

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Chester County

Brian Gibbons, Circuit Court Judge

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APR 01 2019

SC Court of Appeals

Appeal from Magistrate's  
Court, Rossville District

2015CP1200179 (Circuit)

2014CV1210400037 (Magistrate)

COURT OF APPEALS CASE NUMBER: 2016-002016

Robert H. Breakfield, as  
attorney-in-fact for John D.  
Hinson, John C. Hinson, Jerry Hinson,  
Kathy Huffstickle, Robert H. Hinson,  
Darrell W. Hinson, Lois Hinson,  
Tina Jones, George Stanford as  
Personal Representative of the  
Estate of Linda Stanford,  
William L. Hinson, Elaine H. Hensley,  
and William C. Hinson, Jr.,

Respondents,

vs.

Mell Woods,

Appellant.

Reply to the Return of Respondents:

- / -

1. The Return served by the respondents on March 28, 2019 is not responsive to the Motion for *permission* to file SCRCP 60(b) motions in the trial court.

2. It seems to be really difficult for Mr. Brackett to read pleadings, or even to get his facts straight. Example, Mr. Brackett states on page 3, paragraph 1 of his Return that:

“Further, Appellant's motion for leave to file a Rule 60(b) motion neither asks that the filing/service deadlines be stayed...”

3. This is just another example of how Mr. Brackett plays loose with the facts – in paragraph 11, (last paragraph) of the motion, appellant Mell Woods does ask that the present appeal be held in *abeyance* while the Court of Appeals is deciding the motion.

4. The problem with this appeal is that Mr. Brackett has continued to file excessive motions that have to be responded to and his motions have held the case up. This case concerns title to land, and Mr. Brackett does not want the case in front of a jury although appellant is entitled to a jury trial.

5. Appellant is just trying to comply with SCRCP, Rule 60, which requires: “During the pendency of an appeal, leave to make the motion must be obtained from the appellate court.”

-2-

6. Although a motion for permission to file a motion in the trial court is not a proper place to argue facts, appellant Mell Woods has uncovered new evidence which when presented to the trial court is likely to cause a different result, or at least the jury trial appellant is entitled to. This case involves adverse possession, a purported life estate and remainder interests. In South Carolina, a remainderman is fully protected from tax sales, and adverse possession. There is an exception, if the purported life tenant *had already* started prescription, or adverse possession against the land in question, then:

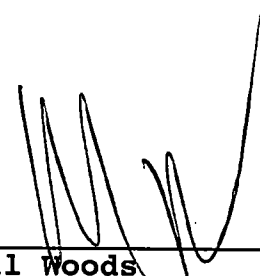
“Accordingly, we hold that once the statutory period for adverse possession is activated, the subsequent creation of a life estate will not suspend the running of such period.” Miller v. Leaird, 307 S.C. 56, 413 S.E.2d 841 (1992).

This is exactly what happened in this case, early on in year 1985, Mr. Hinson became sick and unable to fully attend to his business, so Mrs. Hinson took over the family business and the land in question. Mr. Hinson died on August 01, 1986. There were discussions between Mrs. Hinson, and Mr. Hinson about the land, and how to keep the land in the family. Mrs. Hinson was of the opinion that all of the heirs were spendthrifts and that none of the land would last six months if the land was turned over to the heirs. Mrs. Hinson informed everyone that the land was her land, and the heirs were not going to get the land to sell. These family discussions occurred in early 1985, and

by year 1995, Mrs. Hinson had completed ten years of adverse possession in an open, notorious, and hostile way. By year 2005, Mrs. Hinson had completed twenty years in the same way. This is why Mrs. Reba Hinson had plats drawn showing "The Lands of Reba Hinson" and then made her will to transfer the land at her death.

Wherefore, appellant Mell Woods asks that appellant be allowed to take up these new matters with the trial court.

This 28 day of March, 2019.

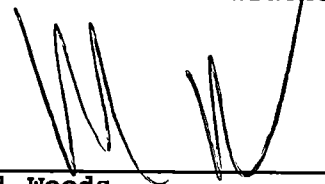
  
\_\_\_\_\_  
Mell Woods

P.O. Box 2603  
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I hereby certify that I did on the 28 day of March, 2019, serve the respondents in the above action by serving Mr. B. Michael Brackett, via U.S. Mail at his current address of record.

  
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Mell Woods

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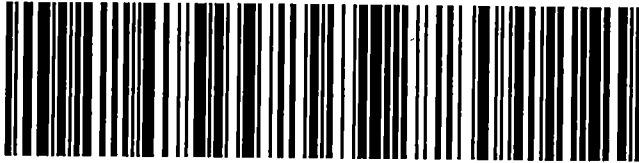
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