

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

Case Number 2011-CP-12-0323

Mell Woods Appellant,

v.

John D. Hinson; Christine Jones; John C. Hinson; William L. Hinson; Lois Hinson; Robert Breakfield, as Personal Representative of the Estate of Reba P. Hinson; Elaine H. Hensley; Robert H. Hinson; George Standford, as Personal Representative of the Estate of Linda H. Standford; William C. Hinson, Jr.; Darrell W. Hinson; Mary Roe and John Doe, fictitious names used to designate all other parties, whose names are unknown, and any and all other persons claiming any right, title, estate, interest or lien upon the real estate described in the complaint,

. Respondents.

REPLY BRIEF

Court of Appeal Internal Tracking Number 2012 212330

Mell Woods
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Lancaster, SC 29721

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SC Court of Appeals

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Respondent Attorney

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Appellant Mell Woods is filing this Reply Brief to point out a couple of inconsistencies in the respondent's Initial Brief.

1. At the top of page 35 of the respondent Brief is the statement: "Adverse possession against the remaindermen could not possibly commenced until Reba Hinson's death in 2007."

2. Then the respondent Brief goes on, (7 lines below) and states: "Assuming that Reba Hinson had an adverse possession claim, its limitations period would have started to run at the exact same time as her life estate was created, namely at the death of Levie Hinson."

3. The above two statements are internally inconsistent. According to respondent's own Brief (page 08) Mr. Hinson died during year 1986; simple math would then add up this period of time as twenty years.

4. Then on page 27 of the respondent Brief is the following: "I will devise and bequest [sic] 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." (The respondent Brief is quoting from Mr. Hinson's will.)

ARGUMENT

The South Carolina Supreme Court ruled in Miller v. Leaird, 307 S.C. 56, 413 S.E.2d 841 (1992), that once a statute of limitation in land has started to run, no subsequent disability will arrest it. Appellant Mell Woods shows by the respondent's very own Brief (the quoted language from the will in paragraph 4 above) that fee simple is first, in time order and then the so-called "life estate" language is second. So even if Mrs. Hinson failed to be given a grant in the will, by all fairness, *at least she had a color of title* which, the Record shows her use of for twenty years to the exclusion of all others. Miller holds that a subsequent creation of a life estate will not suspend the running of a statutory period for adverse possession, even against remaindermen.

CONCLUSION

It is appellant's position that Mrs. Hinson was the full owner of the real estate at the time of her death, and left her own Will, which should be honored.

Respectfully submitted,

This 07 day of March, 2013.



Mell Woods

P.O. Box 2603
Lancaster, SC 29721

CERTIFICATE OF SERVICE

IN THE COURT OF APPEALS OF SOUTH CAROLINA

Case Number 2012 212330

I hereby certify that I have on the 07 day of March, 2013 served the respondents with a true copy of the within and foregoing Reply Brief of Appellant, by placing the copy in the United States Mail with sufficient postage and addressed to the counsel of record for respondents,]

to wit:

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

This 07 day of March, 2013.



Mell Woods

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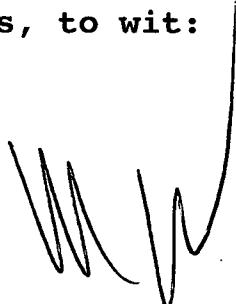
CERTIFICATE OF SERVICE

Court of Appeals Internal Tracking Number 2012 212330

I hereby certify that I have served the Respondents with a true copy of the within and foregoing *Rule 211(a) SCACR Certificate of Party* regarding *Final Reply Brief* by placing the copy in the U.S. Mail with sufficient postage addressed to the counsel of record for respondents, to wit:

B. Michael Brackett
Moses Koon & Brackett
P.O. Box 100261
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This 06 day of June, 2013



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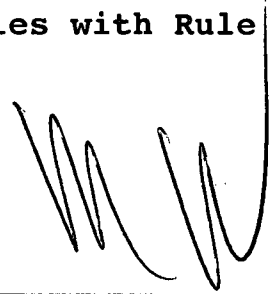
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Rule 211(a) SCACR CERTIFICATE OF PARTY
Court of Appeals Internal Tracking Number 2012 212330

Mell Woods hereby certifies that the *Final Reply Brief* filed in the above styled appeal complies with Rule 211(b) SCACR.

This 06 day of June, 2013



Mell Woods

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