003, were not validly executed; therefore, were not considered to have revoked the Last Will and Testament dated June 23, 1998.

IF APPLYING FOR INFORMAL OR FORMAL APPOINTMENT, PLEASE COMPLETE THE FOLLOWING.

1. The name(s) and address(es) of the proposed Personal Representative(s) is/are:
2. Priority for this appointment is:
 - ☒ named as Primary Personal Representative in will or nominee of Primary Personal Representative
 - ☐ named as Alternate Personal Representative in will or nominee of Alternate Personal Representative
 - ☐ named as nominee of Primary and/or Alternate Personal Representative
 - ☐ other devisee of decedent, or nominee (describe): _____ or nominee of said devisee
 - ☐ surviving spouse of decedent, or nominee of said spouse
 - ☐ other heir of decedent (describe): _____
 - ☐ creditor (Forty-five days after death must have passed), or nominee of creditor
 - ☐ other (describe): _____
 - ☐ nominee of any of the above
3. List below the names of any other persons, if any, having a prior or equal right of appointment (see priority above).



IV. ALL APPLICANTS/PETITIONERS MUST COMPLETE VERIFICATION.

VERIFICATION

The undersigned, being sworn, states that the facts set forth in the foregoing statement are true to the best of the undersigned's knowledge, information and belief, and hereby submits to the Court's jurisdiction in this matter.

SWORN to before me this 15th day of March, 20 07

Linda A. Webb

Notary Public for South Carolina

My Commission Expires: 8-31-2014

Signature: Lois B. Griffin

Name: Lois Hinson Griffin

Address: 1414 Catawba River Road

Fort Lawn, South Carolina 29714

E-mail: _____

Telephone (O): _____

(H): _____

ORDER OF INFORMAL PROBATE

IT IS HEREBY ORDERED that the above application for probate of a will be ☐ GRANTED ☐ DENIED informally this _____ day of _____, 20 ____.

_____, Probate Court Judge

ORDER FOR HEARING ON FORMAL PETITION

IT IS HEREBY ORDERED that a hearing on this matter be set for:

DATE:

TIME:

PLACE:

Pursuant to Section 62-1-401, the petitioner is ordered to give notice of this hearing to all interested persons at least twenty (20) days prior to the hearing.

Executed this _____ day of _____, 20____

, Probate Court Judge

ORDER OF FORMAL TESTACY

On hearing of the above petition, this Court finds that the person is deceased, venue is proper, and the proceeding was commenced within appropriate time limits.

The Court further finds that

☐ the decedent died intestate. The heirs are:

☐ the decedent died testate. IT IS HEREBY ORDERED that the Last Will and Testament of the above-named decedent, dated _____, be admitted formally to probate.

Executed this _____ day of _____, 20____

, Probate Court Judge

SEE ATTACHED ORDER

ORDER OF APPOINTMENT

IT IS HEREBY ORDERED that the above application/petition for appointment be granted upon the filing of a bond appropriate, qualification and acceptance.

Executed this _____ day of _____, 20____

, Probate Court Judge

QUALIFICATION AND STATEMENT OF ACCEPTANCE

I accept this appointment and agree to perform the duties and discharge the trust of the office of Personal Representative of this estate.

Signature: _____

Name: Lois Hinson Griffin

Address: 1414 Catawba River Road
Fort Lawn, South Carolina 29714

E-mail: _____

Telephone (O): (803) 482-3448

(H): _____

Signature: _____

Name: _____

Address: _____

E-mail: _____

Telephone (O): _____

(H): _____

Attorney: _____

Address: _____

E-mail: _____

Telephone (O): _____

STATE OF SOUTH CAROLINA

COUNTY OF: Chester

IN THE MATTER OF: Reba P. Hinson

IN THE PROBATE COURT

PROOF OF DELIVERY

CASE NUMBER: 2008ES1200297

On the 16th day of December, 2009, I mailed or delivered the following document,
pgs. 3 + 4 of form #300; Letter to Judge Gettys; 306 S.C. 270

☐ A copy of which is attached hereto and incorporated herein, or
☒ The original of which is on file with the court and incorporated herein,

Delivery was accomplished by the following method (check appropriate box):

☐ personal delivery
☐ certified mail

☒ ordinary first class mail
☐ registered mail

to each of the following persons at the address shown:

NAME
<u>Robert Harold Breakfield</u>

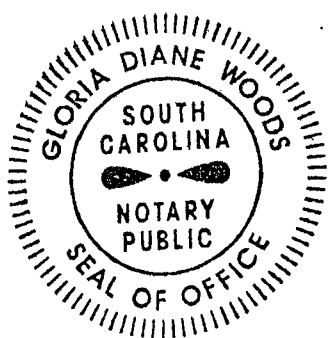
ADDRESS
<u>P.O. Box 360</u>
<u>Rock Hill, SC 29732</u>

LOIS H. RODEY
JUDGE OF PROBATE
2009 DEC 17 P 3:28
PROBATE COURT
CHESTER COUNTY, SC

SWORN to before me this 16th day of
December, 2009
Gloria Diane Woods
Notary Public for South Carolina
My Commission Expires: Jan 08, 2018

Signature: [Signature]
Name: Meil Woods
Address: P.O. Box 2603
Lancaster, SC 29721
Telephone (O): _____
(H): _____
E-mail: _____

Signature: _____
Name: _____
Address: _____
Telephone (O): _____
(H): _____
E-mail: _____



YORK COUNTY PROBATE COURT

John P. Gettys, Judge of Probate
Post Office Box 219, York, SC 29745
Tel: (803) 684-8513 Fax: (803) 684-8536

2010 JAN 12 A 9:04

PROBATE COURT
CHESTER COUNTY S.C.

January 8, 2010

Mr. Mell Woods
Post Office Box 2603
Lancaster, South Carolina 29721

RE: Estate of Reba P. Hinson
Case No. 2008ES1200297

Dear Mr. Woods:

Enclosed is copy of Order for Hearing on your motion to remove. I was unable to contact you by telephone to confirm that the hearing time and date were convenient. Please contact me within five days of receipt of this letter if you desire to change the time or date of the hearing.

Sincerely yours,

John P. Gettys
Judge of Probate

Enclosure(s)

cc: B. Michael Brackett, Esquire

NOTICE TO CREDITORS OF ESTATES

All persons having claims against the following estates are required to deliver or mail their claims to the indicated Personal Representatives, appointed to administer these estates, AND to file their claims on Form No. #371PC in the Probate Court, Chester County, at PO Drawer 580, Chester, SC 29706, on or before the date that is 8 months after the date of the first publication of this Notice to Creditors, or such persons shall be required to be present in written statements, indicating the name and address of the claimant, the amount claimed, the date when the claim becomes due, the nature of any uncertainty as to the amount and the date when due, and a description of any security as to the claim.

SOUTH CAROLINA
CHESTER
OF REBA PETTIT HINSON

IN THE PROBATE COURT

NOTICE TO CREDITORS

CASE NUMBER: 2008ES1200297

***NOTICE TO CREDITORS OF ESTATES**

Persons having claims against the following estates are required to deliver or mail their claims to the indicated Personal Representatives (PR), appointed to administer these estates, AND to file their claims on Form #371PC, with the following: **CHESTER COUNTY** at **PO DRAWER 580 CHESTER, SC 29706**. The date that is 8 months after the date of the first publication of this Notice to Creditors, or such persons shall be required to be present in written statements, indicating the name and address of the claimant, the amount claimed, the date when the claim becomes due, the nature of any uncertainty as to the amount and the date when due, and description of any security as to the claim.

REBA PETTIT HINSON
2008ES1200297
Personal Representative: ROBERT HAROLD BREAKFIELD
PO BOX 36061
ROCK HILL, SC 29732

01/03/2007

INSTRUCTIONS: Publication to be in NEWS AND REPORTER a newspaper of general circulation in CHESTER COUNTY. Publish only this (*) portion of this form. Notice may be combined by listing individualized statements of the estates under one heading consisting of the notice text. Publish once a week for three weeks.

1098 copy of this form with proof of its publications with Probate Court.

Estate: Evelyn M.

Personal Representative: Anita W. McDonald

Address: 1213 Selville Road, Chester, SC 29706

Estate: Mary Jane Black

Personal Representative: B. Blackburn

Address: 615 Lakes Circle, Chester, SC 29706

Estate: Reba Pettit

Personal Representative: Robert Harold Breakfield

Address: P.O. Box 361, Rock Hill, SC 29732

84-20-22-24 W31March11pd

CERTIFICATE OF PUBLICATION

I do hereby certify that on these dates 3-11-09, 3-18-09, and 3-25-09, I did publish the following in NEWS AND REPORTER, a newspaper of general circulation in CHESTER COUNTY in accordance with law.

Signature:

Name:

Address:

ROBERT HAROLD BREAKFIELD

P. O. BOX 36061

ROCK HILL, SC 29732

Telephone (O): 803 329-4920

Telephone (H):

MOSES KOON & BRACKETT, PC

ATTORNEYS AND COUNSELORS AT LAW

1333 Main Street, Suite 650 (29201)
Post Office Box 100261
Columbia, South Carolina 29202-3261

Telephone (803) 461-2300
Facsimile (803) 461-2309

B. Michael Brackett
Direct Dial: (803) 461-2312
Email: mbrackett@mkb-law.com

December 23, 2009

The Honorable Lois H. Roddey
Chester County Probate Judge
P. O. Drawer 580
Chester, SC 29706

RE: Estate of Reba P. Hinson
08-ES-12-297
Our File Number - 12085.1

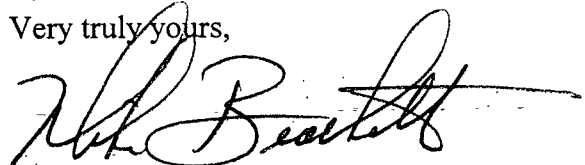
LOIS H. RODDEY
JUDGE OF PROBATE
2010 JAN -4 P 3:02
PROBATE COURT
CHESTER COUNTY S.C.

Dear Judge Roddey:

Enclosed for filing please find the Personal Representative's Return to Claimant's Motion for Removal to Circuit Court, and included in the Return is the Personal Representative's separate Motion to Dismiss. By copy of this letter, a copy of the enclosure is being mailed to Judge Gettys, and to the Claimant, Mr. Mell Woods.

Please return a clocked copy of the enclosed Return/Motion to Dismiss using the envelope provided.

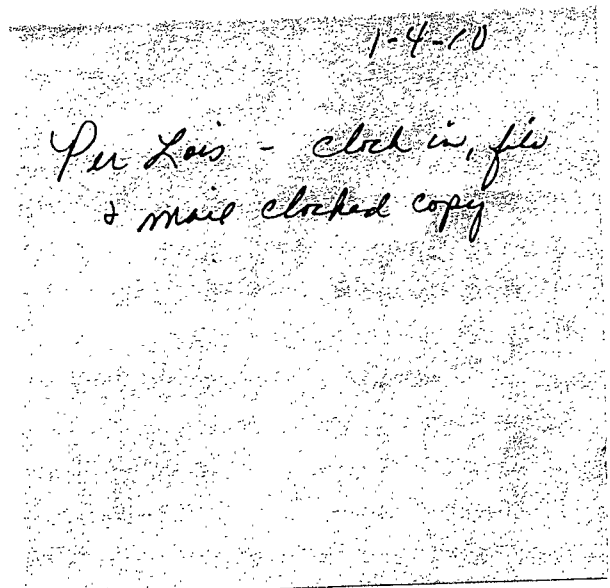
Very truly yours,



B. Michael Brackett

BMB/bmb
Enclosures

cc. The Honorable John P. Gettys
Robert P. Breakfield, Esquire
Mr. Mell Woods



535

Mailed Clocked Copy 1-4-10

STATE OF SOUTH CAROLINA

PROBATE COURT

COUNTY OF CHESTER

LOIS H. RODDEY
JUDGE OF PROBATE

IN THE MATTER OF THE ESTATE OF REBA P. HINSON

2010 JAN -4. P 3: 02

CASE NUMBER 2008-ES-12-00297

PROBATE COURT
CHESTER COUNTY S.C.

PROOF OF DELIVERY

On the 23rd day of December, 2009, I delivered copies of The Personal Representative's Return to Claimant's Motion for Removal, including the PR's Motion to Dismiss

a copy of which is attached hereto and incorporated herein, by the following method (check appropriate box):

- ☐ personal delivery
☒ ordinary first class mail
☐ certified mail
☐ registered mail

to each of the following persons at the address shown:

NAME

ADDRESS

Mell Woods, pro se

P. O. Box 2603, Lancaster, SC 29721

SWORN to before me this 23rd day of
December, 2009

Teresa Lavelle

Notary Public for South Carolina

My Commission Expires: 12-15-15

Signature: B. Michael Brackett
Name: B. Michael Brackett

Address: Moses Koon & Brackett, PC
P. O. Box 100261, Columbia, SC 29202-3261

Telephone(O): _____
(H): _____

Signature: _____
Name: _____
Address: _____

Telephone(O): _____
(H): _____

STATE OF SOUTH CAROLINA

COUNTY OF: Chester

IN THE MATTER OF: Reba P. Hinson

IN THE PROBATE COURT

PROOF OF DELIVERY

CASE NUMBER: 2008ES1200297

On the 22nd day of January, 2010, I mailed or delivered the following document,
Petition for removal of personal representative

☒
☐

A copy of which is attached hereto and incorporated herein, or
The original of which is on file with the court and incorporated herein,

Delivery was accomplished by the following method (check appropriate box):

☐ personal delivery
☐ certified mail

☒ ordinary first class mail
☐ registered mail

to each of the following persons at the address shown:

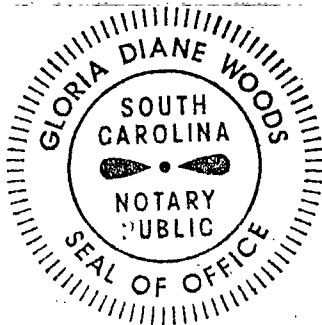
NAME	ADDRESS
<u>B. Michael Brackett</u>	<u>P.O. Box 100261</u>
	<u>Columbia, SC 29202</u>

SWORN to before me this 22 day of
January, 2010

Gloria Diane Woods

Notary Public for South Carolina

My Commission Expires: Jan. 8, 2018



Signature: [Signature]

Name: Mei Woods

Address: P.O. Box 2603

Lancaster, SC 29721

Telephone (O): _____

(H): _____

E-mail: _____

Signature: _____

Name: _____

Address: _____

Telephone (O): _____

(H): _____

E-mail: _____

STATE OF SOUTH CAROLINA

COUNTY OF: Chester

IN THE MATTER OF: Reba P. Hinson

IN THE PROBATE COURT

PROOF OF DELIVERY

CASE NUMBER: 2008ES1200297

On the 7 day of January, 2010, I mailed or delivered the following document,
Letter sent to B. Michael Brackett dated December 29, 2009

☒ A copy of which is attached hereto and incorporated herein, or
☐ The original of which is on file with the court and incorporated herein,

Delivery was accomplished by the following method (check appropriate box):

☐ personal delivery
☐ certified mail

☒ ordinary first class mail
☐ registered mail

to each of the following persons at the address shown:

NAME

ADDRESS

B. Michael Brackett

P.O. Box 100261

Columbia, SC 29202

WORN to before me this 7th day of
January, 2010

Gloria Diane Woods

Notary Public for South Carolina

Commission Expires: Jan. 8, 2018

Signature: [Signature]

Name: Meil Woods

Address: P.O. Box 2603

Lancaster, SC 29721

Telephone (O): _____

(H): _____

E-mail: _____

Signature: _____

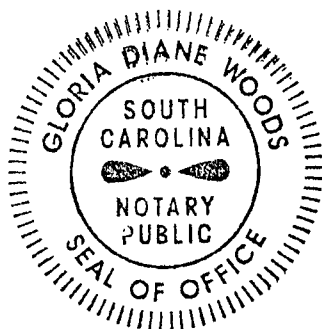
Name: _____

Address: _____

Telephone (O): _____

(H): _____

E-mail: _____



COUNTY OF:

Chester

IN THE PROBATE COURT

IN THE MATTER OF:

Reba P. Hinson

DEMAND FOR BOND

CASE NUMBER:

2008 ES1200297

Demandant Name:

MELL Woods

1. Nature of interest of undersigned: Improvements At Lot 10
2. Amount of interest or claim in the above estate: \$120,000.00 N. Adams Rd
3. The undersigned hereby demands that bond be required of the Personal Representative(s) of the estate.

4. Check one:

By copy of this demand to Robert H. BREAKFIELD, who was appointed and qualified as Personal Representative in this matter, I have given notice as required by law.

To my knowledge, no Personal Representative has been appointed or qualified as of this date.

Executed this

09

day of

November

20

09

Signature:

Name:

Address:

Telephone (O):

(H):

W. W.
MELL Woods
P.O. Box 26
LANCASTER, SC 297

11-12-09

Faxed copy of Demand
for Bond to Judge
Bestup

ORDER

Receipt of this demand, the Personal Representative shall give suitable bond. The Personal Representative shall refrain from exercising any powers of his/her estate or to pay the above demandant.

Executed this

day of

20

, Probate Court Judge

STATE OF SOUTH CAROLINA

COUNTY OF: Chester

IN THE MATTER OF: Reba P. Hinson

IN THE PROBATE COURT

PROOF OF DELIVERY

CASE NUMBER: 2008ES1200297

On the 09 day of Dec, 2009, I mailed or delivered the following document,
Petition for Allowance of Claim

- ☐ A copy of which is attached hereto and incorporated herein, or
☒ The original of which is on file with the court and incorporated herein,

Delivery was accomplished by the following method (check appropriate box):

- ☐ personal delivery ☒ ordinary first class mail
☐ certified mail ☐ registered mail

to each of the following persons at the address shown:

NAME

ADDRESS

Robert Harold Breakfield

P.O. Box 36061

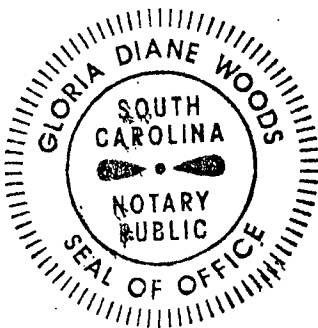
Rock Hill, SC 29732

SWORN to before me this 09 day of
December, 2009

Gloria Diane Woods

Notary Public for South Carolina

My Commission Expires: Jan. 08, 2018



Signature: [Signature]

Name: McEl Woods

Address: P.O. Box 2603

Lancaster, SC 29721

Telephone (O): _____

(H): _____

E-mail: _____

Signature: _____

Name: _____

Address: _____

Telephone (O): _____

(H): _____

E-mail: _____

STATE OF SOUTH CAROLINA

COUNTY OF: Chester

IN THE MATTER OF: Reba P. Hinson

IN THE PROBATE COURT

PROOF OF DELIVERY

CASE NUMBER: 2008ES1200297

On the 09 day of Dec, 2009, I mailed or delivered the following document,
Demand for Jury Trial



A copy of which is attached hereto and incorporated herein, or
The original of which is on file with the court and incorporated herein,

Delivery was accomplished by the following method (check appropriate box):

☐ personal delivery
☐ certified mail

☒ ordinary first class mail
☐ registered mail

to each of the following persons at the address shown:

NAME

ADDRESS

Robert Harold Breakfield

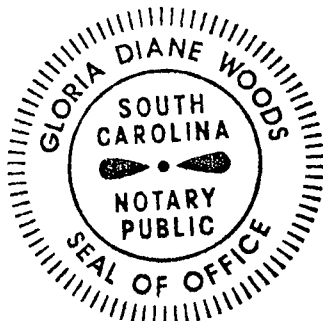
P.O. Box 36061
Rock Hill, SC 29732

SWORN to before me this 09 day of
December, 2009

Gloria Diane Woods

Notary Public for South Carolina

My Commission Expires: Jan. 08, 2018



Signature: [Signature]

Name: McCl Woods

Address: P.O. Box 2603
Lancaster, SC 29721

Telephone (O): _____

(H): _____

E-mail: _____

Signature: _____

Name: _____

Address: _____

Telephone (O): _____

(H): _____

E-mail: _____

LOIS H. RODDEY
JUDGE OF PROBATE
2009 DEC - 9 P 4:41
PROBATE COURT
CHESTER COUNTY S.C.

539

STATE OF SOUTH CAROLINA

COUNTY OF: Chester

IN THE MATTER OF: Reba P. Hinson

IN THE PROBATE COURT

PROOF OF DELIVERY

CASE NUMBER: 2008ES1200297

On the 09 day of Dec, 2009, I mailed or delivered the following document,
Motion for removal to Circuit Court

- ☐ A copy of which is attached hereto and incorporated herein, or
☒ The original of which is on file with the court and incorporated herein,

Delivery was accomplished by the following method (check appropriate box):

- ☐ personal delivery
☐ certified mail
☒ ordinary first class mail
☐ registered mail

to each of the following persons at the address shown:

NAME

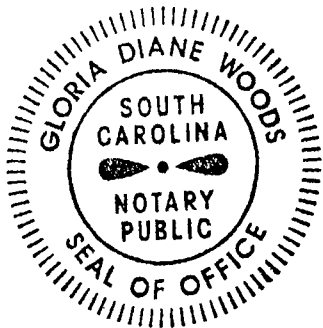
Robert Harold Breakfield

ADDRESS

P.O. Box 3606
Rock Hill, SC 29732

SWORN to before me this 09 day of
December, 2009

Gloria Diane Woods
Notary Public for South Carolina
My Commission Expires: Jan. 08, 2018



Signature: [Signature]

Name: McIl Woods

Address: P.O. Box 2603
Lancaster, SC 29721

Telephone (O): _____

(H): _____

E-mail: _____

Signature: _____

Name: _____

Address: _____

Telephone (O): _____

(H): _____

E-mail: _____

STATE OF SOUTH CAROLINA

COUNTY OF: Chester

IN THE MATTER OF: Reba P. Hinson

IN THE PROBATE COURT

DEMAND FOR JURY TRIAL

CASE NUMBER: 2008ES1200297

Petitioner: Mell Woods

1. Nature of interest of undersigned: Property and damages
2. I request a trial by jury be set in the above matter relating to the following (complete both):

a. Issue of fact (describe): amount
Jury to determine amt. of damages

b. Action for recovery of (specify):
money

Executed this 09 day of December, 2009

Signature: [Signature]

Name: Mell Woods

Address: P.O. Box 2603
Lancaster, SC 29721

Telephone (O): _____

(H): _____

ORDER FOR JURY TRIAL

On the basis of the above petition, IT IS HEREBY ORDERED that the petition for jury trial be ☐ GRANTED
☐ DENIED as follows:

Executed this _____ day of _____, 20____.

_____, Probate Court Judge

541

STATE OF SOUTH CAROLINA

PROBATE COURT

COUNTY OF CHESTER

IN THE MATTER OF REBA P. HINSON

Case NUMBER 2008ES1200297

PROOF OF DELIVERY

On the 11th day of November, 2009, I mailed or delivered a copy of Notice of Hearing, Notice of Allowance of Claim, Statement of Creditor's Claim filed by Mell Woods,

copy of which is attached hereto and incorporated herein, by the following method (check appropriate box):

- ☐ personal delivery
☒ ordinary first class mail
☐ certified mail
☐ registered mail

LOIS H. RODDEY
JUDGE OF PROBATE
2009 NOV 13 P 12:20
PROBATE COURT
CHESTER COUNTY S.C.

Each of the following persons at the address shown:

NAME

ADDRESS

SEE ATTACHED LIST

WORN to before me this 11th day of November, 2009

Elly S. Sunwalt

Notary Public for South Carolina

My Commission Expires: 1-16-2019

Signature: Patricia Davis

Name: Patricia Davis

Address: C/O Robert H. Breakfield

P.O. Box 36061, Rock Hill, SC 29732

Telephone(O): (803) 329-4920

(H): _____

Signature: _____

Name: _____

Address: _____

Telephone(O): _____

(H): _____

Lois Hinson
1399 Beaver Dam Rd.
Richburg, SC 29729

Kathy H. Huffstickle
5715 Lake View Cr.
Fort Lawn, SC 29714

John C. Hinson
1563 Hinton Dr.
Great Falls, SC 29055

William L. Hinson
611 Hughes Street
Sanford, NC 27330

John D. Hinson
1683 Poorboy Road
Great Falls, SC 29055

Charles J. Hinson
237 Laura, Lot 21
Florence, SC 29506

Robert H. Hinson (337 Naturewoods Rd)
PO Box 72
McConnells, SC 29726

William C. Hinson, Jr.
118 Nella Street
Chester, SC 29706

Elaine H. Hensley
6 Church Street
Great Falls, SC 29055

Linda H. Stanford
6969 Snowy Owl Rd.
Kershaw, SC 29067

Darrell W. Hinson
PO Box 163
Fort Lawn, SC 29714

LOIS H. RODDEY
JUDGE OF PROBATE
2009 NOV 13 P 12:20
PROBATE COURT
CHESTER COUNTY S.C.

COUNTY OF CHESTER

IN THE MATTER OF ESTATE OF REBA P. HINSON

CASE NUMBER 2008ES1200297

NOTICE OF: HEARING

DATE: December 15, 2009

TIME: 3:30 p.m.

PLACE: Chester County Probate Court, 1476 J.A. Cochran Bypass, Chester County Complex,
Chester, South Carolina 29706DESCRIPTION OF ATTACHED PLEADINGS (example: petition for formal appointment, filing of bond, hearing to
determine heirs, etc):

LOIS M. RODDEY
JUDGE OF PROBATE
2009 NOV 13 P 11 20
PROBATE COURT
CHESTER COUNTY, SC

Executed this 10th day of November, 2009Signature: Robert H. BreakfieldName: Robert H. BreakfieldAddress: P. O. Box 36061Rock Hill, SC 29732Telephone(O): 803-329-4920

(H): _____

Signature: _____

Name: _____

Address: _____

Telephone(O): _____

(H): _____

ROBERT HAROLD BREAKFIELD

ATTORNEY AT LAW

THE SQUARE AT CONSTITUTION * 1590-02 CONSTITUTION BLVD.
P.O. BOX 36061 * ROCK HILL, SOUTH CAROLINA * 29732
TELEPHONE (803) 329-4920 * FAX (803) 329-0476
breakfieldb@comporium.net

November 10, 2009

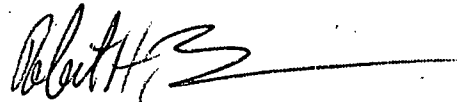
Mr. Mell Woods
P. O. Box 2603
Lancaster, SC 29721

Re: Estate of Reba Hinson

Dear Mr. Woods,

The Probate Court has scheduled a Hearing for your claim on December 15, 2009 at 3:30 p.m. in the Probate Court for Chester County.

With kindest regards,



Robert H. Breakfield

RHB/psd

C: The Honorable Lois H. Roddey
The Honorable John P. Gettys
All Beneficiaries of Estate

11-13-09

I cannot letter only.

LOIS H. RODDEY
JUDGE OF PROBATE
2009 NOV 13 P 12:20
PROBATE COURT
CHESTER COUNTY S.C.

Sending Confirm

Date : DEC-10-2009 THU 08:38AM
Name : PROBATE COURT
Tel. : 8035815180

Phone : 18036848536
Pages : 7
Start Time : 12-10 08:35AM
Elapsed Time : 02'21"
Mode : ECM
Result : Ok

Motion
Proof of Delivery
Demand for Jury Trial
Proof of Delivery
Petition for Allowance of Claim
Proof of Delivery



Chester County

Probate Judge

P.O. Drawer 580, 140 Main Street
Chester, South Carolina 29706
Phone (803) 385-2604 Fax (803) 581-5180

To: Judge Gettys

Date: 12/9/09

Company: _____

Fax: 803 684-8536

From: Stella

Re: _____

Number of Pages (including cover sheet) 8

Urgent () For Review () Please Comment () Please Reply () Please Recycle ()

Comments:

Judge Gettys:

Hearing scheduled on Estate of Reba Hinson on December 15,

2009, at 3:30 P.M. Mell Woods paid \$150.00 12/9/09 to file

Petition for Allowance of Claim.

Thanks,

Stella

**OFFICE OF THE PROBATE COURT
CHESTER COUNTY
PO DRAWER 580**

CHESTER, SC 29706

CASE# : 2008ES1200297

ESTATE OF: REBA PETTIT HINSON,

Payor: ROBERT H. BREAKFIELD

Receipt Number: 3165

Officer: DIANNE

Cash or Check# : 1978

Date of Receipt: 10/08/2009

TOTAL FEES: \$764.92

PAYMENTS: \$764.92

ENDING BALANCE: \$0.00

ACCOUNT:

COMMENTS:

Chester, SC October 6 2009

Mr. Robert H. Breakfield
P. O. Box 36061
Rock Hill, SC 29732

TO **COUNTY OF CHESTER, DR.**
CHESTER COUNTY PROBATE COURT

ESTATE OF REBA P. HINSON
File No. 2008ES1200297

Probate fee

\$764.92

Nov. 12, 2009



Patti called from Bob
Breakfield's office -
She said Judge Roddey
ruled on something in
Mr. Hinson's Estate concerning
the real estate - Fax to
her at 803-329-0476

Chester County
Probate Judge
P.O. Drawer 580, 140 Main Street
Chester, South Carolina 29706
Tel (803) 385-2604 Fax (803) 581-5180

Faxed Order dated 10-15-09 &
Amended Real Est. Convey.

To: Patti

Date: Nov. 12, 2009

Company: _____

Fax: 803-329-0476

From: Jeni Zon

Re: Hinson Estate

Number of Pages (including cover sheet) 5

Urgent () For Review () Please Comment () Please Reply () Please Recycle ()

Comments:

Patti,
I'm not sure if this is what you need or not. If not,
let me know.

I faxed Judge Roddey a copy of the Demand for Bond.
He will be in touch with Mr. Breakfield about that.

If there's anything else we can do for you, let
us know.

Jeni

TELEPHONE (803) 385-2604

FAX (803) 581-5180

LOIS H. RODDEY
JUDGE OF PROBATE

2007 OCT 30 A 11: 54

PROBATE COURT
CHESTER COUNTY S.C.

IN THE PROBATE COURT
SIXTH CIRCUIT COURT

Case No. 1986-ES-12-18

ORDER

LOIS H. RODDEY
JUDGE OF PROBATE

2007 OCT 16 A 9: 11

PROBATE COURT
CHESTER COUNTY S.C.

STATE OF SOUTH CAROLINA

COUNTY OF CHESTER

Kathy H. Huffstickle,

In the Matter of: Levie Hoyt Hinson,

Petitioner.

vs.

Lois H. Griffin,

Respondent.

This matter came before the Court on August 9, 2007, for a hearing on the Petition of Kathy H. Huffstickle dated May 23, 2007, seeking to set aside an amended real estate conveyance filed by the Probate Court on March 8, 2007. It appears that Levie Hoyt Hinson died on August 1, 1986, leaving a Last Will and Testament. Item I of Levie Hoyt Hinson's Will reads as follows:

"I will, devise and bequeath unto my beloved wife, Reba P. Hinson all of my personal property of every kind and description including cash money. At her death, the remainder if any, to our beloved children. Name: William C. Hinson deceased his heirs, Lois H. Griffin, John C. Hinson, and Kathy H. Huffstickle, share and share alike."

Item II of the Will reads as follows:

"I will, devise and bequeath unto my beloved wife, Reba P. Hinson all my real estate, in fee simple, as long as she lives then to our bodily heirs forever."

Item II of the Will appears to leave a Life Estate to Reba P. Hinson in all of Levie Hoyt Hinson's real estate then to the bodily heirs forever. The issue in this case turns upon a determination of the intention of Levie Hoyt Hinson in using the language "bodily heirs". It was the contention of the Petitioner that the deceased intended to leave to his bodily heirs the property in question and that Lois H. Griffin was not his bodily heir. It was the contention of Lois H. Griffin that Kathy H. Huffstickle was not a bodily heir of

the parents and that she did not inherit any real estate. It was an alternate contention of Kathy H. Huffstickle that she was the only joint child of Levie Hoyt Hinson and Reba P. Hinson so she is the only bodily heir.

It appears that Levie Hoyt Hinson fathered William C. Hinson and John C. Hinson prior to his marriage to Reba P. Hinson. It appears that Reba P. Hinson gave birth to Lois H. Griffin prior to her marriage to Levie Hoyt Hinson. There was conflicting testimony as to whether or not Kathy H. Huffstickle was the child of Levie Hoyt Hinson and Reba P. Hinson. The defense presented witnesses that Kathy H. Huffstickle was actually a child of the sister of Reba P. Hinson. Kathy H. Huffstickle stated that to her knowledge she was the child of Levie Hoyt Hinson and Reba P. Hinson. A birth certificate was introduced into evidence showing Reba P. Hinson and Levie Hoyt Hinson as the parents of Kathy H. Huffstickle.

Item I of the Will lists each of the children of Levie Hoyt Hinson and Reba P. Hinson. I find that Levie Hoyt Hinson intended to leave the real estate to all of the children listed in Item I and used the term bodily heirs in Item II of the Will interchangeably with the children in Item I of the Will. I further find that he intended to include Kathy H. Huffstickle and Lois H. Griffin as children and bodily heirs.

IT IS SO THEREFORE ORDERED

- A. That the amended real estate conveyance of March 8, 2007, is affirmed,
- B. That the real property consisting of 92 acres referred to in the Petition as tax map no 158-0-0-3 is hereby declared to be owned, as tenants in common, by the bodily heirs of Levie Hoyt Hinson,
- C. That the bodily heirs of Levie Hoyt Hinson are hereby declared to be John C. Hinson, Lois H. Griffin, Kathy H. Huffstickle, and the heirs of William C. Hinson, and
- D. That the heirs of William C. Hinson are William Levy Hinson, John Daniel Hinson, Charles Jerry Hinson, Robert Harold Hinson, William

Calvin Hinson, Etta Elaine Hinson, Linda Kay Hinson, and Darrell Wayne
Hinson.

AND IT SO ORDERED,

October 15th, 2007
Chester, South Carolina

Lois H. Roddey
Lois H. Roddey
Chester County Probate Judge

#3
PJR

AMENDED

County of Chester, _____

March 8, 2007

Estate of Levie Hoyt Hinson

DECEASED

Book No. S
Page No. 183
File No. 86ES1200180
Pkg. No. _____

Judge of Probate Chester County

STATE OF SOUTH CAROLINA
COUNTY OF YORK

JOHN H. RODDEY
JUDGE OF PROBATE

2010 APR -2 A 10:49

IN THE MATTER OF: ESTATE OF REBA P. HINSON

CASE NUMBER:

PROBATE COURT
CHESTER COUNTY CASE NO. 2008ES1200297
YORK COUNTY CASE NO. 2010ES4600265

FILED RECEIVED
2010 MAR 24 AM 7:41
JUDGE OF PROBATE
YORK COUNTY, SC

ORDER FOR HEARING

IT IS HEREBY ORDERED that a hearing in this matter be set for:

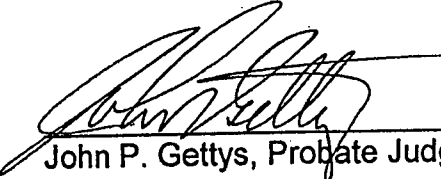
DATE: APRIL 12, 2010

TIME: 11:00 A.M.

PLACE: YORK COUNTY PROBATE COURT, #1 E. LIBERTY STREET,
YORK, S. C.

HEARING SCHEDULED TO CONSIDER PETITION TO REMOVE
PERSONAL REPRESENTATIVE; PETITION/MOTION TO VACATE
FEBRUARY 18, 2009 ORDER; MOTION TO REMOVE PETITION TO
VACATE TO CIRCUIT COURT; PERSONAL REPRESENTATIVE'S
MOTION TO DISMISS PETITION/MOTION TO VACATE.

Executed this 23rd day of March 2010.


John P. Gettys, Probate Judge

STATE OF SOUTH CAROLINA

COUNTY OF YORK

IN THE MATTER OF THE ESTATE OF REBA P. HINSON

Case NUMBER: YORK - 2010-ES-46-0265
CHESTER - 2008-ES-12-00297

PROBATE COURT

LOIS H. RODDEY
JUDGE OF PROBATE

2010 APR -2 A 10:49

PROBATE COURT
CHESTER COUNTY S.C.

PROOF OF DELIVERY

On the 29th day of March, 2010, I delivered copies of Order for Hearing and Notice of Hearing

copy of which is attached hereto and incorporated herein, by the following method (check appropriate box)

- ☐ personal delivery
☒ ordinary first class mail
☐ certified mail
☐ registered mail

FILED RECEIVED
2010 MAR 31 AM 9:26
JUDGE OF PROBATE
YORK COUNTY, SC

each of the following persons at the address shown:

NAME	ADDRESS
ell Woods, pro se	P. O. Box 2603, Lancaster, SC 29721

WORN to before me this 29 day of March, 2010
Laura Lawrence
Notary Public for South Carolina
My Commission Expires: 12-15-15

Signature: [Signature]
Name: Linda T. Abernethy, Legal Assistant
Address: Moses Koon & Brackett, PC
P. O. Box 100261, Columbia, SC 29202-3261
Telephone(O): _____
(H): _____

Signature: _____
Name: _____
Address: _____
Telephone(O): _____
(H): _____

556

STATE OF SOUTH CAROLINA
JUDGE OF PROBATE

PROBATE COURT

COUNTY OF YORK

2010 APR -2 A 10:49

IN THE MATTER OF THE ESTATE OF REBA P. HINSON

PROBATE COURT
CHESTER COUNTY S.C.

CASE NUMBER: Chester County Case# 2008-ES-12-00297

York County Case# 2010-ES-46-0265.

FILED RECEIVED
2010 MAR 31 AM 9:26
JUDGE OF PROBATE
YORK COUNTY, SC

NOTICE OF HEARING

DATE: APRIL 12, 2010

TIME: 11:00 A.M.

PLACE: YORK COUNTY PROBATE COURT
1 EAST LIBERTY STREET
YORK, SOUTH CAROLINA

MATTERS TO BE HEARD:

- 1) Petition to Remove Personal Representative
- 2) Petition/Motion to Vacate February 18, 2009 Order
- 3) Motion to Remove Petition to Vacate to Circuit Court
- 4) Personal Representative's Motion to Dismiss Petition and Motion to Vacate



B. Michael Brackett, Esquire
1333 Main Street, Suite 650
Post Office Box 100261
Columbia, South Carolina 29202-3261
(803) 461-2312
Attorney for Personal Representative

Columbia, South Carolina
March _____, 2010

ROBERT HAROLD BREAKFIELD
ATTORNEY AT LAW

LOIS H. RODDEY
JUDGE OF PROBATE
2010 APR -6 A 11:07

THE SQUARE AT CONSTITUTION * 1590-02 CONSTITUTION BLVD
P.O. BOX 36061 * ROCK HILL, SOUTH CAROLINA * 29686
TELEPHONE (803) 329-4920 * FAX (803) 329-4920
breakfieldb@comporium.net
PROBATE COURT
CHESTER COUNTY S.C.

April 2, 2010

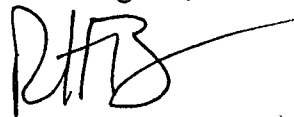
The Honorable Lois H. Roddey
Chester Probate Court
P. O. Drawer 580
Chester, SC 29706

Re: Estate of Reba P. Hinson

Dear Judge Roddey,

Enclosed is a copy of a Durable Power of Attorney for Charles J. Hinson appointing his brother, Robert H. Hinson as his agent. Please attach this document with the Private Agreement I filed with your court.

With kindest regards,



Robert H. Breakfield

RHB/psd
Enclosure

LOIS H. RODDEY
JUDGE OF PROBATE
DURABLE POWER OF ATTORNEY
OF
CHARLES JERRY HINSON
2010 APR -6 A 11:07

PROBATE COURT
CHESTER COUNTY S.C.

Introductory Provision. I, Charles Jerry Hinson, as principal (the "Principal") have this day appointed Robert H. Hinson to serve as my agent ("Agent") and to exercise the powers and discretions set forth below.

Statement of Intent to Create Durable Power of Attorney Under State Statute. By this instrument I intend to create a Durable Power of Attorney under South Carolina law.

ARTICLE I

AGENT AUTHORIZATION

My Agent is authorized as follows:

(1) **Power with Respect to Legal and Other Actions.** My Agent is authorized to institute, supervise, prosecute, testify on my behalf, defend, intervene in, abandon, compromise, arbitrate, settle, dismiss, and appeal from an action to be commenced in the Court of Common Pleas for Chester County, SC seeking an accounting and a partition and sale of the real property identified on Schedule A attached to this Durable Power of Attorney.

ARTICLE II

INCIDENTAL POWERS

Incidental Powers. In connection with the exercise of the powers herein described, my Agent is fully authorized and empowered to perform any acts and things and to execute and deliver any documents, instruments, certificates and papers necessary or appropriate to such exercise or exercises.

ARTICLE III

THIRD PARTY RELIANCE

For the purpose of inducing all persons, organizations, corporations and entities, including but not limited to any physician, hospital, nursing home, health care provider, bank, broker, custodian, insurer, lender, transfer agent, taxing authority, governmental agency, or other party, all of whom will be referred to in this Article as a

"Person", to act in accordance with the instructions of my Agent as authorized in this instrument, I hereby represent, warrant and agree to the following:

(1) **Revocation and Amendments.** If this instrument is revoked or amended for any reason, I, my estate and my personal representative will hold any person, organization, corporation or entity, hereinafter referred to in the aggregate as "Person", harmless.

(2) **No Liability for Reliance on Agent.** No Person who relies in good faith on the authority of my Agent under this instrument shall incur any liability to me, my estate or my personal representative.

(3) **Principal and Heirs Bound.** No Person who relies on any affidavit or certificate under penalty of perjury that this instrument specifically authorizes my Agent to execute and deliver shall incur any liability to me, my estate or my personal representative.

ARTICLE IV

DURABILITY PROVISION

Immediate Power. This power of attorney shall not be affected by my subsequent disability or incapacity, or lapse of time.

ARTICLE V

ADMINISTRATIVE PROVISIONS

The following provisions shall apply:

(1) **Reimbursement of Agent.** My Agent shall be entitled to reimbursement for all reasonable costs and expenses, including reasonable attorney's fees, actually incurred and paid by my Agent on my behalf at any time under any provision of this instrument. My Agent shall not be entitled to compensation for services rendered hereunder.

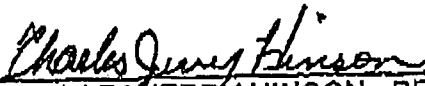
(2) **Counterpart Originals.** If this instrument has been executed in multiple counterpart originals, each such counterpart original shall have equal force and effect.

(3) **Photocopies.** My Agent is authorized to make photocopies of this instrument as frequently and in such quantity as my Agent shall deem appropriate. Each photocopy shall have the same force and effect as any original.

(4) **Binding Effect.** This instrument and actions taken by my Agent properly authorized hereunder shall be binding on me, my estate and my personal representative.

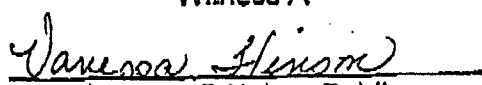
(5) **Governing Law.** This instrument shall be governed by the laws of the State of South Carolina in all respects.

IN WITNESS WHEREOF, I have executed this Power of Attorney this 26 day of MAY, 2008, and I have directed that photographic copies of this power be made which shall have the same force and effect as an original.


CHARLES JERRY HINSON, PRINCIPAL

ATTESTATION

The foregoing Durable Power of Attorney was this ____ day of ____, 2008, signed, sealed, published and declared by the said Principal as and for the Principal's Durable Power of Attorney in our presence, and at the Principal's request and in the Principal's presence, and in the presence of each other, have hereunto subscribed our names as witnesses on the above date.


Witness A

Witness B Notary Public

STATE OF SC.

COUNTY OF ALDER

)
)
)

PROBATE

PERSONALLY appeared the undersigned witness and made oath that
he saw the within named Principal duly authorized, sign, seal and as the Principal's act
and deed deliver the within Durable Power of Attorney and that deponent with the other
witness whose name is subscribed above witnessed the execution thereof.

Jessica Patterson
Witness A

SWORN to before me this

26 day of May, 2008.

Vanessa B. Thirion

Notary Public for

My Commission expires: January 18th 2015

LOIS H. RODDEY
JUDGE OF PROBATE

2010 APR 20 A 10:35 April 14, 2010

Mell Woods PROBATE COURT
P.O. Box 2601 CHESTER COUNTY S.C.
Lancaster SC 29721

FILED RECEIVED
2010 APR 16 AM 7:49
JUDGE OF PROBATE
YORK COUNTY, SC

The Honorable John P. Gettys
Judge of Probate
P.O. Box 219
York SC 29745

Re: Estate of Reba P. Hinson Chester County Case

Dear Judge Gettys:

I do certainly appreciate the allowance of my claim to be transferred to circuit court. However, while at the circuit court filing the papers, I looked for two other cases on file concerning the above estate one of which is a partition case, and I found the law firm of Morton and Gettys signed in on one case. For the record John P. Gettys, Jr., is your son and is a full partner in the firm of Morton and Gettys.

Your proposed rulings made at the hearing on Monday directly change my material rights, and directly enhance your son's case. I am not saying that you knew about this before, but now you know. This situation is too close for comfort, and a Judge should not be ruling on a family member's case. And coupled with the fact that you refused to allow your clerks to issue witness subpoenas in the case, I will be appealing your ruling to the circuit court. I would appreciate it if you would just not rule and just let the next Judge handle the matter.

Sincerely,



Mell Woods

Kathy H. Huffstickle, et. al.,

Plaintiff(s)

CIVIL ACTION COVERSHEET

2009-CP - 12- 00527

vs.

Jols H. Griffin, et. al.,

Defendant(s)

Please Print)

Submitted By: William T. Moody

Address: 30 N. Congress St., York, SC 29745

SC Bar #: 063035

Telephone #: 803-684-9604

Fax #: 803-684-4932

Other:

E-mail:

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
- ☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|---|---|---|
| Contracts | Torts - Professional Malpractice | Torts - Personal Injury | Real Property |
| ☐ Constructions (100) | ☐ Dental Malpractice (200) | ☐ Assault/Slander/Libel (300) | ☐ Claim & Delivery (400) |
| ☐ Debt Collection (110) | ☐ Legal Malpractice (210) | ☐ Conversion (310) | ☐ Condemnation (410) |
| ☐ Employment (120) | ☐ Medical Malpractice (220) | ☐ Motor Vehicle Accident (320) | ☐ Foreclosure (420) |
| ☐ General (130) | Previous Notice of Intent Case # | ☐ Premises Liability (330) | ☐ Mechanic's Lien (430) |
| ☐ Breach of Contract (140) | 20 -CP- - | ☐ Products Liability (340) | ☐ Partition (440) |
| ☐ Other (199) | ☐ Notice/ File Med Mal (230) | ☐ Personal Injury (350) | ☐ Possession (450) |
| | ☐ Other (299) | ☐ Wrongful Death (360) | ☐ Building Code Violation (460) |
| | | ☐ Other (399) | ☒ Other (499) Quiet title |

- | | | | |
|--|---|---|--|
| Inmate Petitions | Judgments/Settlements | Administrative Law/Relief | Appeals |
| ☐ PCR (500) | ☐ Death Settlement (700) | ☐ Reinstate Driver's License (800) | ☐ Arbitration (900) |
| ☐ Mandamus (520) | ☐ Foreign Judgment (710) | ☐ Judicial Review (810) | ☐ Magistrate-Civil (910) |
| ☐ Habeas Corpus (530) | ☐ Magistrate's Judgment (720) | ☐ Relief (820) | ☐ Magistrate-Criminal (920) |
| ☐ Other (599) | ☐ Minor Settlement (730) | ☐ Permanent Injunction (830) | ☐ Municipal (930) |
| | ☐ Transcript Judgment (740) | ☐ Forfeiture-Petition (840) | ☐ Probate Court (940) |
| | ☐ Lis Pendens (750) | ☐ Forfeiture-Consent Order (850) | ☐ SCDOT (950) |
| | ☐ Transfer of Structured Settlement Payment Rights Application (760) | ☐ Other (899) | ☐ Worker's Comp (960) |
| | ☐ Other (799) | | ☐ Zoning Board (970) |
| Special/Complex/Other | | | ☐ Administrative Law Judge (980) |
| ☐ Environmental (600) | ☐ Pharmaceuticals (630) | | ☐ Public Service Commission (990) |
| ☐ Automobile Arb. (610) | ☐ Unfair Trade Practices (640) | | ☐ Employment Security Comm (991) |
| ☐ Medical (620) | ☐ Out-of State Depositions (650) | | ☐ Other (999) |
| ☐ Other (699) | ☐ Sexual Predator (510) | | |

Submitting Party Signature:

Date: 08/14/09

564

MORTON & GETTYS
ATTORNEYS AT LAW

JAMES M. MORTON

JOHN P. GETTYS, JR.

MICHAEL B. SMITH †

JOSHUA B. VANN

SHANNON M. LANDO

ELIZABETH S. OWEN

J. RICHARDS MCCRAE, III

Special Counsel:
WILLIAM T. MOODY

Certified Family Court Mediator †

ROCK HILL OFFICE

334 Oakland Avenue

PO Box 707

Rock Hill, SC 29731

office 803.366.3388

fax 803.324.3768

INDIAN LAND OFFICE

7580 Charlotte Highway

Highway 521, Suite 700

Fort Mill, SC 29707

office 803.548.5646

fax 803.547.4044

YORK OFFICE

Congress St Executive Ctr

30 North Congress St

Suite 200

York, SC 29745

office 803.684.9604

fax 803.684.4932

www.mortongettys.com

September 17, 2009

Reply to York

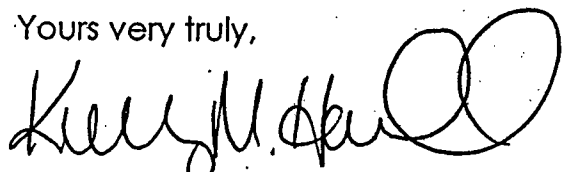
Honorable Sue Carpenter
Clerk of Court for Chester County
PO Drawer 580
Chester, SC 29706

Re: Kathy Huffstickler vs. Lois Griffin
Case no. 2009-CP-12-00527

Dear Ms. Carpenter:

Enclosed please find two (2) originals and two copies of the Affidavit of Process Server in the above referenced matter. At your convenience, please file the originals and return a clocked copies to me for my file. Should you have any questions regarding the enclosed, please do not hesitate to contact me.

Yours very truly,



Kelly M. Hamilton

Legal Secretary for William T. Moody

enclosures

FILED

2009 SEP 21 A 11:21

CLERK OF COURT
CHESTER CO S.C.

ACTIVITY REPORT

4-14-10 12:10 PM
TIME : ~~08/18/2008 07:20~~

DATE	TIME	FAX NO. /NAME	DURATION	PAGE(S)	RESULT	COMMENT
08/18	07:17	1-803-684-8536	02:22	04	OK	TX ECM

4-14-10
 BUSY: BUSY/NO RESPONSE
 NG : POOR LINE CONDITION
 CV : COVERPAGE
 CA : CALL BACK MSG
 POL : POLLING
 RET : RETRIEVAL

P.S. I AM sending A COPY
 of this to BRACKETT, but
 NOT filing ANYTHING WITH
 A COURT, UNLESS SOMEONE
 TELLS me to do so.

MOSES KOON & BRACKETT, PC

ATTORNEYS AND COUNSELORS AT LAW

1333 Main Street, Suite 650 (29201)
Post Office Box 100261
Columbia, South Carolina 29202-3261

Telephone (803) 461-2300
Facsimile (803) 461-2309

B. Michael Brackett
Direct Dial: (803) 461-2312
Email: mbrackett@mkb-law.com

April 21, 2010

Mell Woods
P. O. Box 2603
Lancaster, SC 29721

RE: Estate of Reba P. Hinson
2008-ES-12-0297
Our File Number - 12085.1

LOUIS H. RODDEY
JUDGE OF PROBATE
2010 APR 22 P 12:16
PROBATE COURT
CHESTER COUNTY S.C.

Dear Mr. Woods:

Enclosed please find a copy of the Probate Court's Order dated April 19, 2010, filed April 20, 2010, resolving the matters heard on April 12, 2010.

Very truly yours,



B. Michael Brackett

BMB/Ita
Enclosure

cc. Chester County Probate Court
York County Probate Court
Robert H. Breakfield, Esquire

MOSES KOON & BRACKETT, PC

ATTORNEYS AND COUNSELORS AT LAW

1333 Main Street, Suite 650 (29201)
Post Office Box 100261
Columbia, South Carolina 29202-3261

phone (803) 461-2300
imile (803) 461-2309

B. Michael Brackett
Direct Dial: (803) 461-2312
Email: mbrackett@mkb-law.com

April 13, 2010

The Honorable John P. Gettys
Special Probate Judge for Chester County
P. O. Box 219
York, SC 29745

LOIS H. RODDEY
JUDGE OF PROBATE
2010 APR 20 A 10:35
PROBATE COURT
CHESTER COUNTY S.C.

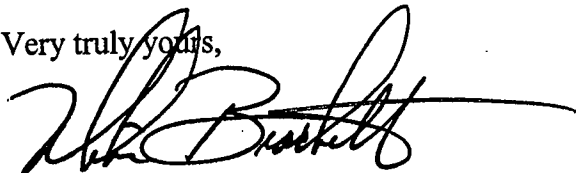
RE: Estate of Reba P. Hinson
2008-ES-12-0297 (Chester County)
2010-ES-46-0265 (York County)
Our File Number - 12085.1

Dear Judge Gettys:

Enclosed please find the proposed Order that you requested at the conclusion of the hearing yesterday. By copy of this letter, a copy of the enclosed proposed Order is being provided to Mr. Woods.

Please let me know if you require revisions, or if you prefer that I email the order to you in Word or in Word Perfect.

Very truly yours,



B. Michael Brackett

BMB/lta

cc. Robert H. Breakfield, Esquire
Mell Woods

4-19-10
Judge Gettys signed an
Order in Reba Hinson
Estate. - Kelly is sending
us the original and
one copy - Clerk is to
send to attorney - she
is keeping a copy for
their file
Mailed to Mr. Brackett 4-20-10

568

MOSES KOON & BRACKETT, PC

ATTORNEYS AND COUNSELORS AT LAW

1333 Main Street, Suite 650 (29201)
Post Office Box 100261
Columbia, South Carolina 29202-3261

Telephone (803) 461-2300
Facsimile (803) 461-2309

B. Michael Brackett
Direct Dial: (803) 461-2312
Email: mbrackett@mkb-law.com

June 10, 2010

Mell Woods
P. O. Box 2603
Lancaster, SC 29721

RE: Appeal of Probate Court Order
2010-CP-12-0201
Our File Number - 12085.1

LOIS H. RODDEY
JUDGE OF PROBATE
2010 JUN 11 A 10:53
PROBATE COURT
CHESTER COUNTY S.C.

Dear Mr. Woods:

I understand from the Clerk of Court that you have filed Grounds of Appeal in the latest Appeal from Probate Court. Although filing with the Court indicates that the Grounds of Appeal were served on me by mail, please be advised that I have not received anything from you since having received the Notice of Appeal.

Very truly yours,



B. Michael Brackett

BMB/lta

cc. Chester County Probate Court
York County Probate Court
Robert H. Breakfield, Esquire

STATE OF SOUTH CAROLINA

COUNTY OF: CHESTER

IN THE MATTER OF: REBA P. HINSON

IN THE PROBATE COURT

INVENTORY AND APPRAISEMENT

LOIS H. RODDEY
JUDGE OF PROBATE

CASE NUMBER: 2008es1200297

2009 OCT -5 P 12:09

☒ ORIGINAL☐ SUPPLEMENTAL #PROBATE COURT
CHESTER COUNTY S.C.

Personal Representative (s): Robert H. Breakfield

Decedent's Social Security Number: 249-07-2826

Decedent's Date of Death: January 3, 2007

Was there a will? ☒ YES ☐ NOChester
(county)SC
(state)

I, the undersigned, being sworn, states: That the following schedules contain a complete and accurate inventory and appraisal of all real and personal property of this estate so far as the undersigned is informed: that he/she has estimated and/or appraised all listed property at its fair market value, according to the best of his/her knowledge and ability.

I appear before me this

1st day of
October 2009

Notary Public for South Carolina

My Commission Expires: 1-16-2019

Signature:

Name: Robert H. Breakfield

Address: P. O. Box 36061

Rock Hill, SC 29732

E-Mail: breakfieldb@comporium.net

Telephone (O): 803-329-4920

(H):

Signature:

Name:

Address:

E-Mail:

Telephone (O):

(H):

Attorney:

Address:

E-Mail:

Telephone:

For estates of decedents, the gross fair market valuation of all assets, regardless of situs, should be given as of the date of death. List all out-of-state assets on appropriate schedules. A Supplemental Inventory should be utilized for correcting, adjusting or adding to an original inventory. A qualified and disinterested appraiser may be employed to ascertain the value of any asset, the value of which may be subject to reasonable doubt. If an appraiser is employed, his/her name and address should be indicated with the item or items he/she appraised.

Within ninety (90) days following appointment, a copy of the Inventory and appraisal shall be sent to each interested person who requests it, and the original inventory filed with the Probate Court.

RECAPITULATION

	Non-Probate	Probate
Schedule A - Real Estate	\$	0.00
Schedule B - Stocks and Bonds		0.00
Schedule C - Notes Due Decedent and Cash		475,915.56
Schedule D - Insurance on Person's Life: Part 1 - Payable to Estate		0.00
Part 2 - Payable to Beneficiary		0.00
Schedule E - Jointly Owned Property		0.00
Schedule F - Other Miscellaneous		0.00
Other Assets Payable to Estate		0.00
Schedule G - Transfers during Decedent's life		0.00
Schedule H - Powers of Appointment		0.00
Schedule I - Annuities and Retirement Accounts	48,984.62	70,695.96
TOTAL GROSS VALUE	\$ 595,596.14	
ENCUMBRANCES	(0.00)	
TOTAL NET WORTH	\$ 595,596.14	

570

Page 1 of 7

IF WHEN COMPLETING THE FOLLOWING SCHEDULES, PLEASE REMEMBER TO LIST ALL ASSETS, REGARDLESS OF SITUS. ALL OUT-OF-STATE ASSETS MUST BE DISCLOSED.

SCHEDULE A - Real Estate (All interest in real property except those held with right of survivorship) (If none, so state.) (For jointly owned property with right of survivorship, see schedule E)

Item No.	Description (include county and state)	Tax Assessor's Fair Market Value for year of Decedent's Death	Appraised Value	Appraised Value of Decedent's Interest

TOTAL SCHEDULE A

(also enter under recapitulation, page 1)

\$ NONE

SCHEDULE B - Stocks and Bonds (If none, so state.) (For jointly owned property with right of survivorship, see schedule E)

Item No.	Description	Face Value	Appraised Value

TOTAL SCHEDULE B

(also enter under recapitulation, page 1)

\$ NONE

SCHEDULE C - Notes due to Decedent, and Money on hand and in banks (If none, so state.) (For jointly owned property with right of survivorship, see schedule E)

Item No.	Description	Value
1.	Cash received from Kathy Huffstickle	\$200,000.00
2.	Promissory Note from Kathy Huffstickle	60,651.42
3.	Cash received from Lois H. Griffin	16,000.00
4.	Wachovia Bank CD (86,376.06 & 43,730.68)	130,106.74
5.	Founders Federal CU	69,157.40

TOTAL SCHEDULE C

(also enter under recapitulation, page 1)

\$ 475,915.56

(If more space is required, insert tax schedules or additional sheets of same size.)

Life Insurance Payable to the Estate

\$ 0.00

Also enter under recapitulation, page 1)

\$ 0.00

also enter under recapitulation, page 1).

SCHEDULE E - Jointly owned Property (with right of survivorship): (if none, so state.)
 E: You must complete Schedule E if the Decedent owned any property jointly with right of survivorship at the time of death, whether or not the decedent's interest is included in the gross estate.

entage includible:
 joint interest held by decedent and spouse - the amount included is one-half (50%) of the value in all cases.
 other joint interest - Generally you must include the full value of the jointly owned property in the gross estate. However, the full value should not be included if you can show that a part of the property originally belonged to the other tenant(s). The amount included is the amount of the decedent's contribution to the joint account(s).

0.00

(also enter under recapitulation, page 1)

(If more space is required, insert tax schedules or additional sheets of same size.)

576

ROBERT HAROLD BREAKFIELD
ATTORNEY AT LAW

THE SQUARE AT CONSTITUTION * 1590-02 CONSTITUTION BLVD.
P.O. BOX 36061 * ROCK HILL, SOUTH CAROLINA * 29732
TELEPHONE (803) 329-4920 * FAX (803) 329-0476
breakfieldb@comporium.net

October 12, 2010

The Honorable Lois H. Roddey
P. O. Drawer 580
Chester, SC 29706

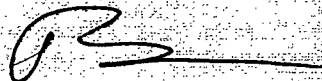
LOIS H. RODDEY
JUDGE OF PROBATE
2010 OCT 14 P 1:06
PROBATE COURT
CHESTER COUNTY S.C.

Re: Estate of Reba Hinson

Dear Judge Roddey,

Per our conversation of today's date, I have enclosed for your files the filed Order Affirming Probate Court and Order Partially Dismissing Claims. These Orders refer to Mell Woods' claims against the Estate.

With kindest regards,


Robert H. Breakfield

RHB/psd
Enclosures

*File in Reba
Hinson's file*

COPY

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

IN THE COURT OF COMMON PLEAS
2010-CP-12-0201
(Appeal from Probate Court)

LOIS H. RODDEY
JUDGE OF PROBATE
CLERK OF COURT
CHESTER CO S.C.
2010 OCT 14 P 1:06
2010 OCT -5 A 11:34
PROBATE COURT
CHESTER COUNTY S.C.
FILED

In the Matter of the Estate of Reba P. Hinson

Mell Woods,

Appellant,

v.

Robert H. Breakfield, Esquire, as
Personal Representative,

Respondent.

ORDER AFFIRMING
PROBATE COURT

This is an appeal from Probate Court. The hearing on Appellant's grounds of appeal was held on September 8, 2010. In attendance were the Appellant, appearing pro se, and the Respondent and his attorney Mike Brackett. The record from the Probate Court and the arguments of the parties establish the following history: The action involved in this appeal was commenced by the Appellant's Petition for Removal of Personal Representative dated January 22, 2010. Attached to the Petition was a document titled "Motion for Removal of Personal Representative." The Petition identified the grounds for removal as "Misadministration of estate by failing to post bond, and by probating the wrong will." The Motion for Removal identified the grounds as failure to give bond after a demand for bond was made, and other "mis-management items," not identified in the motion with any particularity.

Appellant thereafter filed his "Verified Petition to Vacate the Chester County Probate Court Order Entered in the Above-Styled Case on February 18, 2009; [and] Motion For Removal

to Circuit Court.” This pleading was dated February 17, 2010.¹

The Personal Representative filed and served an Answer to the Petition for Removal of Personal Representative. The Personal Representative also filed and served a consolidated Motion to Dismiss the Petition to Vacate Order and a Return to the Motion to Remove the Petition to Vacate to Circuit Court.

The hearing on the Appellant’s two Petitions and related motions was held in the Probate Court on April 12, 2010.² Following the hearing the Probate Judge issued his Order dated April 19, 2010. The Order contained three rulings: (1) it denied the Appellant’s Petition for Removal of the Personal Representative for cause; (2) it denied the motion to remove to Circuit Court the Petition to Vacate; and (3) it denied Appellant’s Petition to Vacate the Probate Court’s February 18, 2009 Order of Formal Testacy.³

In his Notice of Appeal filed on April 30, 2010, Appellant identified two subjects as “partial grounds” for the appeal: (1) the Probate Judge did not recuse himself from the matter when he had knowledge that a family member had some past involvement in the matter, and (2) that the Probate Judge refused to issue subpoenas for witnesses that the Appellant wanted to subpoena to the hearing.

On June 4, 2010 the Appellant filed two “additional grounds” for his appeal: (3) that the probate court erred in not removing the Personal Representative for his failure to provide bond,

¹ Although the Probate Court denied the relief sought in the Petition to Vacate Order and the Motion to Remove the proceeding to Circuit Court, the Appellant did not appeal those rulings.

² The hearing was held in York County because the Chester County Probate Judge recused herself from the proceeding and the York County Probate Judge was appointed to serve as Special Probate Judge for Chester County in matters related to this estate.

³ As indicated in footnote 1 above, rulings 2 and 3 were not appealed.

and (4) that the probate court erred in failing to rule that the wrong will is being probated.

Appeals from probate court to circuit court are heard and decided according to the rules governing appeals to the higher appellate courts. Jean Hoefer Toal, Shahin Vafai & Robert A. Muckenfuss, Appellate Practice in South Carolina 31 (2d ed.2002) and cases cited therein. The circuit court is to apply the same standard of review that the Court of Appeals or Supreme Court would apply on appeal. Id. The hearing in the circuit court must be strictly on appeal, and no new evidence may be presented. S.C. Code Ann. §62-1-308(d).

During the hearing the Appellant, on the record, orally withdrew his ground of appeal no. three, the ground alleging error with respect to bond. The hearing proceeded on the three remaining grounds of appeal.

On the issue of recusal, the record indicates that no motion or request for recusal was made to the probate judge. This subject was not raised to and ruled upon by the trial court and was first raised in the Appellant's partial grounds of appeal. The subject was not addressed in the Probate Court's April 19, 2010 Order, and it was not raised by the Appellant in a Rule 59 motion. Consequently, it is not preserved for appeal. Jean Hoefer Toal, Shahin Vafai & Robert A. Muckenfuss, Appellate Practice in South Carolina 55 (2d ed.2002), citing Hubbard v. Rowe, 5 S.E.2d 187 (S.C. 1939) (questions presented for appellate review must first have been fairly and properly raised in the lower court and passed upon by that court); and I'On, L.L.C. v. Town of Mt. Pleasant, 526 S.E.2d 716 (S.C. 1993) (if the losing party has raised an issue in the lower court, but the court fails to rule upon it, the party must file a Rule 59 motion to alter or amend the judgment in order to preserve the issue for appellate review).

Likewise, on the issue of the probate judge not issuing subpoenas for appellant's use, no objection or motion on the subject was raised at the probate court hearing, the issue was not raised to and ruled upon by the trial court and was first raised in the Appellant's partial grounds of appeal, the issue was not addressed in the Probate Court's April 19, 2010 Order, and it was not raised by the Appellant in a Rule 59 motion. Additionally, the record of the April 12, 2010 hearing reveals that the Appellant did not identify who he would have subpoenaed, nor did he make a proffer of what the witness(es) were expected to offer in the way of relevant and admissible evidence. Consequently, based on the authorities cited above, this ground of appeal was not preserved for appellate review.

With respect to the issue of the Probate Court's decision as to which Last Will was to be admitted to probate, an action challenging a last will is at law. Estate of Hicks, 327 S.E.2d 343 (S.C. 1985). In law cases, this court, as an appellate court, has jurisdiction merely for correction of errors of law and will not disturb the findings of the probate judge unless they are found to be without evidence which reasonably supports the findings. Jean Hoefer Toal, Shahin Vafai & Robert A. Muckenfuss, Appellate Practice in South Carolina 176 (2d ed.2002). In this instance, the Appellant has failed to carry his burden to demonstrate to this Court that the Probate Court committed an error of law in ruling that the decedent's June 23, 1998 last will was to be admitted to probate. Evidence in the record of the April 12, 2010 hearing shows that the admission of the decedent's June 23, 1998 last will to probate was pursuant to a family settlement agreement among the decedent's heirs and/or devisees, not including the Appellant who is a stranger to the estate.

Additionally, the Probate Court's conclusion that the Appellant lacks standing to object

to or contest the decedent's last will is well supported by persuasive authorities and precedent.

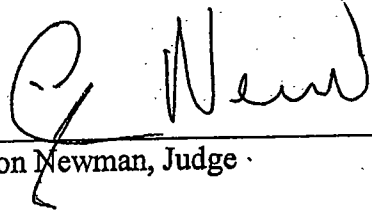
Quoting from the Probate Court's April 19, 2010 Order:

To have standing, one must generally have a personal stake in the subject of the lawsuit, i.e., one must be a real party in interest. Evins v. Richland County Historic Preservation Comm., 532 S.E.2d 876 (S.C. 2000). A real party in interest is one who has a real, material, or substantial interest in the subject matter of the action, as opposed to one who has only a nominal or technical interest in the action. Sloan v. Friends of the Hunley, Inc., 630 S.E.2d 474 (S.C. 2006). Generally, a creditor of the decedent cannot contest her will. 3 Bowe-Parker: Page on Wills §26.60. Other authorities supporting this principle of law include: 3 Bowe-Parker: Page on Wills §26.52 (one who would not take more if the will in question were held to be invalid than he would take if it were held to be valid cannot, by the weight of authority, contest the will in question); Baker v. Henderson, 69 S.E.2d 278 (Ga. 1952) (if petitioners will not be injured or benefitted by the establishment and probate of the alleged copy will, they are strangers to it and are not proper parties to the litigation); Estate of Keener, 521 N.E.2d 232 (Ill. App. 1988) (even if the latest will was invalid, earlier wills failed to name the contestant, so he was not entitled to contest); Matter of Wharton, 453 N.Y.S.2d 308 (1982) (generally a person who is not a distributee of the decedent and who will receive no part of a decedent's estate if a will is denied probate, will not be permitted to file objections to probate. The exception is when a person is named in a prior will and his interest under the prior will is greater than under the propounded will).

Accordingly, for the reasons stated hereinabove, the Chester County Probate Court's Order dated April 19, 2010 is affirmed, the Appellant's appeal is dismissed, and this matter is remitted to the Probate Court for continued estate administration according to applicable law and procedure.

IT IS SO ORDERED.

September 30, 2010


Clifton Newman, Judge

FILED
2010 OCT -5 A 11:34
CLERK OF COURT
CHESTER CO S.C.

COPY

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHESTER

2010-CP-12-0168

(Removed from Probate Court)

In the Matter of the Estate of Reba P. Hinson

Mell Woods,

Plaintiff/Claimant,

v.

Robert H. Breakfield, Esquire, as
Personal Representative,

Defendant.

ORDER PARTIALLY DISMISSING
CLAIMS

LOIS H. RODDEY
JUDGE OF PROBATE
2010 OCT 14 P 1:06
PROBATE COURT
CHESTER COUNTY S.C.
CLERK OF COURT
CHESTER CO S.C.
2010 OCT -5 A 11:35
FILED

The Defendant's Motion for Dismissal of Claims was heard on September 8, 2010. In attendance were the Plaintiff, appearing pro se, and the Defendant and his attorney Mike Brackett.

It is made to appear to the Court by the arguments of the parties and by the probate court file¹ that Claimant Mell Woods filed a claim against the estate on or about November 9, 2009. The Personal Representative disallowed the claim by notice dated and served November 10, 2009. On December 9, 2009 Claimant filed and served a Petition for Allowance of Claim, a Demand for Jury Trial and a Motion to Remove his action for allowance of claim to Circuit Court. On or about December 24, 2009, the Personal Representative filed and served his Return to Claimant's motion to remove, and filed and served a motion to dismiss portions of Claimant's

¹ In considering a Rule 12(b)(6) motion, the Court may consider items subject to judicial notice without converting the motion to a summary judgment motion, 5B Wright & Miller, Federal Practice and Procedure: Civil 3d §1357, such as matters of public record, Norfolk Southern Ry. Co. v. Shulimson Bros. Co., 1 F. Supp. 2d 553 (W.D.N.C. 1998), and prior judicial proceedings, Briggs v. Newberry County School Dist., 838 F. Supp. 232 (D.C.S.C. 1992), affirmed 989 F.2d 491 (4th Cir. 1993).

Petition. On February 3, 2010, immediately prior the hearing, Claimant filed an "Amendment of Claim" that rendered portions of the Personal Representative's Return moot.

The Probate Court motion hearing on February 3, 2010 resulted in an Order removing the claim proceeding to Circuit Court. The Order expressly provided that "This decision is without prejudice to the Personal Representative's pending motions." The matter was removed to Circuit Court and was assigned the above-captioned case no.

At the September 8, 2010 hearing, the Claimant confirmed on the record that he was proceeding only on the claims as set out in his "Amendment of Claim." The amended claim sets out three separate claims, or causes of action: (1) nuisance caused by alleged illegal discharge of sewage into the lake, (2) conversion resulting from the Personal Representative's probating of the "wrong will," and (3) unspecified damages suffered by Claimant because of actions of attorney Ned Gregory and the Personal Representative.

The nuisance claim is not a subject of the motion to dismiss.

The claim for conversion is based on the Claimant's allegation that the wrong will is being probated, and that by probating the wrong will the Claimant's building will be lost to the remaindermen to the decedent's life estate. The issue of whether the right or wrong will is being probated has already been heard and decided by the Probate Court. In formal testacy and appointment proceedings heard on or about February 17, 2009, the Probate Judge ordered that the decedent's Last Will and Testament dated June 23, 1998 be admitted formally to probate. Consequently, the decision regarding the particular last will that would be probated was the decision of the court and not the Personal Representative. The Claimant was not a party to the February 17, 2009 formal proceedings because he is not a named devisee in any last will signed by the decedent and he had not then filed a claim against the estate. No member of decedent's

family appealed from the formal testacy and appointment orders dated February 17, 2009.² Additionally, the issue of Claimant's allegation that the wrong will is being probated was heard by the Probate Court in a separate proceeding in which the Claimant sought the involuntary removal of the Personal Representative on the ground that he was probating the wrong will. In an Order dated April 19, 2010 the Probate Judge concluded, among other reasons, that the Claimant lacked standing to object to or contest the decedent's last will. The Claimant appealed that Order to this Court, case no. 2010-CP-12-0201, and the Probate Court Order was affirmed on appeal.³

In addition to his lack of standing to raise the issue that is the basis of his second cause of action, Claimant is now barred by collateral estoppel and *res judicata* from relitigating the issue of the right/wrong will.

Under the doctrine of collateral estoppel, once a final judgment on the merits has been reached in a prior claim, the relitigation of those issues actually and necessarily litigated and determined in the first suit are precluded as to the parties and their privies in any subsequent action based upon a different claim. Roberts v. Recovery Bureau, Inc., 450 S.E.2d 616 (S.C. App. 1994).

When claims arising out of a particular transaction or occurrence are adjudicated, *res judicata* bars the parties to that suit from bringing subsequent actions on either the adjudicated issues or any issues that might have been raised in the first suit. Plott v. Justin Ent., 649 S.E.2d 92, 95 (S. C. App. 2007). *Res judicata* requires proof of three elements: 1) a final, valid

² The formal testacy and appointment Orders dated February 17, 2009 are contained in the Form 300 in the Probate Court's estate file.

³ The Probate Court Order dated April 19, 2010 appealed in case no. 2010-CP-12-0201 and this Court's Order affirming the Probate Court in the same case are incorporated herein by reference.

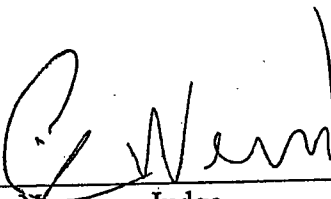
judgment was entered on the merits of the first suit; 2) the parties to both suits are the same; and
3) the subsequent action involves matters properly included in the first action. Id.

Accordingly, the second claim alleging conversion due to the probating of the wrong will
is dismissed.

The third claim does not allege sufficient facts to constitute an independent claim or
cause of action and does not satisfy the pleading requirements of the rules of civil procedure.
The third claim is therefore dismissed.

The only claim remaining at this time is the claim alleging nuisance against the
decedent's estate.

IT IS SO ORDERED.


Clifton Newman, Judge

September 30, 2010

FILED
2010 OCT - 5 11:35
CLERK OF COURT
CHESTER CO S.C.

MOSES KOON & BRACKETT, PC

ATTORNEYS AND COUNSELORS AT LAW

1333 Main Street, Suite 650 (29201)
Post Office Box 100261
Columbia, South Carolina 29202-3261

Telephone (803) 461-2300
Facsimile (803) 461-2309

LOIS H. RODDEY
JUDGE OF PROBATE

2010 JAN 29 4:11:03
B. Michael Brackett
Direct Dial: (803) 461-2312
P. Roddy@brackett@mkb-law.com
PROBATE COURT
CHESTER COUNTY S.C.

January 28, 2010

The Honorable Lois H. Roddey
Chester County Probate Judge
P. O. Drawer 580
Chester, SC 29706

RE: Estate of Reba P. Hinson
08-ES-12-0297
Our File Number - 12085.1

Dear Judge Roddey:

Enclosed for filing please find the Personal Representative's Answer to the Petition of Mr. Mell Woods for Removal of the Personal Representative. By copy of this letter, a copy of the enclosed Answer is being served upon Mr. Woods. Please return a clocked copy of the Answer using the envelope provided.

Very truly yours,


B. Michael Brackett

BMB/lta
Enclosures

cc. Robert P. Breakfield, Esquire
Mr. Mell Woods

1-29-2010
Per Judge Roddey
Clock in - File
Return clocked copies



Chester County, South Carolina

LOIS H. RODDEY, JUDGE OF PROBATE
POST OFFICE DRAWER 580
CHESTER, SOUTH CAROLINA 29706

February 11 2010

Mrs. Sue Carpenter
Clerk of Court
P. O. Drawer 580
Chester, SC 29706

Re: Estate of Reba P. Hinson
Case No. 2008ES1200297

Dear Mrs. Carpenter:

According to SC Code Ann. 62-1-308(b) when an appeal is taken from Probate Court to Circuit Court, "the Probate Court shall make a return to the Appellate Court of the testimony, proceedings and judgment and file it in the Appellate Court". Enclosed please find the following certified documents for the appeal that Mell Woods has filed concerning an Order issued by Judge Gettys, as Special Probate Judge for Chester County, dated April 19, 2010:

1. Petition for Removal of Personal Representative dated January 22, 2010.
2. Answer of Robert H. Breakfield, as Personal Representative, to the Petition for Removal of Personal Representative filed January 29, 2010.
3. Verified Petition to Vacate the Chester County Probate Court Order Entered in the Above - Styled Case on February 18, 2009: Motion for Removal to Circuit Court.
4. Personal Representative's Motion to Dismiss Mell Woods' Petition to Vacate Order and Personal Representative's Return to Mell Woods' Motion to Remove Petition to Circuit Court.
5. Transcript of Proceedings, York, South Carolina, April 12, 2010.
6. Judge Getty's Order, dated April 19, 2010 and filed April 20, 2010.

Please let us know if there are any other documents that you need.

Yours truly,

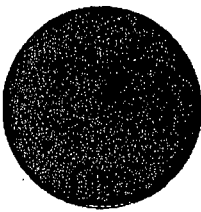
Lois H. Roddey
Lois H. Roddey
Judge of Probate

tbz

cc: Mr. B. Michael Brackett
Mr. Mell Woods

Enclosures

588



Chester County, South Carolina

LOIS H. RODDEY, JUDGE OF PROBATE
POST OFFICE DRAWER 580
CHESTER, SOUTH CAROLINA 29706

February 11 2010

Mrs. Sue Carpenter
Clerk of Court
P. O. Drawer 580
Chester, SC 29706

Re: Estate of Reba P. Hinson
Case No. 2008ES1200297

FILED

2011 FEB 11 P 3:25

CLERK OF COURT
CHESTER CO S.C.

Dear Mrs. Carpenter:

According to SC Code Ann. 62-1-308(b) when an appeal is taken from Probate Court to Circuit Court, "the Probate Court shall make a return to the Appellate Court of the testimony, proceedings and judgment and file it in the Appellate Court". Enclosed please find the following certified documents for the appeal that Mell Woods has filed concerning an Order issued by Judge Gettys, as Special Probate Judge for Chester County, dated April 19, 2010:

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5. Transcript of Proceedings, York, South Carolina, April 12, 2010.
6. Judge Getty's Order, dated April 19, 2010 and filed April 20, 2010.

Please let us know if there are any other documents that you need.

Yours truly,

Lois H. Roddey
Lois H. Roddey
Judge of Probate

tbz

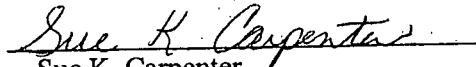
cc: Mr. B. Michael Brackett
Mr. Mell Woods

Enclosures

February 11, 1011

The following certified documents concerning the Estate of Reba P. Hinson (Case No. 2008ES1200297) have been received in the Chester County Clerk of Court's Office from the Chester County Probate Court:

1. Petition for Removal of Personal Representative dated January 22, 2010.
2. Answer of Robert H. Breakfield, as Personal Representative, to the Petition for Removal of Personal Representative filed January 29, 2010.
3. Verified Petition to Vacate the Chester County Probate Court Order Entered in the Above-Styled Case on February 18, 2009; Motion for Removal to Circuit Court.
4. Personal Representative's Motion to Dismiss Mell Woods' Petition to Vacate Order and Personal Representative's Return to Mell Woods' Motion to Remove Petition to Circuit Court.
5. Transcript of Proceedings, York, South Carolina, April 12, 2010.
6. Judge Getty's Order, dated April 19, 2010 and filed April 20, 2010.


Sue K. Carpenter
Chester County Clerk of Court

FILED
2011 FEB 11 P 3:12
CLERK OF COURT
CHESTER CO S.C.

June 27, 2007

Mell Woods
P.O. Box 2603
Lancaster, SC 29721

The Honorable Lois Roddey
Judge of Chester County Probate Court
Chester County Courthouse
Chester, South Carolina

PROBATE COURT
CHESTER COUNTY S.C.

2007 JUN 28 PM 1:46

LOIS H. RODDEY
JUDGE OF PROBATE

Hand Delivered.

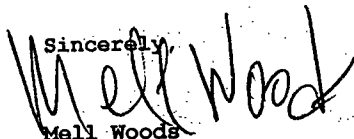
Dear Judge Roddey:

This is in regard to Mrs. Reba Hinson. Mrs. Hinson died late last year and there is nothing on file concerning her estate. Perhaps there is nothing to file, however I have an interest in knowing if the estate is going to be probated. I spoke to you about this several months ago and you checked and verified that nothing had been filed. And I am sure nothing was there on the day I talked to you about this. However since that time, some of the Hinson heirs have been talking about seeing certain papers that have been prepared for filing. If you have any informal letters, papers, documents, or anything that is not in the record yet, please furnish these to me under the South Carolina Freedom of Information Act.

Request for Records Under the South Carolina Freedom of Information Act:

You are requested to release to the undersigned requestor, *All the papers, cards, tapes, photographs, maps, books, or other documentary material* retained by you in regard to Mrs. Reba Hinson; everything that is filed in the Court Record and is available for public inspection is not meant to be part of this request. Please note that this request is to view and inspect the actual records, but is not a request for copies [at the present time]. The listed records are public and subject to release under current South Carolina statutory and case law; and no record released will be used for a commercial purpose.

Sincerely,


Mell Woods

The State of South Carolina
In The Court of Appeals

Appeal from Chester County
Court of Common Pleas

Brooks P. Goldsmith, Judge

2011 OCT - 31 P 4: 39

CLERK OF COURT
CHESTER CO S.C.

Lower Court, Case # 2010-CP-12-201

Mell Woods, Appellant,

v.

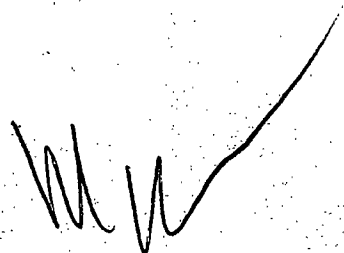
Robert H. Breakfield, as Personal Representative
of the Estate of Reba P. Hinson, Respondent.

PROOF OF SERVICE

I hereby certify that I have served the Notice of Appeal
on Robert H. Breakfield by depositing a copy of in the U.S.
Mail, postage prepaid on October 01, 2011, and addressed as

follows: Moses Koon & Brackett, PC
B. Michael Brackett
P.O. Box 100261
Columbia SC 29202

This 01 day of October, 2011.



Mell Woods
P.O. Box 2603
Lancaster SC 29721

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHESTER

2010-CP-12-0201

(Appeal from Probate Court)

In the Matter of the Estate of Reba P. Hinson

Mell Woods,

Appellant,

v.

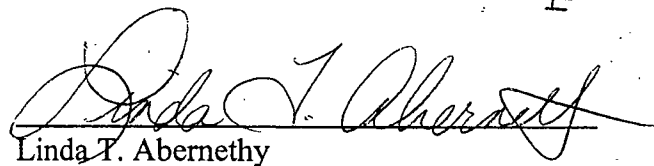
CERTIFICATE OF SERVICE

Robert H. Breakfield, Esquire, as
Personal Representative,

Respondent.

I, Linda T. Abernethy, Legal Assistant to B. Michael Brackett, Esquire, attorney for the Respondent in the above-captioned matter, do hereby certify that I have served the pro se Plaintiff, Mell Woods, with a copy of Judge Brooks P. Goldsmith Order dated July 17, 2011 Affirming the Probate Court's Order dated April 19, 2010 by certified mail, return receipt requested, postage prepaid and return address clearly indicated on said envelope, on this 20th day of July, 2011, at the following address:

Mell Woods
P. O. Box 2603
Lancaster, SC 29721
Appellant, pro se


Linda T. Abernethy

FILED
2011 JUL 21 A 11:44
CLERK OF COURT
CHESTER CO S.C.



2012-04-12-00201

State of South Carolina
The Circuit Court of the Sixth Judicial Circuit

Brooks P. Goldsmith
Judge

Post Office Box 2227
211 West Dunlap Street
Lancaster, SC 29721
Phone: (803) 286-6990
Fax: (803) 286-0696
bgoldsmithj@scccourts.org

March 5, 2012

B. Michael Brackett, Esquire
Post Office Box 100261
Columbia SC 29202-3261

Mell Woods
Post Office Box 2603
Lancaster SC 29721

FILED

2012 MAR 15 P 4:52
CLERK OF COURT
CHESTER CO S.C.

RE: In the Matter of the Estate of Reba P. Hinson
Mell Woods v. Robert H. Breakfield as Personal Representative of the Estate of Reba P.
Hinson

Gentlemen:

Please be advised that I will hear the Motion for Reconsideration from Mr. Woods without oral argument. Please submit any additional briefs that you may have within ten days.

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

March 15, 2012

Brooks P. Goldsmith
BPG/ds

Dear Judge Goldsmith:

The only two cases which were styled-out as
As "In the Matter of the Estate of Reba P.
Hinson Mell Woods v. Robert H. Breakfield as
Personal Representative of the Estate of Reba
P. Hinson" were numbers 168, and 201, and both
are pending in the Court of Appeals. Please
advise as to what to do.

Thanks,

Mell Woods

Copy to Mr. Brackett, Defense Counsel

594



State of South Carolina
The Circuit Court of the Sixth Judicial Circuit

Brooks P. Goldsmith
Judge

Post Office Box 2227
211 West Dunlap Street
Lancaster, SC 29721
Phone: (803) 286-6990
Fax: (803) 286-0696
bgoldsmithj@sccourts.org

March 21, 2012

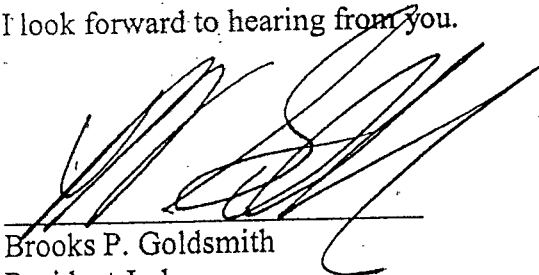
Woods vs. Hinson
Re: 2010-CP-12-0595

Gentlemen,

The Note of March 15, 2012 from Mr. Woods appears to be correct. My review of the files indicates that the Motion to Reconsider applies to Woods vs. Hinson et al 2010-CP-12-0595.

If either of you disagree, please advise. If either of you wish additional time to make submissions regarding the motion, please advise.

I look forward to hearing from you.


Brooks P. Goldsmith
Resident Judge
Sixth Judicial Circuit
(803) 286-6990 telephone
(803) 286-0696 facsimile

cc: Chester County Clerk of Court

FILED
2012 MAR 21 P 12:43
CLERK OF COURT
CHESTER CO S.C.



2011 CP 1200201
2010 CP 1200201

The South Carolina Court of Appeals

TANYA A. GEE
CLERK
V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

October 28, 2011

Mell Woods
P.O. Box 2603
Lancaster, SC 29721

Re: Woods, Mell v. Breakfield, Robert
Case #2011201066

Dear Mr. Woods:

FILED

CLERK OF COURT
CHESTER CO S.C.
2011 NOV - 2 A 9:07

We have received your Notice of Appeal in the case noted above. This case will be docketed in the Court of Appeals and all communications concerning this case, including motions and petitions, initial and final briefs, and the Record on Appeal, should be directed to and filed in this Court. For all filings, please note the requirements of Rule 267(a) of the South Carolina Appellate Court Rules, and be further advised that Court of Appeals policy requires the firm name of any counsel shown must be included in his or her address.

We suggest that large parcels such as copies of final briefs and the Record On Appeal be sent directly to the Court via the street address: 1205 Pendleton Street, Columbia, S.C. 29201. Thank you for your attention to this. Failure to file in the proper court may result in the dismissal of your appeal.

PLEASE BE ADVISED that, pursuant to Rule 207 of the South Carolina Appellate Court Rules, the transcript must be ordered within ten (10) days of the proof of service of the Notice of Appeal and you must provide this Court, opposing counsel, and the Office of Court Administration with all correspondence regarding the transcript. It is also Appellant's responsibility to make satisfactory arrangements (including agreement regarding payment for the transcript) with the Court Reporter for furnishing the transcript. You are reminded of the notification requirements of Rule 207(a)(5), SCACR, also, please advise the Court in writing upon receipt of the transcript.

NOTE: If you believe this case has been improperly filed in the Court of Appeals, by reason of the limitations set forth in S.C. Code Ann. Section 14-8-200(b)(1998), as

June 1, 1999, notify the Clerk's office of the Court of Appeals immediately. The Section prohibits the Court of Appeals from hearing appeals in seven classes of cases:

- any final judgment from the circuit court which includes a sentence of death;
- 2) any final judgment from the circuit court setting public utility rates pursuant to Title
- 3) any final judgment involving a challenge on state or federal grounds to the constitutionality of a state law or county or municipal ordinance where the principal issue is the constitutionality of the law or ordinance;
- 4) any final judgment from the circuit court involving the authorization, issuance, or proposed issuance of general obligation debt, revenue, institutional, industrial, or hospital bonds of the state, its agencies, political subdivisions, public service districts, counties, and municipalities or any other indebtedness now or hereafter authorized by Article X of the Constitution of this state;
- 5) any final judgment from the circuit court pertaining to elections and election procedure;
- 6) any order limiting an investigation by a State Grand Jury under S.C. Code Ann. Section 14-7-1630;
- 7) any order of the family court relating to an abortion by a minor under S.C. Code Ann. Section 44-41-33.

Very truly yours,

V. Claire Allen, Deputy

Tanya A. Gee
CLERK

FILED

2011 NOV - 2 A 9:07
CLERK OF COURT
CHESTER CO S.C.

TAG/jt

cc: B. Michael Brackett, Esquire
The Honorable Sue K. Carpenter

STATE OF SOUTH CAROLINA

COUNTY OF

Chester

MELL Woods

Plaintiff(s)

vs.

Robert Breakfield

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2010 - CP - 12 - 80201

(Please Print)

Submitted By:

Address:

Mell Woods

P.O. Box 2603

Lancaster SC 29721

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
- ☐ This case is subject to ARBITRATION pursuant to the Circuit Court Alternative Dispute Resolution Rules.
- ☐ This case is subject to MEDIATION pursuant to the Circuit Court Alternative Dispute Resolution Rules.
- ☐ This case is exempt from ADR (certificate attached). Chester NOT ADR

NATURE OF ACTION (Check One Box Below)

Contracts

- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ Employment (120)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Other (199)

Torts - Professional Malpractice

- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
- ☐ Medical Malpractice (220)
- ☐ Other (299)

Torts - Personal Injury

- ☐ Assault/Slander/Libel (300)
- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Personal Injury (350)
- ☐ Other (399)

Real Property

- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☐ Other (499)

Inmate Petitions

- ☐ PCR (500)
- ☐ Sexual Predator (510)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599)

Judgments/Settlements

- ☐ Death Settlement (700)
- ☐ Foreign Judgment (710)
- ☐ Magistrate's Judgment (720)
- ☐ Minor Settlement (730)
- ☐ Transcript Judgment (740)
- ☐ Lis Pendens (750)
- ☐ Other (799)

Administrative Law/Relief

- ☐ Reinstate Driver's License (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☐ Forfeiture (840)
- ☐ Other (899)

Appeals

- ☐ Arbitration (900)
- ☐ Magistrate-Civil (910)
- ☐ Magistrate-Criminal (920)
- ☐ Municipal (930)
- ☒ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☐ Zoning Board (970)
- ☐ Administrative Law Judge (980)
- ☐ Public Service Commission (990)
- ☐ Employment Security Comm (991)
- ☐ Other (999)

Special/Complex /Other

- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Other (699)

Submitting Party Signature:

Date:

APR 30 2010

FOR MANDATED ADR COUNTIES ONLY

Florence, Horry, Lexington, Richland, Greenville**, and Anderson**

** Contact Respective County Clerk of Court for modified ADR Program Rules

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral within 210 days of filing of this action, and the Plaintiff shall file a "Stipulation of Neutral Selection" on or before the 224th day after the filing of the action. If the parties cannot agree upon the selection of the neutral within 210 days, the Plaintiff shall notify the Court by filing a written "Request for the Appointment of a Neutral" on or before the 224th day after the filing of this action. The Court shall then appoint a neutral from the Court-approved mediator/arbitrator list.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Case are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Cases which are appellate in nature such as appeals or writs of certiorari;
 - c. Post Conviction relief matters;
 - d. Contempt of Court proceedings;
 - e. Forfeiture proceedings brought by the State;
 - f. Cases involving mortgage foreclosures; and
 - g. Cases that have been submitted to mediation with a certified mediator prior to the filing of this action.
4. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference had been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

FILED

2000 APR 30 P 4: 35

CLERK OF COURT
CHESTER CO S.C.

MOSES KOON & BRACKETT, PC

ATTORNEYS AND COUNSELORS AT LAW

1333 Main Street, Suite 650 (29201)
Post Office Box 100261
Columbia, South Carolina 29202-3261

Telephone (803) 461-2300
Facsimile (803) 461-2309

B: Michael Brackett
Direct Dial: (803) 461-2312
Email: mbrackett@mkb-law.com

September 3, 2010

The Honorable Sue Carpenter
Chester County Clerk of Court
P. O. Drawer 580
Chester, SC 29706

FILED

2010 SEP - 7 A 11: 36

CLERK OF COURT
CHESTER CO S.C.

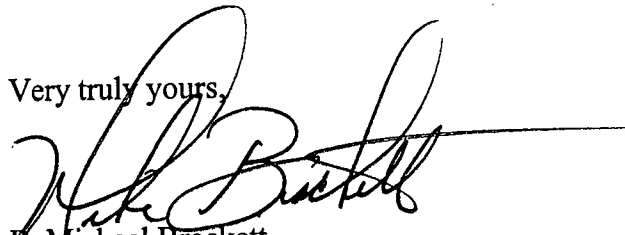
RE: Woods v. Breakfield, as Personal Representative
2010-CP-12-0201
Our File Number - 12085.1

Dear Ms. Carpenter:

The above referenced appeal from Probate Court is scheduled to be heard by Judge Newman on Wednesday, September 8. Enclosed for filing is Respondent's Brief. I have also included an extra copy of the brief, and I request that you please deliver the copy to Judge Newman for his review.

By copy of this letter, a copy of the enclosed Respondent's Brief is being served upon the Appellant.

Very truly yours,



B. Michael Brackett

BMB/lta

cc. Robert H. Breakfield, Esquire
Mell Woods

MOSES KOON & BRACKETT, PC

ATTORNEYS AND COUNSELORS AT LAW

1333 Main Street, Suite 650 (29201)
Post Office Box 100261
Columbia, South Carolina 29202-3261

Telephone (803) 461-2300
Facsimile (803) 461-2309

B. Michael Brackett
Direct Dial: (803) 461-2312
Email: mbrackett@mkb-law.com

October 7, 2010

Mell Woods
P. O. Box 2603
Lancaster, SC 29721

RE: 2010-CP-12-0201(Appeal from Probate Court)
Our File Number - 12085.1

Dear Mr. Woods:

Enclosed please find a copy of the Court's Order Affirming Probate Court, dated September 30, 2010, filed October 5, 2010.

Very truly yours,



B. Michael Brackett

BMB/lta

Enclosure

cc. Robert H. Breakfield, Esquire
The Honorable Sue Carpenter
Chester County Clerk of Court

FILED
2010 OCT - 8 1 P 1:26
CLERK OF COURT
CHESTER CO S.C.

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

IN THE COURT OF COMMON PLEAS
2010-CP-12-0201
(Appeal from Probate Court)

In the Matter of the Estate of Reba P. Hinson

Mell Woods,

Appellant,

v.

Robert H. Breakfield, Esquire, as
Personal Representative,

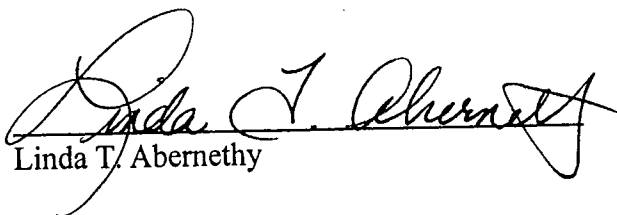
Respondent.

CERTIFICATE OF SERVICE

FILED
2010 SEP - 7 A 11:37
CLERK OF COURT
CHESTER CO S.C.

I, Linda T. Abernethy, Legal Assistant to B. Michael Brackett, Esquire, attorney for the Defendant in the above-captioned matter, do hereby certify that I have served the Plaintiff, Mell Woods, with a copy of **Respondent's Brief**, postage prepaid and return address clearly indicated on said envelope, on this 3rd day of September, 2010 at the following address:

Mell Woods
P. O. Box 2603
Lancaster, SC 29721
Plaintiff, pro se


Linda T. Abernethy

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHESTER

2010-CP-12-0201
(Appeal from Probate Court)

In the Matter of the Estate of Reba P. Hinson

Mell Woods,

Appellant,

v.

Robert H. Breakfield, Esquire, as
Personal Representative,

Respondent.

CERTIFICATE OF SERVICE

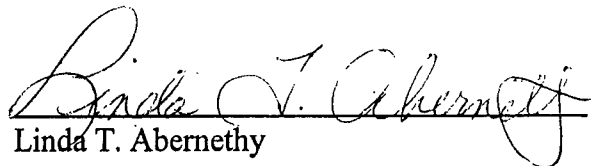
FILED

2010 OCT 13 PM 2:26

CLERK OF COURT
CHES. CO. S.C.

I, Linda T. Abernethy, Legal Assistant to B. Michael Brackett, Esquire, attorney for the Defendant in the above-captioned matter, do hereby certify that I have served the pro se Plaintiff, Mell Woods, with a copy of Respondent's Motion for Appeal Costs, postage prepaid and return address clearly indicated on said envelope, on this 12th day of October, 2010 at the following address:

Mell Woods
P. O. Box 2603
Lancaster, SC 29721
Plaintiff, pro se


Linda T. Abernethy

STATE OF SOUTH CAROLINA

COUNTY OF Chester

Mell Woods

Plaintiff,

vs.

Robert H. Breakfield

Defendant.

IN THE COURT OF COMMON PLEAS
Sixth JUDICIAL CIRCUIT

CASE NO.: 2010 -CP- 12 - 00 -201

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

2010 NOV
CLERK
CHESTER
COURT

Plaintiff: Mell Woods, Bar No. ✓
Address: P.O. Box 2603 Lancaster, SC 29721
Phone: _____ Fax _____
E-mail: _____ Other: _____

Defendant's Attorney: B. Michael Brackett, Bar No. Unk
Address: Box 100261 Columbia, SC 29208
Phone: 803-461-2312 Fax _____
E-mail: _____ Other: W

- ☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information
Nature of Motion: Reconsideration

Estimated Time Needed: 30 Court Reporter Needed: ☒ YES / ☐ NO

SECTION II: Motion/Order Type

- ☒ Written motion attached
☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature: _____, 20/0
☒ Plaintiff / ☐ Defendant Date submitted

SECTION III: Motion Fee

- ☒ PAID - AMOUNT: \$ 25.00
☐ EXEMPT: (check reason)
☐ Rule to Show Cause in Child or Spousal Support
☐ Domestic Abuse or Abuse and Neglect
☐ Indigent Status ☐ State Agency v. Indigent Party
☐ Sexually Violent Predator Act ☐ Post-Conviction Relief
☐ Motion for Stay in Bankruptcy
☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRPC)
☐ Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter: _____
☐ Other: _____

JUDGE'S SECTION

- ☐ Motion Fee to be paid upon filing of the attached order.
☐ Other: _____

JUDGE CODE _____

Date: _____, 20

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____, 20

- ☐ MOTION FEE COLLECTED: \$ _____
☐ CONTESTED - AMOUNT DUE: \$ _____



Chester County, South Carolina

LOIS H. RODDEY, JUDGE OF PROBATE
POST OFFICE DRAWER 580
CHESTER, SOUTH CAROLINA 29706

February 11 2010

Mrs. Sue Carpenter
Clerk of Court
P. O. Drawer 580
Chester, SC 29706

Re: Estate of Reba P. Hinson
Case No. 2008ES1200297

FILED

CLERK OF COURT
CHESTER CO S.C.
2011 FEB 11 P 3:25

Dear Mrs. Carpenter:

According to SC Code Ann. 62-1-308(b) when an appeal is taken from Probate Court to Circuit Court, "the Probate Court shall make a return to the Appellate Court of the testimony, proceedings and judgment and file it in the Appellate Court". Enclosed please find the following certified documents for the appeal that Mell Woods has filed concerning an Order issued by Judge Gettys, as Special Probate Judge for Chester County, dated April 19, 2010:

1. Petition for Removal of Personal Representative dated January 22, 2010.
2. Answer of Robert H. Breakfield, as Personal Representative, to the Petition for Removal of Personal Representative filed January 29, 2010.
3. Verified Petition to Vacate the Chester County Probate Court Order Entered in the Above - Styled Case on February 18, 2009: Motion for Removal to Circuit Court.
4. Personal Representative's Motion to Dismiss Mell Woods' Petition to Vacate Order and Personal Representative's Return to Mell Woods' Motion to Remove Petition to Circuit Court.
5. Transcript of Proceedings, York, South Carolina, April 12, 2010.
6. Judge Getty's Order, dated April 19, 2010 and filed April 20, 2010.

Please let us know if there are any other documents that you need.

Yours truly,

Lois H. Roddey
Lois H. Roddey
Judge of Probate

tbz

cc: Mr. B. Michael Brackett
Mr. Mell Woods

Enclosures

605

MOSES KOON & BRACKETT, PC

ATTORNEYS AND COUNSELORS AT LAW

1333 Main Street, Suite 650 (29201)
Post Office Box 100261
Columbia, South Carolina 29202-3261

Telephone (803) 461-2300
Facsimile (803) 461-2309

B. Michael Brackett
Direct Dial: (803) 461-2312
Email: mbrackett@mkb-law.com

February 17, 2011

Chester County Clerk of Court
Attn: Mr. Doug Atkinson
P. O. Drawer 580
Chester, SC 29706

RE: Woods v. Breakfield, et. al.
2010-CP-12-0201
Appeal from Probate Court
Our File Number - 12085.1

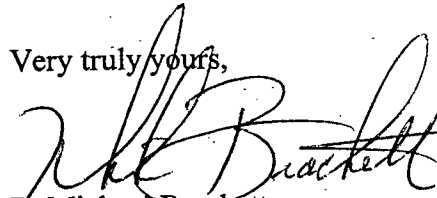
FILED
2011 FEB 18 4 8:59
CLERK OF COURT
CHESTER CO S.C.

Dear Mr. Atkinson:

I note that there is a term of non-jury court during the week of March 14. The above referenced Appeal from Probate Court is now ready to be heard because the Probate Court has filed its Return with the Clerk of Court.

By copy of this letter, I am notifying Mr. Woods, the Appellant, of the upcoming term of court, and I am requesting that if he wishes other materials to be included in the return, he should immediately contact the Probate Court to have those materials delivered to the Clerk of Court.

Very truly yours,



B. Michael Brackett

BMB/lta

cc. Robert H. Breakfield, Esquire
Mell Woods

MOSES KOON & BRACKETT, PC

ATTORNEYS AND COUNSELORS AT LAW

1333 Main Street, Suite 650 (29201)
Post Office Box 100261
Columbia, South Carolina 29202-3261

Telephone (803) 461-2300
Facsimile (803) 461-2309

B. Michael Brackett
Direct Dial: (803) 461-2312
Email: mbrackett@mkb-law.com

March 11, 2011

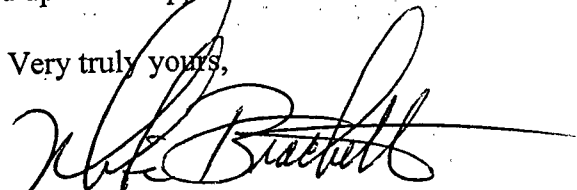
The Honorable Sue Carpenter
Chester County Clerk of Court
P. O. Drawer 580
Chester, SC 29706

RE: Woods v. Breakfield
2010-CP-12-0201 (Appeal from Probate Court)
Our File Number - 12085.1

Dear Ms. Carpenter:

Enclosed for filing please find Respondent's Original Memorandum of Law in Support of Affirming Probate Court. By copy of this letter, a copy of the enclosed memorandum is being provided to Judge Kinard, and a copy is being served upon the Appellant.

Very truly yours,


B. Michael Brackett

BMB/lta

Enclosures

cc. Honorable J. Ernest Kinard, Jr.
Robert H. Breakfield, Esquire
Mell Woods

FILED
2011 MAR 14 AM 11:26
CLERK OF COURT
CHESTER CO S.C.

607

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHESTER

2010-CP-12-0201

In the Matter of the Estate of Reba P. Hinson

Mell Woods,

Appellant,

v.

Robert H. Breakfield, Esquire, as
Personal Representative,

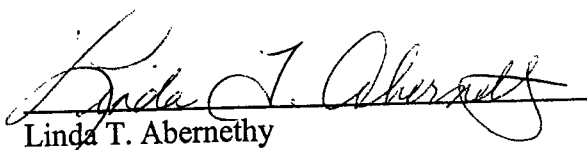
Respondent.

CERTIFICATE OF SERVICE

2011 FEB 25 4 11:15 PM
CLERK OF COURT

I, Linda T. Abernethy, Legal Assistant to B. Michael Brackett, Esquire, attorney for the Defendant in the above-captioned matter, do hereby certify that I have served the pro se Plaintiff, Mell Woods, with a copy of **Notice of Hearing**, postage prepaid and return address clearly indicated on said envelope, on this 24th day of February, 2011 at the following address:

Mell Woods
P. O. Box 2603
Lancaster, SC 29721
Plaintiff, pro se


Linda T. Abernethy

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

IN THE COURT OF COMMON PLEAS

2010-CP-12-0201

In the Matter of the Estate of Reba P. Hinson

Mell Woods,

Appellant,

CERTIFICATE OF SERVICE

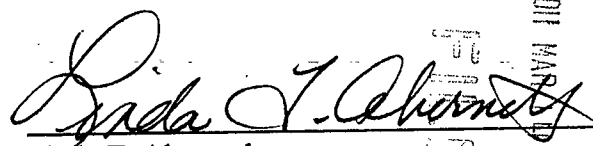
v.

Robert H. Breakfield, Esquire, as
Personal Representative,

Respondent.

I, Linda T. Abernethy, Legal Assistant to B. Michael Brackett, Esquire, attorney for the Respondent in the above-captioned matter, do hereby certify that I have served the pro se Plaintiff, Mell Woods, with a copy of Respondent's Original Memorandum of Law in Support of Affirming Probate Court, postage prepaid and return address clearly indicated on said envelope, on this 11th day of March, 2011 at the following address:

Mell Woods
P. O. Box 2603
Lancaster, SC 29721
Appellant, pro se


Linda T. Abernethy

CLERK OF COURT
OFFICE OF THE CLERK
2011 MAR 11 A 11:26
S.C.

STATE OF SOUTH CAROLINA

COUNTY OF Chester

Mell Woods

Plaintiff,

vs.

Robert H. Breakfield

Defendant.

IN THE COURT OF COMMON PLEAS

Sixth JUDICIAL CIRCUIT

CASE NO: 2010-CP-12-00-201

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

COPY

Plaintiff: <u>Mell Woods</u> , Bar No. <u>✓</u>	Defendant's Attorney: <u>B. Michael Brackett</u> , Bar No. <u>unknown</u>
Address: <u>P.O. Box 2603 Lancaster, SC 29721</u>	Address: <u>Box 108261 Columbia, SC 29202</u>
Phone: _____ Fax: _____	Phone: <u>803-461-2312</u> Fax: _____
E-mail: _____ Other: _____	E-mail: _____ Other: _____

- ☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: Reconsideration
Estimated Time Needed: 30" Court Reporter Needed: ☒ YES / ☐ NO

SECTION II: Motion/Order Type

- ☒ Written motion attached
☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature: [Signature] ☒ Plaintiff / ☐ Defendant Date submitted: 2010

SECTION III: Motion Fee

☒ PAID - AMOUNT: \$ 25.00

☐ EXEMPT:

(check reason)

- ☐ Rule to Show Cause in Child or Spousal Support
☐ Domestic Abuse or Abuse and Neglect
☐ Indigent Status ☐ State Agency v. Indigent Party
☐ Sexually Violent Predator Act ☐ Post-Conviction Relief
☐ Motion for Stay in Bankruptcy
☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)
☐ Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter: _____
☐ Other: _____

JUDGE'S SECTION

- ☐ Motion Fee to be paid upon filing of the attached order.
☐ Other: _____

JUDGE CODE _____

Date: _____, 20____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____, 20____

- ☐ MOTION FEE COLLECTED: \$ _____
☐ CONTESTED - AMOUNT DUE: \$ _____

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHESTER

2010-CP-12-0201
(Appeal from Probate Court)

In the Matter of the Estate of Reba P. Hinson

Mell Woods,

Appellant,

v.

Robert H. Breakfield, Esquire, as
Personal Representative,

Respondent.

CERTIFICATE OF SERVICE

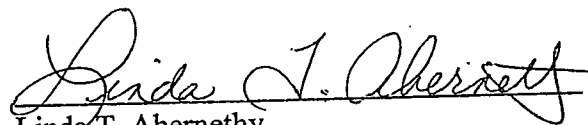
FILED

1 2010 OCT 28 1 P 1:25

CLERK OF COURT
CHESTER CO S.C.

I, Linda T. Abernethy, Legal Assistant to B. Michael Brackett, Esquire, attorney for the Defendant in the above-captioned matter, do hereby certify that I have served the pro se Plaintiff, Mell Woods, with a copy of Order Affirming Probate Court, postage prepaid and return address clearly indicated on said envelope, on this 7th day of October, 2010 at the following address:

Mell Woods
P. O. Box 2603
Lancaster, SC 29721
Plaintiff, pro se


Linda T. Abernethy

611

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHESTER

2010-CP-12-0201
(Appeal from Probate Court)

In the Matter of the Estate of Reba P. Hinson

Mell Woods,

Appellant,

v.

Robert H. Breakfield, Esquire, as
Personal Representative,

Respondent.

CERTIFICATE OF SERVICE

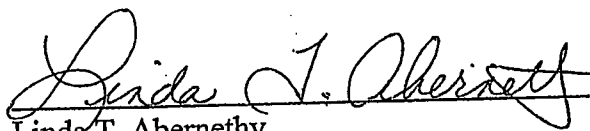
FILED

1 2010 OCT 8 1 P 1:25

CLERK OF COURT
CHESTER CO S.C.

I, Linda T. Abernethy, Legal Assistant to B. Michael Brackett, Esquire, attorney for the Defendant in the above-captioned matter, do hereby certify that I have served the pro se Plaintiff, Mell Woods, with a copy of Order Affirming Probate Court, postage prepaid and return address clearly indicated on said envelope, on this 7th day of October, 2010 at the following address:

Mell Woods
P. O. Box 2603
Lancaster, SC 29721
Plaintiff, pro se


Linda T. Abernethy

STATE OF SOUTH CAROLINA

COUNTY OF Chester

Mell Woods

Plaintiff,

vs.

Robert H. Breakfield

Defendant.

IN THE COURT OF COMMON PLEAS

Sixth JUDICIAL CIRCUIT

CASE NO. 2010 -CP- 12 - 00 -201

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

COPY

Plaintiff: <u>Mell Woods</u> , Bar No. <u>/</u>		Defendant's Attorney: <u>B. Michael Brackett</u> , Bar No. <u>unknown</u>	
Address: <u>P.O. Box 2603 Lancaster, SC 29721</u>		Address: <u>Box 100261 Columbia, SC 29202</u>	
Phone: _____ Fax: _____		Phone: <u>803-461-2312</u> Fax: _____	
E-mail: _____ Other: _____		E-mail: _____ Other: _____	
☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)			
☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)			
☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information			
Nature of Motion: <u>Reconsideration</u>			
Estimated Time Needed: <u>30"</u>		Court Reporter Needed: ☒ YES / ☐ NO	
SECTION II: Motion/Order Type			
☒ Written motion attached			
☐ Form Motion/Order			
I hereby move for relief or action by the court as set forth in the attached proposed order.			
Signature: <u>[Signature]</u>		Date submitted: <u>20/10</u>	
☒ Plaintiff / ☐ Defendant			
SECTION III: Motion Fee			
☒ PAID - AMOUNT: \$ <u>25.00</u>			
☐ EXEMPT: (check reason)			
☐ Rule to Show Cause in Child or Spousal Support			
☐ Domestic Abuse or Abuse and Neglect			
☐ Indigent Status ☐ State Agency v. Indigent Party			
☐ Sexually Violent Predator Act ☐ Post-Conviction Relief			
☐ Motion for Stay in Bankruptcy			
☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)			
☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions			
Name of Court Reporter: _____			
☐ Other: _____			
JUDGE'S SECTION		JUDGE CODE _____	
☐ Motion Fee to be paid upon filing of the attached order.		Date: _____, 20	
☐ Other: _____			
CLERK'S VERIFICATION			
Collected by: _____		Date Filed: _____, 20	
☐ MOTION FEE COLLECTED: \$ _____			
☐ CONTESTED - AMOUNT DUE: \$ _____			



State of South Carolina
The Circuit Court of the Sixth Judicial Circuit

Brooks P. Goldsmith
Judge

Post Office Box 2227
211 West Dunlap Street
Lancaster, SC 29721
Phone: (803) 286-6990
Fax: (803) 286-0696
bgoldsmithj@sccourts.org

July 1, 2011

B. Michael Brackett, Esquire
P.O. Box 100261
Columbia SC 29202-3261

Mell Woods
Post Office Box 2603
Lancaster SC 29721

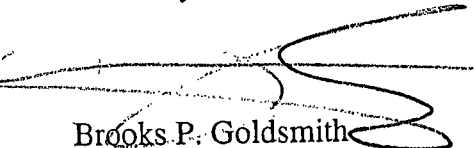
RE: Woods v. Breakfield, as Personal Representative
2010-CP-12-201 (Appeal from Probate Court)

Breakfield, as Attorney-in-Fact v. Woods
2011-CP-12-291 (Appeal from Magistrate's Court)

Dear Mr. Brackett and Mr. Woods:

Judge Goldsmith will hear the appeal(s) in the above-referenced cases next **Friday, July 8, 2011 at 10:00 a.m.** in Lancaster. The hearing will take place in Courtroom A on the 2nd floor of the Lancaster County Courthouse, located at 104 N. Main Street, Lancaster, SC.

Sincerely,


Brooks P. Goldsmith
BPG/ds

cc: Hon. Sue Carpenter, Clerk of Court, Chester County
cc: Robert H. Breakfield, Esquire

FILED
2011 JUL - 5 P 2:43
CLERK OF COURT
CHESTER CO S.C.

June 28, 2011

Mell Woods
P.O. Box 2603
Lancaster, SC 29721

The Honorable Brooks P. Goldsmith
Sixth Judicial Circuit
P.O. Box 2227
211 West Dunap St.
Lancaster SC 29721

FILED
CLERK OF COURTS OFFICE
CHESTER, SC
DATE: June 30, 2011
TIME: 10:30 A.M. P.M.

Re: Request for Protection during Vacation

CHESTER County Case Numbers:

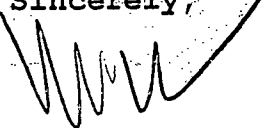
2011-CP-12-0291
2010-CP-12-0201
Estate of Reba P. Hinson

Dear Judge Goldsmith:

If possible, I ask to be relieved of my obligation to be in Court from July 11 through July 29, 2011, for purposes of vacation.

The only lawyer signed in on the above case is B. Michael Brackett, and I am sending a copy of this letter to him.

Sincerely,


Mell Woods

copy: The Honorable Sue Carpenter
Chester County Common Pleas Clerk

COPY

NOTICE OF CASE SCHEDULING

June 29, 2011



Case 2010CP1200201 - Mell Woods VS Robert Breakfield has been added to the following Court Roster:

Roster ID: 15 - Non Jury July 27th 2011 Judge Brooks Goldsmith

This case has been assigned as priority 12 of 42 cases scheduled for the court period of 7/27/2011 through 7/27/2011

IMPORTANT: See roster news for changes.

The case referenced in this email is scheduled on the Docket. The Docket is available at <http://publicindex.sccourts.org/chester/courtrosters/>. ALL cases on this Roster are subject to trial.

Any request for a continuance is considered a Motion and requires a \$25.00 Motion fee, which must be paid at the time of the request. Requests may be submitted to the presiding judge. If your case is settled, please notify us in writing immediately. If you have any communication regarding this case, please do NOT call this office.

Please send it in writing, via fax or e-mail at the following address:
datkinson@chestercounty.org.

Mail Notice To:

Mell Woods

Court Info:

Common Pleas
PO Drawer 580
140 Main Street
Chester, SC 29706-9786

If you have any questions regarding the scheduling of this case, please contact the courts at:

(803)385-2605

Respectfully,

Sue K. Carpenter
Clerk of Court

FILED

2011 JUN 29 10:39

CLERK OF COURT
CHESTER CO S.C.

Douglas Atkinson

From: Goldsmith, Brooks Secretary (Dana Stogner) [bgoldsmithsc@sccourts.org]
Sent: Thursday, June 16, 2011 12:15 PM
To: Douglas Atkinson; Sue Carpenter
Cc: mbrackett@mkb-law.com
Subject: Woods v. Breakfield 10-cp-12-201

Doug – Judge Goldsmith agrees with Michael Brackett in that Case Number 2010-CP-12-201 needs to be transferred to the Non-Jury docket.

Dana F. Stogner
Administrative Assistant
To Judge Brooks P. Goldsmith
Sixth Judicial Circuit
bgoldsmithsc@sccourts.org
(803) 286-6990 office
(803) 286-0696 facsimile

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

IN THE COURT OF COMMON PLEAS

2010-CP-12-0201

In the Matter of the Estate of Reba P. Hinson

Mell Woods,

Appellant,

v.

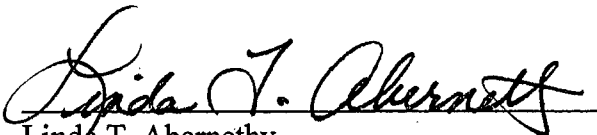
Robert H. Breakfield, Esquire, as
Personal Representative,

Respondent.

CERTIFICATE OF SERVICE

I, Linda T. Abernethy, Legal Assistant to B. Michael Brackett, Esquire, attorney for the Defendant in the above-captioned matter, do hereby certify that I have served the pro se Plaintiff, Mell Woods, with a copy of **the foregoing Notice of Hearing**, postage prepaid and return address clearly indicated on said envelope, on this 29th day of June, 2011 at the following address:

Mell Woods
P. O. Box 2603
Lancaster, SC 29721
Plaintiff, pro se


Linda T. Abernethy

FILED
2011 JUN - 7 10:22
CLERK OF COURT
CHESTER CO. S.C.

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHESTER

2010-CP-12-0201
(Appeal from Probate Court)

In the Matter of the Estate of Reba P. Hinson

Mell Woods,

Appellant,

NOTICE OF HEARING

v.

Robert H. Breakfield, Esquire, as
Personal Representative,

Respondent.

To: Mell Woods, Appellant

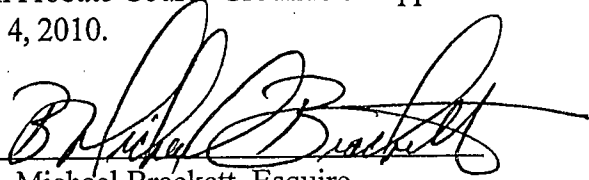
Date of Hearing: July 27, 2011

Time: 2:00 PM

Place: Chester County Courthouse
140 Main St.
Chester, SC

Matter to be heard: Appellant's Appeal from Probate Court. Grounds of Appeal were filed on
April 30, 2010 and June 4, 2010.

Columbia, South Carolina
June 29, 2011


B. Michael Brackett, Esquire
1333 Main Street, Suite 650
Post Office Box 100261
Columbia, South Carolina 29202-3261
(803) 461-2312
Attorney for Respondent Personal Representative

FILED
2011 JUN - 7 A 10:32
CLERK OF COURT
CHESTER CO S.C.

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

IN THE COURT OF COMMON PLEAS
2010-CP-12-0201

In the Matter of the Estate of Reba P. Hinson

Mell Woods,

Appellant,

v.

Robert H. Breakfield, Esquire, as
Personal Representative,

Respondent.

CERTIFICATE OF SERVICE

FILED
2011 MAY 31 AM 11:40
CLERK OF COURT
CHESTER COS.C.

I, Linda T. Abernethy, Legal Assistant to B. Michael Brackett, Esquire, attorney for the

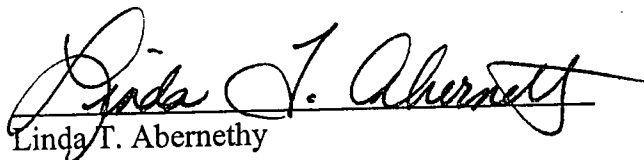
Defendant in the above-captioned matter, do hereby certify that I have served the pro se Plaintiff,

Mell Woods, with a copy of Order, dated May 18, 2011, Amending Prior Order Granting

Appellant's Rule 59(e) Motion, postage prepaid and return address clearly indicated on said

envelope, on this 27th day of May, 2011 at the following address:

Mell Woods
P. O. Box 2603
Lancaster, SC 29721
Plaintiff, pro se


Linda T. Abernethy

COPY

MOSES KOON & BRACKETT, PC

ATTORNEYS AND COUNSELORS AT LAW

1333 Main Street, Suite 650 (29201)
Post Office Box 100261
Columbia, South Carolina 29202-3261

Telephone (803) 461-2300
Facsimile (803) 461-2309

B. Michael Brackett
Direct Dial: (803) 461-2312
Email: mbrackett@mkb-law.com

May 27, 2011

Certified Mail Delivery

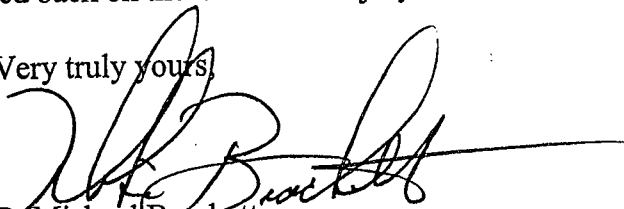
Mell Woods
P. O. Box 2603
Lancaster, SC 29721

RE: Woods v. Breakfield as Personal Representative
2010-CP-12-0201 (Appeal from Probate Court)
My file no.: 12085.1

Dear Mr. Woods:

Enclosed please find a copy of Judge Newman's May 18, 2011 Order, filed May 20, 2011, amending his prior Order with respect to your Motion for Reconsideration and vacating the September 30, 2010 Order. Your appeal will be placed back on the Court's non-jury docket.

Very truly yours,


B. Michael Brackett

BMB/Ita

Enclosure

cc: Robert H. Breakfield, Esquire
The Honorable Sue Carpenter

FILED
2011 MAY 31 A 11:00
CLERK OF COURT
CHESTER CO S.C.



2010-CP-12-00201

The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

May 24, 2011

Mell Woods
PO Box 2603
Lancaster, SC 29721

Re: Matter of Hinson (Woods) v. Breakfield
2011191876

Dear Mr. Woods:

We have received your Notice of Appeal in the case noted above. This case will be docketed in the Court of Appeals and all communications concerning this case, including motions and petitions, initial and final briefs, and the Record on Appeal, should be directed to and filed in this Court. For all filings, please note the requirements of Rule 267(a) of the South Carolina Appellate Court Rules, and be further advised that Court of Appeals policy requires the firm name of any counsel shown must be included in his or her address.

Upon review, the caption should read as follows:

In the Matter of the Estate of Reba P.
Hinson, Probate 2008-ES-12-297,

Mell Woods,

v.

Robert H. Breakfield, as Personal
Representative of the Estate of Reba P. Hinson,

Appellant,

Respondent.

Any future filings by any party to this appeal must feature the above caption.

We suggest that large parcels such as copies of final briefs and the Record On Appeal be sent directly to the Court via the street address: 1015 Sumter Street, Columbia, S.C. 29201. Thank you for your attention to this. Failure to file in the proper court may result in the dismissal of your appeal.

FILED
2011 MAY 25 A 11:23
CLERK OF COURT
CHESTER CO S.C.

EASE BE ADVISED that, pursuant to Rule 207 of the South Carolina Appellate Rules, the transcript must be ordered within ten days of the proof of service of the Notice of Appeal and you must provide this Court, opposing counsel, and the Office of Court Administration with all correspondence regarding the transcript. It is also Appellant's responsibility to make satisfactory arrangements (including agreement regarding payment for the transcript) with the Court Reporter for furnishing the transcript. You are reminded of the notification requirements of Rule 207(a)(5), SCACR, also, please advise the Court in writing upon receipt of the transcript.

NOTE: If you believe this case has been improperly filed in the Court of Appeals, by reason of the limitations set forth in S.C. Code Ann. Section 14-8-200(b)(1998), as amended June 1, 1999, notify the Clerk's office of the Court of Appeals immediately. The cited Code Section prohibits the Court of Appeals from hearing appeals in seven classes of cases:

- 1) any final judgment from the circuit court which includes a sentence of death;
- 2) any final judgment from the circuit court setting public utility rates pursuant to Title 58;
- 3) any final judgment involving a challenge on state or federal grounds to the constitutionality of a state law or county or municipal ordinance where the principal issue is the constitutionality of the law or ordinance;
- 4) any final judgment from the circuit court involving the authorization, issuance, or proposed issuance of general obligation debt, revenue, institutional, industrial, or hospital bonds of the state, its agencies, political subdivisions, public service districts, counties, and municipalities or any other indebtedness now or hereafter authorized by Article X of the Constitution of this state;
- 5) any final judgment from the circuit court pertaining to elections and election procedure;
- 6) any order limiting an investigation by a State Grand Jury under S.C. Code Ann. Section 14-7-1630;
- 7) any order of the family court relating to an abortion by a minor under S.C. Code Ann. Section 44-41-33.

Very truly yours,

V. Claire Allen, Deputy
Tanya A. Gee
CLERK

TAG/laf

cc: B. Michael Brackett, Esquire



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

May 24, 2011

Mell Woods
PO Box 2603
Lancaster, SC 29721

Re: Matter of Hinson (Woods) v. Breakfield
2011191876

FILED
2011 MAY 25 A 11:23
CLERK OF COURT
CHESTER CO S.C.

Dear Mr. Woods:

This office has received your Notice of Appeal in the above matter. It has been assigned the Case Tracking Number that appears above. Please use this number on all future correspondence relating to this matter.

I do wish to call the attention of the parties to the attached order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

TAG/laf

cc: B. Michael Brackett, Esquire

If the caption of the case contains any of the personal data identifiers listed above, the parties should file a motion to amend the caption to redact the identifier. This should be done contemporaneously with the filing of the notice of appeal or the commencement of the case with the appellate court. Without a motion to the appellate court, the caption of a juvenile delinquency matter from the family court shall be redacted to only use the juvenile's first name and first letter of the juvenile's last name (i.e., In the Interest of John S., a Juvenile.)

A party seeking to seal material beyond those personal identifiers listed above, must file a motion to seal with the appellate court in which the matter is pending. This is true even if the lower court or administrative tribunal may have issued an order sealing the record. Until the motion is ruled on, the clerk of the appellate court shall treat the material as if it is sealed. Parties and counsel are reminded that the standard established in Ex parte Capital U-Drive-It, Inc. and Davis v. Jennings, supra, must be met before any request to seal all or a portion of a record will be granted. Once sealed by order of an appellate court, the materials will remain sealed before the appellate courts unless otherwise ordered by the appellate court in which the matter is pending.

Parties should exercise caution in including other sensitive personal data in their filings, such as personal identifying numbers, medical records, employment history, individual financial information, proprietary or trade secret information, information regarding an individual's cooperation with the government, information regarding the victim of any criminal activity, or national security information.

Attorneys are expected to discuss this matter with their clients so that an informed decision can be made about the inclusion of sensitive information. The appellate courts and their staff will not review filings for redaction or to determine if materials should be sealed; the responsibility for insuring that information is redacted or sealed rests with counsel and the parties.

IT IS SO ORDERED.

s/Jean H. Toal C.J.

s/James E. Moore J.

s/John H. Waller, Jr. J.

s/E.C. Burnett, III J.

s/Costa M. Pleicones J.

Columbia, South Carolina

August 13, 2007

¹ See, e.g., Rule 12 of the Rules for Lawyer Disciplinary Enforcement contained in Rule 413, SCACR; Rule 12 of the Rules for Judicial Disciplinary Enforcement contained in Rule 502, SCACR; Rule 402(n), SCACR; and Rule 403(l), SCACR.

² This restriction shall not apply when this information is required or requested by the appellate court. For example, the application for admission to practice law under Rule 402, SCACR, requires many of these personal identifiers to be disclosed.

MOSES KOON & BRACKETT, PC

ATTORNEYS AND COUNSELORS AT LAW

1333 Main Street, Suite 650 (29201)
Post Office Box 100261
Columbia, South Carolina 29202-3261

COPY

Telephone (803) 461-2300
Facsimile (803) 461-2309

B. Michael Brackett
Direct Dial: (803) 461-2312
Email: mbrackett@mkb-law.com

May 18, 2011

The Honorable Brooks P. Goldsmith
Judge, Sixth Judicial Circuit
P.O. Box 2227
Lancaster, SC 29721

RE: Woods v. Breakfield, as Personal Representative
2010-CP-12-0201 (Appeal from Chester County Probate Court)
My File Number - 12085.1

Dear Judge Goldsmith:

This appeal from probate court was first heard by Judge Newman on September 8, 2010. Mr. Woods, the appellant, objected to going forward with the hearing because the Chester County Probate Court had not then filed its Return in the Circuit Court. Judge Newman directed the Probate Court to deliver its entire estate file in the Reba Hinson Estate to the circuit court courtroom, which it did. The parties argued their respective positions to Judge Newman on September 8, 2010.

By Order dated September 30, 2010, the Probate Court's Order was affirmed and Mr. Woods' appeal was dismissed. Mr. Woods filed a motion for reconsideration on the ground that the Probate Court had not filed a properly certified Return.

By Order dated January 27, 2011, Judge Newman granted the motion for reconsideration. The Order said that the motion was granted, but the January 27, 2011 Order did not alter, amend or vacate the September 30, 2010 Order. With that being the situation, Judge Kinard presided over a term of court in March 2011, at which time he concluded that only Judge Newman could finally decide the reconsideration issue because the September 30, 2010 Order was still in place, subject to reconsideration by the Judge who issued the Order.

I have received a message from Judge Newman's law clerk that Judge Newman is going to issue an amended Order that will amend his January 27, 2011 Order to provide that the September 30, 2010 Order is vacated and that he (Judge Newman) does not retain jurisdiction over the appeal.

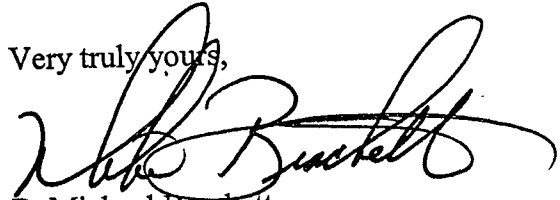
I note that you are presiding over a term of common pleas court during the week of May 30. Because of the age of the appeal and its effect on estate administration, my client is anxious to have the appeal heard and decided. The Probate Court has filed its formal Return in the Circuit Court. Is it possible for you to schedule a hearing on the appeal during the week of May 30? For me, anytime

Page 2
May 18, 2011

on May 30, June 2 or June 3 will work. I can also attend a hearing in Chester on the afternoon of May 31. If so, please let me know so that a notice of hearing can be served on Mr. Woods.

Thank you for your attention to this request.

Very truly yours,



B. Michael Brackett

BMB/bmb

cc: The Honorable Clifton Newman
Robert H. Breakfield, Esquire
Mr. Mell Woods
Hon. Sue Carpenter

MOSES KOON & BRACKETT, PC

ATTORNEYS AND COUNSELORS AT LAW

1333 Main Street, Suite 650 (29201)
Post Office Box 100261
Columbia, South Carolina 29202-3261

Phone (803) 461-2300
Toll Free (803) 461-2309

B. Michael Brackett
Direct Dial: (803) 461-2312
Email: mbrackett@mkb-law.com

May 9, 2011

The Honorable Sue Carpenter
Chester County Clerk of Court
P. O. Drawer 580
Chester, SC 29706

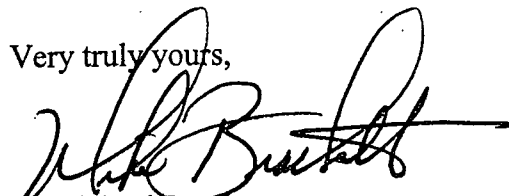
RE: Woods v. Breakfield, as Personal Representative
2010-CP-12-0201
Our File Number - 12085.1

Dear Ms. Carpenter:

Respondent's Motion for Appeal Costs is on the motions roster for Wednesday, May 11. Please be advised that Appellant's appeal is not yet finalized because his Motion for Reconsideration has not been finally resolved. Consequently, the motion for costs is now premature and should be carried over until the next motions term.

Thank you for your attention to this matter.

Very truly yours,



B. Michael Brackett

BMB/Ita

cc. Robert H. Breakfield, Esquire
Mell Woods

MOSES KOON & BRACKETT, PC

ATTORNEYS AND COUNSELORS AT LAW

1333 Main Street, Suite 650 (29201)
Post Office Box 100261
Columbia, South Carolina 29202-3261

Telephone (803) 461-2300
Facsimile (803) 461-2309

B. Michael Brackett
Direct Dial: (803) 461-2312
Email: mbrackett@mkb-law.com

July 20, 2011

The Honorable Sue Carpenter
Chester County Clerk of Court
P. O. Drawer 580
Chester, SC 29706

RE: Woods v. Breakfield, as Personal Representative
2010-CP-12-0201 (Appeal from Probate Court)
Our File Number - 12085.1

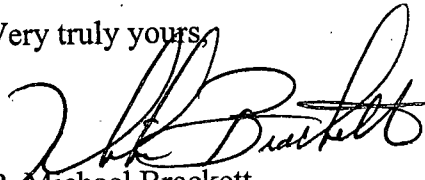
Dear Ms. Carpenter:

Enclosed for filing please find Judge Goldsmith's original Order dated July 17, 2011 affirming the Probate Court's Order dated April 19, 2010.

By copy of this letter, a copy of the enclosed order is being served upon the Appellant.

Please return a clocked copy of page 1 of the enclosed order using the envelope provided.

Very truly yours,


B. Michael Brackett

BMB/lta

Enclosures

cc. Robert H. Breakfield, Esquire
Mell Woods

FILED
2011 JUL 21 A 11:50
CLERK OF COURT
CHESTER CO S.C.

October 10, 2011

Mell Woods
P.O. Box 2603
Lancaster, SC 29721

FILED

CLERK OF COURT
CHESTER CO S.C.
2011 OCT 14 PM 11:04

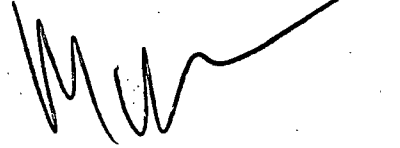
The Honorable Sue Carpenter
Clerk of Court for Chester County
P.O. Box 580
Chester, SC 29706

RE: Mell Woods, Appellant, v. Robert H. Breakfield, as
Personal Representative of the Estate of Reba P. Hinson,
Respondent. Lower Court case # 2010-CP-12-201

Dear Mrs. Carpenter:

Enclosed for filing is a notice of appeal in the above
case.

Thanks,

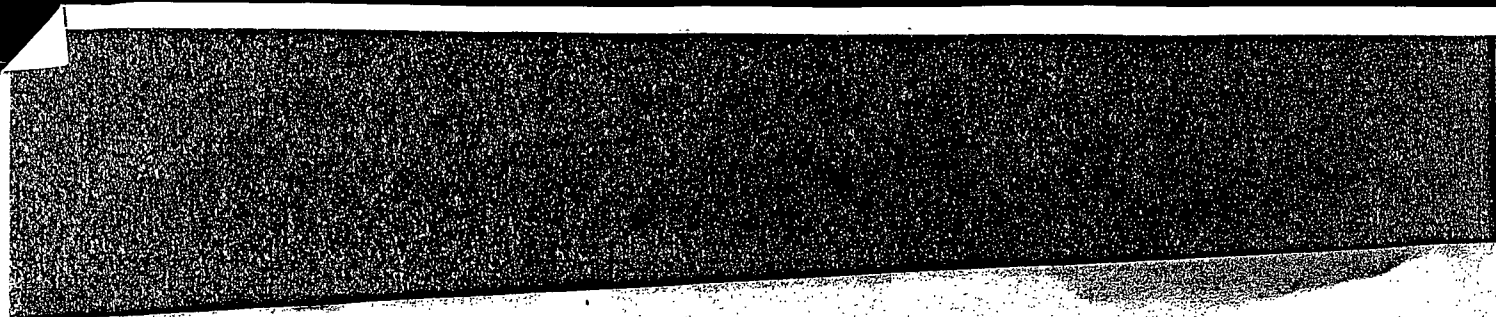


Mell Woods
P.O. Box 2603
Lancaster, SC 29721

Copy of this letter to:

Moses Koon & Brackett, PC
C/O B. Michael Brackett, attorney for respondent
P.O. Box 100261
Columbia SC 29202

1. Probate Court Order dated April 19, 2010;
2. Transcript of the Probate Court hearing on April 12, 2010;
3. Form 300 filed in the Probate Court on December 15, 2009 in the Reba Hinson Estate (6 pages);
4. Appellant's Petition for Removal of Personal Representative dated January 22, 2010, including the attached Motion for Removal of Personal Representative;
5. Appellant's Verified Petition to Vacate the Chester County Probate Court Order Entered in the Above-Styled Case on February 18, 2009; [and] Motion For Removal to Circuit Court, dated February 17, 2010;
6. Respondent's Answer to the Petition for Removal of Personal Representative;
7. Respondent's consolidated Motion to Dismiss the Petition to Vacate Order and Return to the Motion to Remove the Petition to Vacate to Circuit Court;
8. Appellant's Notice of Appeal (to Circuit Court) filed on April 30, 2010;
9. Appellant's Additional Grounds for Appeal filed June 4, 2010;
10. Circuit Court Order dated September 30, 2010;
10. Appellant's Motion for Reconsideration;
12. Circuit Court Order dated January 27, 2011;
13. Respondent's Letter to Probate Court, dated February 2, 2011, regarding the Probate Court's Return;
14. Probate Court's transmittal letter to clerk of court, dated, in error, February 11, 2010 (should have been February 11, 2011), confirming the filing of the Return and identifying the content

- 
6. Circuit Court Order dated May 18, 2011;
 7. Circuit Court Order Affirming Probate Court dated July 17, 2011;
 7. Transcript of Circuit Court hearing on July 8, 2011;
 8. Probate Court's Return to the Circuit Court;
 9. June 23, 1998 Last Will and Testament of Reba Pettit Hinson bearing Chester County Probate Court file stamp dated December 15, 2008;
 20. Unsigned document headed "Private Last Will" bearing the typed date April 5, 2003 but purportedly signed on April 24, 2003;
 21. Signed document headed "Private Last Will" bearing the typed date April 5, 2003 but purportedly signed on April 24, 2003;
 22. Private Agreement Among Heirs and Devisees filed in the Reba Hinson Estate on March 31, 2010;
 23. Appellant's statement of claim in the estate of Reba Hinson, dated November 9, 2009, (7 pages), including Amendment of Claim, dated February 1, 2010 (4 pages).

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chester County
Court of Common Pleas
Brooks P. Goldsmith, Circuit Court Judge

In the Matter of the Estate of Reba P.
Hinson, Probate # 2008-ES-12-297,
Circuit Court # 2010-CP-12-201,

Mell Woods Appellant,

v.

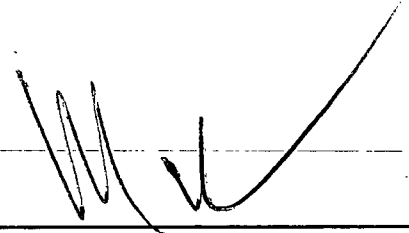
Robert H. Breakfield, as Personal Representative
of the Estate of Reba P. Hinson, Respondent.

Certificate of Appellant

Court Of Appeals Internal Tracking Number: 2011-201066

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.

This eleven day of June, 2012.



Mell Woods
P.O. Box 2603
Lancaster, SC 29721

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chester County
Court of Common Pleas
Brooks P. Goldsmith, Circuit Court Judge

In the Matter of the Estate of Reba P.
Hinson, Probate # 2008-ES-12-297,
Circuit Court # 2010-CP-12-201,

RECEIVED
JUN 13 2012
SC Court of Appeals

Mell Woods Appellant,

v.

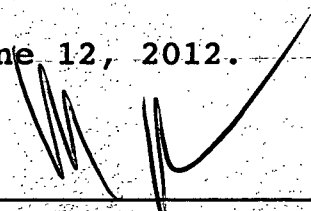
Robert H. Breakfield, as Personal Representative
of the Estate of Reba P. Hinson, Respondent.

PROOF OF SERVICE OF RECORD ON APPEAL

Court Of Appeals Internal Tracking Number: 2011-201066

The undersigned hereby certifies that the Record on Appeal
was served on the Respondent by delivery a copy of same to the
Office of the Counsel of Record for Respondent, Mr. B. Michael
Brackett, Moses Koon & Brackett, PC 1333 Main Street, Suite
650, Columbia, SC 29201 at 10:34 a.m. June 12, 2012.

This 12 day of June, 2012.



Mell Woods
P.O. Box 2603
Lancaster, SC 29721

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chester County
Court of Common Pleas
Brooks P. Goldsmith, Circuit Court Judge

In the Matter of the Estate of Reba P.
Hinson, Probate # 2008-ES-12-297,
Circuit Court # 2010-CP-12-201,

Mell Woods Appellant,

v.

Robert H. Breakfield, as Personal Representative
of the Estate of Reba P. Hinson, Respondent.

Certificate of Appellant

Court Of Appeals Internal Tracking Number: 2011-201066

RECEIVED

AUG 20 2012

SG Court of Appeals

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.

This eleven day of June, 2012.

Mell Woods
P.O. Box 2603
Lancaster, SC 29721



ORIGINAL