

**THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

Hon. Edgar W. Dickson, Judge

Case No. 2019-00-1676

RECEIVED

OCT 22 2019

S.C. SUPREME COURT

Charles E. Houston, Jr.

Appellant

v.

**Dean B. Bell, individually and
Law Offices of Dean B. Bell, LLC and
B. Hammel Properties, LLC.**

Respondents

BRIEF ON VENUE

**Charles E. Houston Jr.
100 Shady Brooke Walk
Fayetteville, Georgia 30214
Appellant, *Pro Se***

QUESTION PRESENTED:

The appeal taken herein was filed with this Court on October 7, 2019. The appeal is from orders of the Circuit Court for Beaufort County granting summary judgment to the defendants in case # 2018-CP-07-1559. The Appellant venues the appeal to this Court under a judgment involving a constitutional challenge to a state statute. The Court upon reviewing the Orders of the Circuit Court questions the finding of a constitutional challenge to a state statute being raised or addressed or contained in the orders and requests a briefing by appellant on the existence a state statute.

BRIEF OF APPELLANT

The case below was filed as an action to quiet title on real property and as a collateral attack upon the prior case of Cornelia H. Hall et.al. v Charles E. Houston, Jr as Case # 2011-CP-07-5141 This prior action was instituted as an action for the partition of real property among tenants in common.

In his complaint (Exhibit # 1) and his Affidavit in Opposition to the Motion for Summary Judgment (Exhibit # 2) Appellant raised constitutional challenges and alleged derivation of his rights under the South Carolina and United States Constitution Appellant's assertion was that the Master -in Equity, assuming arguendo that the Master -in Equity in the underlining case

QUESTION PRESENTED:

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BRIEF OF APPELLANT

The case below was filed as an action to quiet title on real property and as a collateral attack upon the prior case of Cornelia H. Hall et.al. v Charles E. Houston, Jr as Case # 2011-CP-07-5141 This prior action was instituted as an action for the partition of real property among tenants in common.

In his complaint (**Exhibit # 1**) and his Affidavit in Opposition to the Motion for Summary Judgment (**Exhibit # 2**) Appellant raised constitutional challenges and alleged derivation of his rights under the South Carolina and United States Constitution Appellant's assertion was that the Master -in Equity, assuming arguendo that the Master -in Equity in the underlining case

had acquired subject matter jurisdictional over the property subject to the action, yet under state statute **SECTION 14-11-160**, the Master -in Equity lacked the authority to 1) order the property sold by private sale and (2) lacked the authority under **SECTION 14-11-160** to grant to the plaintiff carte blank power of attorney to sell Appellant's interest in the property and otherwise precluding the Appellant from exercising his possessory rights of ownership in his property as provided by the South Carolina Constitution. (See Order attached as (Exhibit # 3))

SECTION 14-11-160 reads as follows: Master may sell real estate in any county under order by consent.

Whenever real estate is adjudged to be sold by a master such sale may take place by consent of the parties to the cause or their attorneys or, when infants are parties, by the consent of the guardians ad litem of such infants or their attorneys in any county which the court may direct. All such sales heretofore made and otherwise valid are hereby confirmed.

HISTORY: 1962 Code Section 15-1824; 1952 Code Section 15-1824; 1942 Code Section 3687; 1932 Code Section 3694; Civ. C. '22 Section 2231; Civ. C. '12 Section 1382; Civ. C. '02 Section 975; R. S. 846; 1885 (19) 7.

Therefore, the Master -in Equity's order to sell the property at private sale under the provisions of ***SECTION 14-11-160*** exceeded his statutory powers authority granted by this state statute. A court must vacate any

judgment entered in excess of its jurisdiction. Lubben V. Selective System Local Board No 27 453 F.2d. 645(1st Cir. 1972) also 1 Freeman on Judgments 120C.

Secondly: The Master in Equity only acquired limited subject matter jurisdiction over the action .The only subject matter jurisdiction the Master acquired was to order that the property be sold by public sale. While the matter was pending in Circuit Court upon Plaintiff's Motion for Summary Judgment the Appellant moved to dismiss the complaint on the ground that the Probate Court had jurisdiction of the actions for rent and accounting among the heirs as tenants in common and that appellant was opposed to a private sale and upon the authority of Zimmerman v. Marsh 365 S.C. 383, 618 S.E.2d 989 and Pruitt v. Pruitt 298 S.C. 411, 380 S.E.2d 862 the property could only be sold by public auction. The Circuit Court agreed and rather than dismissing the plaintiff's complaint ordered that the plaintiffs amend their complaint accordingly. (Exhibit # 4)

A subsequent judge cannot and is prohibited from overruling or modifying the order issued by a prior judge in a case. Albeit, though the Circuit Courts Order did not contain all the Circuit Courts rulings the fact that the Order required the Plaintiffs to amend their complaint makes implicit that there was more ordered than what was contained in the order drafted by Plaintiff's counsel. Additionally, the Master in Equity knew that the Appellant did not consent to the property being sold at a private sale and

the in Court ruling of the Circuit Court stating the action had to proceed by public auction,, yet, nevertheless, the Master in Equity proceeded with a private sale over Appellant's objections.

Appellant sets forth the authority of the case holdings in Wachovia Bank of S.C. v. Player, 341 S.C. 424, 535 S.E.2d 128 (2000) the Federal case of Calloway v. Ford Motor Co., 281 N.C. 496, 189 S.E.2d 484 (1972) and a state case from our same federal Fourth Judicial Circuit, being, First Fin. Ins. Co. v. Commercial Coverage Inc., 154 N.C. App. 504, 572 S.E.2d 259, 262 (2002) that it is illegal and against the tenets of the judicial system for a Master in Equity to set aside the prior Order of the presiding judge of the Court of Common Pleas

Thirdly, rather than amending its complaint, as directed and ordered by the Court, the Plaintiff disobeyed the Court and filed the same complaint over again only stating that it was an Amended Complaint. (see Exhibit # 5)

Fourthly, The Master -in Equity's Order granting one tenant in common the exclusive power to sell the property at a price only satisfactory to her, chose the real estate company and unilaterally agree to its commission and the fees of the closing attorney were never alleged or requested in Plaintiff's Amended Complaint resulting in the Master In Equity improperly granting relief not sought in the Amended Complaint. However, in deference to the Master in Equity, he relied upon the integrity of Plaintiff's counsel to

submit a proposed Order accurately reflecting the record. Plaintiff's counsel inserted this provision in the Order. Plaintiff's counsel, during the time the Master in Equity was considering the matters, had initiated ex parte communications with the Master in Equity. Appellant contends that this Order was procured by extrinsic fraud by Plaintiff's counsel when he sent an e-mail to the Master in Equity requesting to submit an order to him. (See **Exhibit # 6**) The email falsely represented to the Master in Equity that a copy of it had been sent to the Appellant. It was intentionally sent to an incorrect e-mail address and not the correct one as written upon all the pleadings and motion sheets that had been filed in the case. It is very reasonable that the Master in Equity would have thought that the proposed order was without objection from Appellant since no communication was received by him to the contrary. This court's ruling in the case of *Burgess v. Stern* 311 S.C. 326, 428 S.E.2d 880 emphasizes this Court's contempt against exparte communications with judges.

Likewise, there is no record of the Circuit Court requesting Plaintiff's attorney to submit a proposed Order . Both when the order was submitted to the presiding judge and subsequently filed the Appellant was not provided with notice of the correspondence to the Court or furnished notice or service of the filing of the order. It was only at the time of the Appellant's deposition in the instant action in March 2019 that Appellant was made knowledgeable of the existence of the Order. The Certificate of Service annexed to the Order

reflects that it was sent to a P.O. Box address that Appellant had discontinued using for several years and not the address stated on all of Appellant's pleadings and correspondence. The Order requiring the Plaintiff to amend their complaint and for the referral of the case to the Master in Equity was not contained in the file of the Clerk of Court up to the time of the hearing held on June 10, 2019 nor was it cited in the Order of the Master in Equity drafted by Plaintiff's counsel. (See Exhibit #4 supra) which is highly unusual and poor practice not to state how the Master in Equity acquired jurisdiction of the case.

The Master in Equity in this proceeding has a strong reputation among the Bar of not accepting or addressing any matters before him unless all parties are privy to the communication with his Court. Similarly, he does not delegate his judicial responsibilities to prevailing parties when they are requested to submit a proposed Order to him. It has been the Master in Equity's consistent practice to communicate his findings of fact and conclusion of law to all the parties and then request the prevailing party's counsel to submit a proposed order consistent with his written instructions. (See Exhibit # 7)

Additionally, the Appellant stated his opposition to and never consented to the action being referred to the Master in Equity. SCRCP Rule 53 provides only for the referral of a case to a Master in Equity only upon the consent of all the parties. The Rule reads as follows:

(a) Master and Special Referee Defined. The term "master" means the master-in-equity for the county. The term "special referee" means a member of the South Carolina Bar to whom a matter has been referred under S.C. Code Ann. § 14-11-60.

(b) References. In an action where the parties consent...

Here Appellant's consent is not stated in the Order of Reference. (See **Exhibit #4 supra**)

The Order of the Master in Equity as drafted by Plaintiff's counsel does not set forth the Court's specific findings of fact or conclusion of law as required by law. The order merely recites the random testimony of the plaintiff and not the issues raised in the proceeding. See this Court's rulings in State Board of Medical Examiners v. Gandy 248 SC 300, 149 S.E.2d 844 (S.Ct. 1966). R. Reese v. State 425 S.C. 108 820 S.E.2d 376 (S.Ct. 2018)

The appeal taken from the Order of the Master in Equity to the Court of Appeals was prematurely filed prior to the issuance of the Order ending the case and was withdrawn. The Order ending the case was filed on July 31, 2015. Which was well within the three year Statute of Repose. As of September 11, 2013, the case was still opened. (See **Exhibit # 8**) It is reasonable to assume that the Master in Equity was waiting for a contract for sale of the property to be submitted to him for approval, that never was filed. Further, an order that exceeds the jurisdiction of the court is void and can be attacked in any proceeding in any court where the validity of the judgment comes into issue.

(See Rose v. Himely 4 Cranch 241, 2 Led 608; (1808) Pennoyer v. Neff) 95 US 714, 24 Led 565 (1877; Thompson v. Whitman 18 Wall 457, 21 Led 897(1873); Windsor v. McVeigh 93 US 274, 23 Led 914(1876); McDonald v. Mabee 243 US 90, 37 S.ct 343, 61 Led 608. (1917). There is no statute of limitations when a party seeks to set aside a judgment due to fraud upon the court. SCRCP, Rule 60(b), Chewing v. Ford Motor Co. 354 S.C. 725, 79 S.E.2d 605(S.Ct. 203).

Fifthly, The Master -in Equity's Order granting one tenant in common the exclusive power to sell the property at a price only satisfactory to her, chose the real estate company and unilaterally agree to its commission and the fees of the closing attorney were never alleged or requested in Plaintiff's Amended Complaint resulting in the Master In Equity improperly granting relief not sought in the Amended Complaint. However, in deference to the Master in Equity, he rightly and justifiably relied upon the integrity of Plaintiff's counsel to submit a proposed order accurately reflecting the record. Instead, Plaintiff's counsel inserted this provision in the order. that was not raised in the pleadings or the hearing.

Plaintiff's counsel, during the time the Master in Equity was taking the case under advisement initiated ex parte communications with the Master in Equity. Appellant contends that this Order was procured by extrinsic fraud by Plaintiff's counsel when he sent an e-mail to the Master in Equity requesting to submit an order to him. ((See Exhibit#6) The email falsely represented to

the Master in Equity that a copy of it had been sent to the Appellant. It was intentionally sent to an incorrect e-mail address. This misrepresentation , amounting to extrinsic fraud and fraud upon the court, denied the Appellant the opportunity to convey his objections to the proposed order for the Master in Equity's consideration. It is reasonable to find that the Master in Equity considered that the proposed order was without objection from Appellant since no communication was received from him to the contrary.

For the Appellant to prevail in this proceeding the Circuit Court judge would have to find that his peer , the Master in Equity, was in error ; a very unwelcome task that invites extreme reluctance. An appellate court sitting above its peers below has a further degree of independence and disposition to freely render judgment upon the issue.

As evidence of this assertion, this hearing was held on June 10, 2019 and not July 10, 2019 as stated in the Order. A period of over sixty days had expired before the appellant received an email from opposing counsel stating that the presiding judge had requested him to prepare an order ruling in their client's favor. The judge failed to state his findings of fact or conclusions upon which the order would be drafted. (See Exhibit # 10) The proposed orders as submitted by opposing counsels were signed by the judge without any modifications.

Plaintiff's counsel when he sent an e-mail to the Master in Equity requesting to submit an order to him. ((See Exhibit#6) The email falsely represented to the Master in Equity that a copy of it had been sent to the Appellant. It was intentionally sent to an incorrect e-mail address. This misrepresentation , amounting to extrinsic fraud and fraud upon the court, denied the Appellant the opportunity to convey his objections to the proposed order for the Master in Equity's consideration. It is reasonable to find that the Master in Equity considered that the proposed order was without objection from Appellant since no communication was received from him to the contrary.

For the Appellant to prevail in this proceeding the Circuit Court judge would have to find that his peer , the Master in Equity, was in error ; a very unwelcome task that invites extreme reluctance. An appellate court sitting above its peers below has a further degree of independence and disposition to freely render judgment upon the issue.

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CONCLUSION

SECTION 14-11-160. is the state statute that has been applied to deny rights of the Appellant under both the South Carolina and the Federal Constitution and this case may raise issues this Court may deem important to be addressed for benefit of the judiciary, the bar and the public at large.

Respectfully, submitted

**Charles E. Houston, Jr.
100 Shady Brooke Walk
Fayetteville, Georgia 30214
Appellant, Pro Se**

**October 18, 2019
Fayetteville, Georgia**

Tab 1

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)
)
 Charles E. Houston Jr,)
)
)
 vs.)
)
)
 Dean B. Bell The Law Offices of Dean B.)
 Bell, LLC)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2012 - CP - 07 - 1559

2012 JUL 31 AM 11:33
 CLERK OF COURT
 JEREMY L. HARRIS
 CLERK OF COURT

Plaintiff(s)

Defendant(s)

(Please Print)

Submitted By: Charles E. Houston, Jr.

SC Bar #: Pro Se
 Telephone #: 843-684-0211
 Fax #:
 Other:
 E-mail: charleschouston@icloud.com

Address: 100 Shady Brooke Walk Fayetteville GA 30214

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 one box below)

- 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).

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|--|---|---|
| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Construction (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> Employment (120) <input type="checkbox"/> General (130) <input type="checkbox"/> Wrongful Breach (140) <input type="checkbox"/> Other (199) | <p>Torts - Professional Malpractice</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) <input type="checkbox"/> Other Malpractice (299) | <p>Torts - Personal Injury</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Assault/Slander/Libel (300) <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Other (399) | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Other (499) |
|--|--|---|---|

- | | | | |
|--|---|--|--|
| <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Sexual Predator (510) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habeas Corpus (530) <input type="checkbox"/> Other (599) | <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input type="checkbox"/> Magistrate's Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript Judgment (740) <input type="checkbox"/> Lis Pendens (750)** <input type="checkbox"/> Other (799) | <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Driver License Reinstatement (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture (840) <input type="checkbox"/> Other (899) | <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate-Civil (910) <input type="checkbox"/> Magistrate-Criminal (920) <input type="checkbox"/> Municipal (930) <input type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOT (950) <input type="checkbox"/> Worker's Comp (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Other (999) |
|--|---|--|--|
- Special/Complex /Other
- Environmental (600)
 - Automobile Arb. (610)
 - Medical (620)
 - Other (699)

Collateral attack upon a judgment

** Check only if Summons & Complaint to follow in 20 days

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CASE # 2018-CP-07-0 1559

Charles E. Houston, Jr.
Plaintiff

Vs

Dean B. Bell, individually; Law Offices
of Dean B. Bell, LLC., and B. Hammel
Properties, LLC

Defendants

SUMMONS

2018 JUL 31 11:11 AM
JERRI A. WILSON, CLERK
BEAUFORT COUNTY

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the Complaint in the above entitled action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint upon the subscriber at his office located at 100 Shady Brooke Walk, Fayetteville, Georgia 30214 within thirty (30) days after the service hereof, exclusive of the date of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint.



Charles E. Houston, Jr.
Plaintiff, *Pro Se*
100 Shady Brooke Walk
Fayetteville, Georgia 30214
Phone: 843-684-0211
E-mail: charlesehouston@icloud.com

July 27, 2018
Fayetteville, Georgia

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CASE # 2018-CP-07-01559

2018-CP-07-383

Charles E. Houston, Jr.
Plaintiff

Vs

Dean Bell, individually; Law Offices
of Dean Bell, LLC. and B. Hammel
Properties, LLC
Defendants

LIS PENDENS

2018 JUL 31 11:53
JERRI ANN GREGG
BEAUFORT COUNTY
CLERK OF COURT

NOTICE IS HEREBY GIVEN that an action for THE QUIETING OF TITLE, RECISSION OF DEED AND FURTHER RELIEF

is being commenced and will be pending in the Court of Common Pleas for the County and State aforesaid which affects title to the real estate described as follows: That the property which is the subject of the action herein is situated lying and being in Hilton Head Island, Beaufort County, State of South Carolina, and is more particularly described as follows:

ALL that certain piece, parcel, or tract of land situate, lying, and being on Hilton Head Island, South Carolina, shown and designated as Lot 3, being 0.390 acres, more or less, on a plat entitled "Plat Prepared for the Heirs of Alex Patterson", prepared by Sea Island Engineering, Inc., Benjamin Wilson, P.L.S., S.C. S424, and dated August 22, 1985. For a more complete description as to courses, metes, and bounds, reference is made to said plat recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 34 at Page 18.

and also

ALL that certain piece, parcel, or tract of land situate, lying, and being on Hilton Head Island, South Carolina, shown and designated as Lot 4, being 2.998 acres, more or less, on a plat entitled "Plat Prepared for The Heirs of Alex Patterson", prepared by Sea Island Engineering, Inc., Benjamin Wilson, P.L.S., S.C. 5424, and dated August 22, 1985. For a more complete description as to courses, metes, and bounds, reference is made to said plat recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 34 at Page 18.

This being the same property conveyed by Cornelia H. Houston, et.al.to B. Hammel Properties, LLC dated June 13, 2015 and recorded in the office of the register of Deeds in Deed Book 3412 at Page 462 on July 7, 2015.

Beaufort County TMP#: R510-008-000-008C-0000

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Charles E. Houston, Jr.", written over a horizontal line.

Charles E. Houston, Jr.

Plaintiff, *Pro Se*

100 Shady Brooke Walk

Fayetteville, Georgia 30214

8433-684-0211

Charlesehouston@icloud.com

July 23,2018

Fayetteville, Georgia

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CASE # 2018-CP-07-0 1559

Charles E. Houston, Jr.

Plaintiff

Vs

Dean B. Bell, individually; Law Offices
of Dean B. Bell, LLC., and B. Hammel
Properties, LLC

Defendants

COMPLAINT

Collateral Attack on
Case # 2011-CP-07-05141
Action to Quiet Title

2018 JUL 31 PM 11:53
JEWELL A. W. RICE, CLERK
DEPARTMENT OF COURTS
BEAUFORT COUNTY, SOUTH CAROLINA

Comes now the Plaintiff, Charles E. Houston, Jr. who would respectfully show unto the Court the following:

Summary of Action

The Plaintiff, Charles E. Houston, Jr. along with his siblings: Cornelia H. Hall, Mary Annette Houston and Jeanne H. Houston were heretofore tenants in common with each possessing a one fourth (1/4) undivided interest in the property (a three-acre tract with improvements bordered on Broad Creek) subject to this action. That in Civil Action # 2011- CP-07-5141 the siblings as plaintiff brought an action for the Partition and sale of the property against their brother; the plaintiff herein. In that action the court authorized Cornelia H. Houston to have complete authority in selecting a real estate broker agreeing to the sales price and signing a deed on behalf of all the siblings. In effect the Order granted her the power of attorney in fact. The property with improvements was sold for \$385000 in 2015. The Beaufort County, SC Tax Assessors Office assessed value for the property with improvements was \$487,000 in 2014.

This action is a collateral attack challenging the validity of the court's order in the partition action. The plaintiff challenges (1) the validity of the order as deficient on its face (2) due process violations and extrinsic fraud committed in the fraudulent procurement of the order, (3) lack of person and subject matter jurisdiction of the Master in Equity (4) the sale was never approved by the court and (5) that the Plaintiff was deprived of his property without the due process of law and the equal protection of the laws

as such is repugnant to and in violation of Article 1 Section 3 of the South Carolina Constitution (6) for the reformation or rescission, of the deed (7) to set aside or modify the order of the Master in Equity (8) a declaratory action to quiet title to the property confirming a present fee simple ¼ undivided interest as a tenant in common to the plaintiff.

1

PARTIES

The defendant, Dean B. Bell is a citizen and resident of Beaufort County, SC and practices as an attorney with the Law offices of Dean B. Bell, LLC.

2

The Law offices of Dean B. Bell, LLC is located on Hilton Head Island, Beaufort County, SC and served as the attorney for the Plaintiffs, Cornelia H. Hall, Mary Annette Houston and Jeanne H. Houston in Civil Action # 2011-CP-07-5141. (Cornelia H. Hall et. Al. V. Charles E Houston, Jr., the plaintiff herein.

3

That B. Hammel Properties, LLC is a Limited Liability Corporation chartered under the laws of South Carolina and was the grantee of a deed executed by Cornelia H. Houston on June 23, 2015 purporting to convey the fee simple interest of Cornelia H. Hall, Mary Annette Houston, Jeanne H. Houston and Charles E. Houston, Jr. to the property that is the subject of this action herein.

4

That the property that is the subject matter of this action is located on Hilton Head Island, Beaufort County, SC with a residential address of 31 Marshland Road. The property is more particularly described as follows:

ALL that certain piece, parcel, or tract of land situate, lying, and being on Hilton Head Island, South Carolina, shown and designated as Lot 3, being 0.390 acres, more or less, on a plat entitled "Plat Prepared for the Heirs of Alex Patterson", prepared by Sea Island Engineering, Inc., Benjamin Wilson, P.L.S., S.C. S424, and dated August 22, 1985. For a more complete description as to courses, metes, and bounds, reference is made to said plat recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 34 at Page 18.

and also

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This being the same property conveyed by Cornelia H. Houston, et.al.to B. Hammel Properties, LLC dated June 13, 2015 and recorded in the office of the register of Deeds in Deed Book 3412 at Page 462 on July 7, 2015.

Beaufort County DMP#: R510-008-000-008C-0000

5

That the validity of the Order filed by the Master in Equity for Beaufort County, SC dated July 15, 2013 and the Order ending case filed on July 19, 2013 in Cornelia H. Hall et. al. V. Charles E. Houston, Jr., Civil Action # 2011- CP-07-5141 are challenged in this action. (See Order attached as Exhibit 1 to the complaint.)

6

That the parties hereto, the property herein and all matters herein after alleged; are properly within the jurisdiction of this court.

FOR A FIRST CAUSE OF ACTION

IN THE NATURE OF A COLLATERAL ATTACK AND PETITION TO VACATE A VOID JUDGMENT IN
CASE 2011 -CP-07-05141

Lack of Jurisdiction of the Master in Equity

7

The plaintiff is informed and believes that the Courts of Common Pleas of South Carolina has jurisdiction over actions for partition of real property as provided by S.C. Code. Ann § 15-61-60.

8

The plaintiff is informed and believes that the Master in Equity Court is the only South Carolina court in which no action may be initiated. Each case heard by the Master-in-Equity Judge is assigned by the Circuit Court, using a procedural device known as an Order of Reference.

9

The plaintiff is further informed and believes that under the provisions of SCRCP Rule 71(a) that actions to foreclose liens or obtain partition of real property shall be tried by the court and shall ordinarily be referred to a master pursuant to SCRCP Rule 53.

10

That SCRCP, Rule 53 provides for the Following: to wit:

(a) Master and Special Referee Defined. *The term "master" means the master-in-equity for the county. The term "special referee" means a member of the South Carolina Bar to whom a matter has been referred under S.C. Code Ann. § 14-11-60.*

(b) References. *In an action where the parties consent, in a default case, or an action for foreclosure, some or all of the causes of action in a case may be referred to a master or special referee by order of a circuit judge or the clerk of court. In all other actions, the circuit court may, upon application of any party or upon its own motion, direct a reference of some or all of the causes of action in a case. Any party may request a jury pursuant to Rule 38 on any or all issues triable of right by a jury and, upon the filing of a jury demand, the matter shall be returned to the circuit court. A case shall not be referred to a master or special referee for the purpose of making a report to the circuit court. The clerk shall promptly provide the master or special referee with a copy of the order of reference.*

(c) Powers. Once referred, *the master or special referee shall exercise all power and authority which a circuit judge sitting without a jury would have in a similar matter.*

11

That an Order of Reference was never issued by the Court of Common Pleas and therefore the Master in Equity never acquired jurisdiction of the case. (See Beaufort County Fourteenth

judicial Circuit Public Index) attached as Exhibit 2. Further, as corroboration of this the Master in Equity's Final Order makes no recitation of an Order of Reference.

12

Pursuant to SECTION 15-53-20 Codes of Laws for South Carolina Plaintiff alleges that the Master in Equity never having acquired personal or subject matter jurisdiction of the case Cornelia H. Hall v. Charles E. Houston, Jr. Case # 2911-CP-07-05141 challenges the validity of all the proceedings held by the Master-in Equity to be null and void ab initio. The order is void and is a nullity.

13

The plaintiff is informed and believes and alleges that SCRCP Rule 60(b)(4) of the South Carolina Rules of Civil Procedure provides, "On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding" if "the judgment is void." Additionally, an action to set aside a judgment procured by fraud was not barred by the one-year time limit found in § 15-27-130. Center v. Center, 269 S.C. 367, 237 S.E.2d 491 (1977). The Court reasoned that the statute by its terms applied only to relief from judgment on grounds of "mistake, inadvertence, or excusable neglect." Since fraud was not enumerated in the statute of limitation, the statute did not apply. Id. at 370, 237 S.E.2d at 493; *see also* South Carolina Dept. of Social Services. v. Durham, 274 S.C. 222, 262 S.E.2d 49 (1980).

14

The Plaintiff is informed and believes that when a court grants relief, which under the circumstances it hasn't any authority to grant, its judgment is to that extent void." 1 Freeman on Judgments, 120c.) Further, that a void judgment is no judgment at all and is without legal effect." Jordon v. Gilligan, 500 F.2d 701, 710 (6th Cir. 1974) "a court must vacate any judgment entered in excess of its jurisdiction." Lubben v. Selective Service System Local Bd. No. 27, 453 F.2d 645 (1st Cir. 1972).

FOR A SECOND CAUSE OF ACTION

(That the Master in Equity had no authority and lacked jurisdiction to change or modify a prior Order of the Court of Common Pleas.)

15

For a second cause of action the plaintiff realleges paragraphs 1 through 14 as if fully set forth herein.

16

Upon the plaintiff's Cornelia H. Hall's Motion for Summary Judgment, held before the presiding judge of the Court of Common Pleas, the Court ruled, among other matters, by Order dated September 4, 2012, that the Partition action would proceed by auction at public sale and there were matters alleged in the complaint that were within the exclusive jurisdiction of the Probate Court; but permitted plaintiffs to amend their complaint consistent with the Court's ruling.

17

The Court's ruling was supported by the case of Zimmerman v. Marsh 365 S.C. 383 618 S.E.2d 989 and Pruitt v. Pruitt 298 S.C. 411, 380 S.E.2d 862. Both cases hold that where neither partition in kind or allotment may be had, public sale is required.

18

That at the hearing held before the Master in Equity, the Court permitted the plaintiffs to proceed to introduce evidence and testify to matters not alleged in their amended complaint. This allowance of the Master inequity was in derogation and contrary to the previously issued Circuit Court Order.

19

Plaintiff is informed and believe predicated upon the case holdings in Wachovia Bank of S.C. v. Player, 341 S.C. 424, 535 S.E.2d 128 (2000) the Federal case of Calloway v. Ford Motor Co., 281 N.C. 496, 189 S.E.2d 484 (1972) and a state case from our same federal Fourth Judicial Circuit, being, First Fin. Ins. Co. v. Commercial Coverage Inc., 154 N.C. App. 504, 572 S.E.2d 259, 262 (2002) that it is illegal and against the tenets of the judicial system for a Master in Equity to set aside the prior Order of the presiding judge of the Court of Common Pleas.

20

Plaintiff is informed and believes that the Master in Equity being prohibited from overruling the prior Order of the Court of Common Pleas providing for a public sale lacked jurisdiction to order the property sold by private sale.

FOR A THIRD CAUSE OF ACTION
(Due Process Violations)

21

For a third cause of action plaintiff realleges Paragraphs 1 through 20 of the Complaint as if fully set forth herein.

22

The plaintiff was denied due process of law by relying upon the Order of the Court of Common Pleas ordering a public sale of the property and the Master in Equity disavowing that Order and addressing issues beyond the context of the plaintiff's amended complaint. This was prejudicial to the plaintiff as he came to the hearing not prepared to properly respond to those issues; especially to have the property sold by private sale.

23

The plaintiffs due process rights were abridged by the Plaintiff's attorney, Dean B. Bell, who placed in the court's official file materials consisting of his notes, argumentative memorandums and calculations not received into evidence. Plaintiff alleges that this was done to improperly influence the decision of the fact finder; the Master in Equity. Upon the Master in Equity reviewing and considering the case in chambers he would review the contents of the file. This practice is a blatant way of having an ex parte communication with the court to improperly and impermissively influence the Master in Equity.

24

The Plaintiff's due process rights were also abridged by attorney Bell, by his submitting a proposed order to the Master in Equity who had stated at the end of the hearing that he would take the case under advisement and issue his ruling. There was no copy of any communication

from the Master in Equity to Attorney Bell requesting him to prepare an order sent to the plaintiff. Likewise, Attorney Bell, did not furnish plaintiff with a copy of the proposed order to provide him with an opportunity to respond.

25

Plaintiff is informed and believes that *SCRCP* Rule 5(b)(3) requires counsels to provide all counsels of record and unrepresented parties a copy of motions and any communication directed to the court. The Rule is set forth as follows:

5(b)(3) Service of Proposed Orders and Other Papers. Any party providing a proposed order, proposed findings of fact or conclusions of law, or proposed judgment or other paper to the court for its consideration in any pending matter shall serve the same on all counsel of record at the same time and by the same means.

26

This Rule 5(b)(3) was not complied with and stands as a serious encroachment upon plaintiff's due process rights and non-compliance with this rule pollutes our justice system. *In Re Cheatham* 390 S.C.439 702 S.E.2d 5599 (2010) a lawyer was reprimanded for submitting a proposed order to a judge without service on opposing counsel.

27

Plaintiff is informed and believes this was done to mislead the Court. When the Master in Equity saw the proposed order on his desk, he reasonably assumed that he had requested Attorney Bell to prepare it and seeing no objections having been submitted by the plaintiff to the proposed Order as it was submitted, unwittingly, signed and filed it as the court's order. Plaintiff notes the *Canon 3* of the Code of Judicial Conduct which requires the court to give each party an opportunity to respond to proposed findings submitted by another party.

28

That further, Attorney Bell, without furnishing a copy to the plaintiff submitted a proposed Order Ending Case to the Master in Equity who upon receipt signed it as an order. A copy of the Order was never served upon the Plaintiff and has prejudiced his opportunity to file a direct appeal.

29

Plaintiff is informed and believes that the above actions by Attorney Bell constituted both an extrinsic fraud upon the court and denied the plaintiff his due process rights as provided by law to his prejudice. Like *Cheatham, In Re White* 328 S.C. 88 492S.E.2d 82; a lawyer was reprimanded for sending an exparte communication consisting of a letter to a judge discussing the facts and merits of the action without sending a copy to opposing counsel.

30

Plaintiff is informed believes and alleges that A judgment may be set aside on the ground of extrinsic fraud. *Corley v. Centennial Const. Co.*, 247 S.C. 179, 146 S.E.2d 609 (1966). Extrinsic fraud is collateral or external to the trial of the matter. *Mr. G. v. Mrs. G.*, 320 S.C. 305, 465 S.E.2d 101 (Ct. App. 1995). It is "fraud that induces a person not to present a case or deprives a person of the opportunity to be heard." *Hilton Head Center of South Carolina. Inc. v. Public Service Comm'n*, 294 S.C. 9, 11, 362 S.E.2d 176, 177 (1987).

31

Plaintiff is informed and believes that this is a taking of his property rights appurtenant to his ownership rights to the property without the exercise of due process of law that stands in violation and abridges the plaintiff's rights afforded under Article 1 Section 3 of the South Carolina Constitution.

FOR A FOURTH CAUSE OF ACTION

(Ultra- Virus Ruling of the Master in Equity without requiring judicial approval of the sale)

32

For a Fourth Cause of Action plaintiff realleges Paragraphs 1 through 30 as if fully set forth herein.

33

Though not requested or otherwise presented as a prayer for relief in the Amended Complaint or any testimony given upon the matter, the order of this court provided for Cornelia H. Hall, who had been a client of Attorney Bell in other matters; to be appointed the sole

representative of the siblings in procuring the services of a realtor and contracting for the sale of the property to the explicit exclusion of the plaintiff and without the order setting forth the fair market value of the property and the minimum amount that it could be sold at a private sale. As a practical matter, the order conveyed to Cornelia H. Hall, power of attorney in fact for the plaintiff without his consent and to his prejudice and detriment; as Cornelia H. Houston agreed to and sold the water front property with improvements below its fair market value. She further agreed to pay Charter One Realty a 10 percent commission rather than the industry standard 6 percent commission on the selling price of the home. Additionally, excessive fees were paid to her attorney for closing costs. This ruling was *ultra vires* and an abuse of power. That the property was sold at such a recorded low sales price that it creates a reasonable presumption that a separate pecuniary consideration was paid to Cornelia H. Hall to obtain her sole unilateral agreement for the purchase price.

34

Plaintiff is informed and believes that the Master in Equity ruling was both an abuse of discretion and ordered in an *ultra vires* manner; exceeding the Jurisdictional and statutory powers of the Equity Court. Even if the Master in Equity is rightfully within his competence in considering an issue, there are a variety of actions that may be taken which may be considered abusive. There is no such thing as an unfettered or absolute equitable power. In this regard, equity law should function as a shield protecting the constitutional rights of citizens. Key Corporate Capital, Inc. v County of Beaufort 673S.C. 55, 644 S.E.2d 675 (2007)

35

Plaintiff is further informed and believes that the Master in Equity further exacerbated his abuse of discretion and *ultra vires* ruling by not requiring an offer for sale of the real property to be approved by the Master in Equity and for an accounting. This is a required practice in the South Carolina Probate Courts. (See SC Code § 62-3-1309 ".....sell the same at private sale upon such terms and conditions as the court may impose" and SC Code § 62-3-1311 "..... account showing the distribution of the funds received." "Equity follows the law.")

36

The plaintiff is informed and believes and alleges that an order that exceeds the

jurisdiction of the court is void and can be attacked in any proceeding in any court where the validity of the judgment comes into issue. (See Rose v. Himely 4 Cranch 241, 2 L.ed 608; (1808) Pennoyer v. Neff 95 US 714, 24 L.ed 565 (1877; Thompson v. Whitman 18 Wall 457, 21 L.ed 897(1873); Windsor v. McVeigh 93 US 274, 23 L.ed 914(1876); McDonald v. Mabee 243 US 90, 37 S.ct 343, 61 L.ed 608. (1917).

FOR A FIFTH CAUSE OF ACTION

ACTION FOR RESCISSION OR MODIFICATION OF A DEED AND TO QUIET TITLE

37

As a Fifth Cause of Action plaintiff realleges Paragraphs 1 through 36 of the Complaint as if fully set forth herein.

38

Plaintiff alleges that predicated upon the foregoing facts that the Order of the Master in Equity, among other irregularities raised in this complaint, granting Cornelia H. Hall, the sole and unilateral discretionary authority to convey the plaintiff's twenty-five percent undivided interest in the property to the purchasers; B. Hammel Properties, LLC is void.

39

Plaintiff alleges that, the deed purporting to convey the interest in the property that is the subject of this action is void *non pro tunc or abinitio* and is rescinded.

40

That plaintiff comes before this court with clean hands as he has received no consideration from the sale of the property.

41

The Plaintiff alleges and requests the Court to find that the Plaintiff is vested with a twenty-five percent (25%) undivided interest in the property subject to this action with B. Hammel Properties, LLC having acquired the interest of Cornelia H. Hall, Mary Annette Houston and Jeanne H. Rosero ; constituting a seventy-five (75%) undivided interest in the property.

FOR A SIXTH CAUSE OF ACTION

(Wrongful Ouster as to the defendant, Dean B. Bell and the Law offices of Dean B. Bell, LLC)

Scope of Action

This is a common law action for disseizen, unlawful ejectment, and ouster. This is also a civil rights action for the redress of grievances and for the denial and unlawful abrogation of constitutional rights provide under the United States Constitution, specifically the Fourth Amendment, for unlawful seizure of property; the Fifth Amendment, based on the deprivation of property without due process of law, a denial of access to property, and the taking of property without just compensation; the Thirteenth Amendment, for “those fundamental rights” which are the essence of civil freedom,. Title 18 USC §241 (conspiracy against civil rights; Title 18 USC §242, deprivation of Rights under color of law. (See 42 USC §1983); Conspiracies to Interfere With Civil Rights (See 42 USC §1985); Conspiracy Against Rights of Citizens (See 18 USC §241); Deprivation of Rights Under Color of Law, (See 18 USC §242); The Jurisdictional Statue for Civil Rights Cases (See 28 USC §1443); Plaintiffs further bring this action for compensatory damages, punitive damages and attorney’s fees pursuant to 42 USC §1983 and 42 USC §1988 for violations of their civil rights, as said rights are secured by said statutes and the Constitutions of the State of South Carolina and the United States.

42

For a sixth cause of action plaintiff realleges Paragraphs 1 through 41 of the complaint as if fully set forth herein.

43

That the Plaintiff heretofore occupied and held rightful possession of the property subject to this action.

44

That Dean B . Bell and the Law Offices of Dean B. Bell, LLC actions (herein above set forth) by extrinsic fraud committed upon the court and in violation of the plaintiff's due process rights procured an Order from the Master in Equity for Beaufort County, SC for the firm's client to sell the property and oust the plaintiff from the property.

45

That as a proximate result of the actions of the defendants, plaintiff was required to surrender occupancy and leave the property; all to his detriment and damages.

46

On information and belief, Plaintiffs allege that Defendants have conspired to acted willfully, maliciously, oppressively and in conscious disregard for the rights of the Plaintiff and as such, Plaintiff is entitled to punitive damages.

47

FOR A SEVENTH CAUSE OF ACTION

(Waste as to the defendant B. Hammel Properties, LLC.)

For a Seventh Cause of Action Plaintiff realleges Paragraphs 1 through 46 of the Complaint as if fully set forth herein.

48

Since the Plaintiff's ouster the defendant, B. Hammel Properties and its agents and servants have taken complete control of the premises and have wrongfully caused or permitted

acts of waste to the improvements on the property, plunder pillaging, theft or removal of vehicles and personal items and disparagement to be committed with respect to this premises and the improvements thereon; all to the damage of the Plaintiffs.

49

The plaintiff seeks damages against this defendant to such sum as the finder of fact may determine.

PRAYER FOR RELIEF

Wherefor plaintiff prays for a finding, ruling and judgment from the Court upon the following

First: That an Order of Reference was never issued by The Court of Common Pleas transferring jurisdiction of Civil Action # 2011- CP-07-05141 with finality to the Master in Equity.

Second: That the Master in Equity never acquired jurisdiction of Civil Action # 2011- CP-07-05141 and that all proceedings, actions and orders issued by the Master in Equity in that case are void.

Third: That the Order of the Court of Common Pleas dated September 4, 2012 ordering that the partition action would only proceed by public sale could not be subsequently changed or modified by the Master in Equity.

Fourth: That any modification of the Court of Common Pleas Order by the Master in Equity is void *abinitio*; particularly the master in Equity's order dated July 19, 2013 in Civil Action # 2011- CP-07-05141.

Fifth: That the defendant, Dean B. Bell and the Law Offices of Dean B. Bell, LLC engaged in *exparte* communications with the court, contrary to law.

Sixth: That the *exparte* communications with the court by counsel constitutes extrinsic fraud entitling the aggrieved party to relief of judgment by setting aside the Order of the Master in Equity>

Seventh: That the Court finds that the legal processes committed in Civil Action # 2011- CP-07-5141 while before the Master in Equity were contrary to law and constitutes an improper infringement upon the due process rights of the defendant in those proceedings and should be voided.

Eighth: That the deed purporting to convey the interest of Charles E. Houston, Jr. by deed signed by Cornelia H. Hall to B. Hammel Properties LLC is to be rescinded in that respect and confirmed as to the other grantees of the deed.

Ninth: That Charles E. Houston, Jr. remains vested with fee simple title for an undivided twenty-five percent (25%) interest in the property subject to this action.

Tenth: That the Plaintiff was wrongfully ousted from occupying the premises as a proximate result of his denial of due process and is entitled to damages from the defendant, Dean B. Bell and the Law Offices of Dean B. Bell.

Eleventh: That the plaintiff is entitled to damages as afforded by pursuant to 42 USC §1983 and 42 USC §1988 for violations of their civil rights, as said rights are secured by said statutes and the Constitutions of the State of South Carolina and the United States upon a separate hearing on damages in the face of the rampant fraud involved throughout the proceeding

Respectfully submitted:



Charles E. Houston, Jr.
Plaintiff, *Pro Se*
100 Shady Brooke Walk
Fayetteville, Georgia 30214
8433-684-0211
Charlesehouston@icloud.com

July 23, 2018

Fayetteville, Georgia



Exhibit I

Beaufort County

Fourteenth Judicial Circuit Public Index



Beaufort County Home Page South Carolina Judicial Department Home Page SC.GOV Home Page:

Switch View

Cornelia H Hall, plaintiff, et al VS Charles E Houston Jr

Case Number:	2011CP0705141	Court Agency:	Beaufort County Common Pleas	Filed Date:	12/07/2011
Case Type:	Common Pleas	Case Sub Type:	Partition 440	File Type: Non-Jury Status:	Disposed Assigned
Judge:					
Disposition:	Ended by Non Jury	Disposition Date:	07/19/2013	Disposition Judge:	Dukes, Marvin H III
Original Source		Original Case			
Doc:		#:			

Judgment Number: Court Roster:

Case Parties	Judgments	Tax Map Information	Associated Cases	Actions	Financials	
Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Hall, Cornelia H	Satisfaction of Judgment	Filing		07/22/201513:47		
Houston, Charles E Jr	Remittitur From Court Of Appeals	Filing		03/12/201415:46		
Houston, Charles E Jr	Notice of Appeal (9/11/13 MIE Order), Cert/Mailing	Action		09/27/201316:57		
Houston, Charles E Jr	Order re: Defs Mot for Reconsideration 7/30/12, denied	Order		09/11/201309:30	09/11/2013-09:30	
Houston, Charles E Jr	Motion for Reconsideration; Cert Mailing	Motion		07/30/201315:42	09/10/2013-15:42	
Hall, Cornelia H	Final Order	Order		07/19/201315:55		
Hall, Cornelia H	Petition and Affidavit/Attorney Fees	Filing		05/31/201316:45	07/19/2013-16:45	
Hall, Cornelia H	Notice of Hearing MIE 5-22-13: Crt Mlg Def 3-21-13	Filing		03/22/201310:40	07/19/2013-10:40	
Houston, Charles E Jr	Answer to 1st Amd Complaint	Filing		11/20/201214:26	07/19/2013-14:26	
Hall, Cornelia H	Summons & 1st Amd Complaint	Filing		10/04/201211:52	07/19/2013-11:52	
Hall, Cornelia H	Order re: motion to Compel, Motion for Summ Jmt and Ord	Order		09/04/201214:17	08/20/2012-14:17	
Hall, Cornelia H	Motion/Summary Judgment	Motion		06/04/201213:27	08/10/2012-10:56	

Handwritten signature

Hall, Cornelia H	Motion/Refer to Master	Motion		06/04/201213:21	08/10/2012-10:53	

Hall, Cornelia H Motion/Compel and Motion for Sanctions

06/04/2012- 08/10/2012-13:21 10:55

Hall, Cornelia H	Order re: Pl Motion to Compel on 5/15/12	Order		05/30/201211:57	05/24/2012-11:57	
Hall, Cornelia H	Notice of Hearing 5/15/12 before MIE: Crt Srv on Def on	Filing		04/30/201209:37	07/19/2013-09:37	
Hall, Cornelia H	1st Amended Motion to Compel	Filing		04/09/201215:16	07/19/2013-12:27	
Hall, Cornelia H	Aff Svc 2nd Req Discovery on Def 2/15/12	Filing		03/29/201213:19	07/19/2013-13:19	
Hall, Cornelia H	Aff Svc Req Discovery on Def 1/10/12	Filing		03/29/201213:18	07/19/2013-13:18	
Hall, Cornelia H	Motion/Compel	Motion		03/20/201214:14	05/15/2012-09:36	
Hall, Cornelia H	Corrected Aff Srv LP/SC etc on Charles Houston 12/11/11	Filing		03/07/201209:34	07/19/2013-09:34	
Hall, Cornelia H	Aff Srv LP/SC etc on Charles Houston on 2/11/12	Filing		02/17/201210:04	07/19/2013-10:04	
Houston, Charles E Jr	Answer; Crt Svc on Counsel on 2/10/12	Filing		02/14/201216:31	07/19/2013-16:31	
Houston, Charles E Jr	Notice of Appearance by counsel (Charles Houston) Pro Se	Filing		01/11/201216:15	07/19/2013-08:41	
Hall, Cornelia H	Aff Svc SC/LP on Charles E Houston Jr on 12/11/11	Filing		12/13/201114:58	07/19/2013-14:58	
Hall, Cornelia H	Summons & Complaint	Filing		12/07/201116:22	07/19/2013-16:22	
Hall, Cornelia H	R510.0008.000.008M & R510.008.000.008C	Filing		12/07/201116:20	07/19/2013-16:20	
Hall, Cornelia H	ADR/Alternative Dispute Resolution (Workflow)	Filing			07/19/201316:22	
Hall, Cornelia H	CHARLES E HOUSTON JRAPPNOA	Filing				
Hall, Cornelia H	CHARLES E HOUSTON JR-ORDER	Filing				
Hall, Cornelia H	CHARLES HOUSTON JR-NOTHRG	Filing				
Hall, Cornelia H	CHARLESEHOUSTONORDER	Filing				
Hall, Cornelia H	CHARLES HOUSTONANSWER	Filing				
Hall, Cornelia H	CHARLESEHOUSTONMRECON	Filing				
Hall, Cornelia H	CHARLES HOUSTONAFFFEE	Filing				

Hall, Cornelia H	CHARLES E HOUSTON JRREMCTA	Filing				
Hall, Cornelia H	CHARLES HOUSTONSAFSVC	Filing				
Hall, Cornelia H	CHARLES HOUSTONANSWER	Filing				

Hall, Cornelia H	CHARLES HOUSTONSAFSVC	Filing				
Hall, Cornelia H	HOUSTON-MCOMPL	Filing				
Hall, Cornelia H	HOUSTON-AMENDA	Filing				
Hall, Cornelia H	CHARLES HOUSTONSAFSVC	Filing				
Hall, Cornelia H	CHARLES E HOUSTON JRPRODES	Filing				
Hall, Cornelia H	CHARLES E HOUSTON JR-SUMCMP	Filing				
Hall, Cornelia H	CHARLES HOUSTONNOTHRG	Filing				
Hall, Cornelia H	HOUSTON-NOTAPP	Filing				
Hall, Cornelia H	CHARLES HOUSTONORDER	Filing				
Hall, Cornelia H	CHARLES HOUSTONAMSUMC	Filing				
Hall, Cornelia H	CHARLES HOUSTONSAFSVC	Filing				
Hall, Cornelia H	CHARLES HOUSTONSAFSVC	Filing				
Hall, Cornelia H	CHARLES HOUSTONORDER	Filing				
Hall, Cornelia H	HOUSTON-MSUMJM	Filing				
Hall, Cornelia H	HOUSTON-MCOMPL	Filing				
Hall, Cornelia H	HOUSTON-REFMIE	Filing				

Tab 2

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CASE # 2018-CP-07-001559

Charles E. Houston, Jr.
Plaintiff

Vs.

Dean B. Bell, individually;
Law Offices of Dean B, Bell, LLC.
B. Hammel Properties, LLC

AFFIDAVIT IN OPPOSITION TO
MOTION FOR SUMMARY JUDGEMENT

Defendants

STATE OF GEORGIA
COUNTY OF FAYETTE

Personally appeared before me Charles E. Houston, Jr., who upon being duly sworn deposes and states the following:

1

I am the Plaintiff in the action herein and file this Affidavit according to South Carolina Rules of Civil Procedure, Rule 56(e) SCRCP. This affidavit is made on personal knowledge and shall set forth such facts as would be admissible in evidence and shall show affirmatively that the affiant is competent to testify to the matters stated therein.

2

The Plaintiff, Charles E. Houston, Jr. along with his siblings: Cornelia H. Hall, Mary Annette Houston and Jeanne H. Houston were heretofore tenants in common with each possessing a one fourth (1/4) undivided interest in the property (a three-acre tract with improvements bordered on Broad Creek) subject to this action. That in Civil Action #

2011- CP-07-5141 the siblings as plaintiff brought an action for the Partition and sale of the property against their brother; the plaintiff herein. In that action the court authorized Cornelia H. Houston to have complete authority in selecting a real estate broker agreeing to the sales price and signing a deed on behalf of all the siblings. In effect the Order granted her the power of attorney in fact. The property with improvements was sold for \$385000 in 2015. The Beaufort County, SC Tax Assessors Office assessed value for the property with improvements was \$487,000 in 2014.

3

This action is a collateral attack challenging the validity of the court's order in the partition action. The plaintiff challenges (1) the validity of the order as deficient on its face (2) due process violations and extrinsic fraud committed in the fraudulent procurement of the order, (3) lack of person and subject matter jurisdiction of the Master in Equity (4) the sale was never approved by the court and (5) that the Plaintiff was deprived of his property without the due process of law and the equal protection of the laws as such is repugnant to and in violation of Article 1 Section 3 of the South Carolina Constitution (6) for the reformation or rescission, of the deed (7) to set aside or modify the order of the Master in Equity (8) a declaratory action to quiet title to the property confirming a present fee simple % undivided interest as a tenant in common to the plaintiff.

4

That DMS Funding I, LLC is a Limited Liability Corporation chartered under the laws of the State of Florida and was the grantee of a deed executed by B. Hammel Properties, LLC on May 22, 2018 2018 and recorded in the Office of the Register of deeds for Beaufort County, SC in Book 3672 at Page 263-265 on June 4,2018 purporting to convey the fee simple interest of B. Hammel Properties, LLC to the property that is the subject of this action herein. A motion to amend the complaint for the purpose of joining them in this action as a necessary party is pending before the court .

5

Your Affiant has filed a motion to join them in this action as necessary parties. Because of their possessory interest in the property.

6

That the validity of the Order filed by the Master in Equity for Beaufort County, SC dated July 15, 2013 and the Order ending case filed on July 19, 2013 in Cornelia H. Hall et. al. V. Charles E. Houston, Jr., Civil Action # 2011- CP-07-5141 are challenged in this action. (See Order attached as Exhibit1 to the complaint.

7

That the Courts of Common Pleas of South Carolina have jurisdiction over actions for partition of real property as provided by S.C. Code. Ann 5 15-61-60.

8

That the plaintiff's Complaint filed in Civil Action 2011-CP-07-5141 was filed on December 7, 2011. There First Amended Complaint was filed on October 12, 2012. The First Amended Complaint is the same "verbatim" complaint as the original complaint and does not comply with the Court Order dated August 26, 2012.

9

That the pre- trial Motions filed contemporaneously with opposing counsel's Motion for Reference was never received by me as it was mailed to a P.O. Box address that had been discontinued for an extensive period of time and was not the address designated on my Answer and other filings being 31 Marshland Road, Hilton Head Island, SC 229938.

10

The Order of the Court dated August 26, 2012 providing for, among other things, an Order of Reference; that was filed with the Court on September 4, 2012; 16 days later. That the Order was drafted by an associate attorney in the Law Offices of Dean B. Bell who did not incorporate into the proposed order the complete rulings of the Circuit Court , nor furnish me with a copy of the proposed order with his transmittal letter to the Presiding Judge; nor serve upon me a copy of the filed Order.

11

That without being furnished with a copy of the proposed order as submitted to the presiding judge affiant was denied the opportunity to alert the presiding judge (now deceased) of the crucial deficiencies of his ruling not included in the proposed order, to

wit: 1)that the property would be sold by auction at public sale and 2) that the other issues in the case were within the jurisdiction of the Probate Court.

12

That the South Carolina Rules of Civil Procedure Rule 5(b)(3) SCRCP requires counsels to provide all counsels of record and unrepresented parties a copy of motions and any communication directed to the court. The Rule is set forth as follows:

5(b)(3) Service of Proposed Orders and Other Papers. Any party providing a proposed order, proposed findings of fact or conclusions of law, or proposed judgment or other paper to the court for its consideration in any pending matter shall serve the same on all counsel of record at the same time and by the same means.

13

That Affiant was not made aware of the existence of this Order until a copy of this Order was presented to him at the time of the taking of his deposition on December 12, 2018.

The cover letter to the judge was not received by me and if placed in the mail an incorrect address was placed on the mailing. .Copies of correspondence and emails from the Bell Law Firm have frequently been sent to me improperly addressed. The Final Order of the Master in Equity dated July 15, 2013 makes no recitation of an Order of Reference having been filed.

14

The Order was not contained in the file of the Clerk of Court up to the time of the filing of this lawsuit and communications with the South Carolina Judicial Department failed to disclose the name of the Court Reporter who transcribed the hearing held on June 12, 2012.

15

That your Affiant during the hearing held before this Court on June 12, 2012 informed the Court that he was opposed to the partitioning of the property and this was the basis for the Court ruling that the petitioning, partitioning parties plaintiffs would have

to amend their complaint to comply with its ruling. The Court's ruling was supported by the case of Zimmerman v. Marsh 365 S.C. 383 618 S.E.2d 989 and Pruitt v. Pruitt 298 S.C. 411, 380 S.E.2d 862. Both cases hold that where neither partition in kind nor allotment may be had, public sale is required.

16

Additionally, the Court ruled and there were matters alleged in the complaint that were within the exclusive jurisdiction of the Probate Court; but permitted plaintiffs to amend their complaint consistent with the Court's ruling.

17

That but for these ruling by the Court no other reason existed for the plaintiff's to be required to amend its complaint.

18

That at the commencement of the hearing held before the Master -in- Equity, Affiant advised the Master-in-Equity that the Circuit Court had ruled that the action for partition could only proceed by public sale and that the other issues were to be determined by the Probate Court and that he remained opposed to the partitioning and a private sale. This was not adhered to by the Master-in Equity.

19

That the Amended Complaint did not request that my sister, Cornelia H. Hall, a plaintiff, petitioner in the action be given complete authority to act exclusively as the agent for the tenants in common of the property with the authority to choose a real estate broker or to make a unilateral decision for the price the property would be sold. Additionally, no evidence was submitted pertaining to her qualifications to serve on that capacity.

20

That Affiant. relying on the ruling of the Circuit Court that the property would only be sold at public sale and that the remaining issues were within the jurisdiction of the Probate Court; had procured the financing for the purchase of the property and did not

consider or come to the hearing prepared to address the issues contained in the Amended Complaint to his detriment,

21

That work product materials belonging to Plaintiffs' attorney, Dean B. Bell and other documents materials consisting of his notes, argumentative memorandums, calculations and other documents not received into evidence were placed in the Court's official file. This action made these not admitted materials available for the Master-in Equity to see and review upon reviewing the record of the case.

22

The Master in Equity stated in Court at the end of the hearing held before him that he would take the case under advisement and issue his ruling. That prior to his doing so there were e-mail exchanges between Attorney Bell and the Master -in Equity initiated by Attorney Bell. Attorney Bell represented to the Master that I was not co-operating with my sisters towards achieving a buy-out agreement with them added with the suggestion that he would be willing to proceed and submit a final order. A final order was thereafter submitted to the Master in Equity that he signed.

23

That I have appeared before the Master in Equity for Beaufort County in sundry matters and know him to strictly adhere to the practice of not accepting or addressing exparte communications or commencing a hearing without all counsels being present.

24

That Attorney Bell, submitting a proposed order to the Master in Equity who had stated at the end of the hearing that he would take the case under advisement and issue his ruling. There was no copy of any communication from the Master in Equity to Attorney Bell requesting him to prepare an order sent to the plaintiff. Likewise, Attorney Bell, did not furnish plaintiff with a copy of the proposed order denying him with the opportunity to respond." Further, that Atty. Bell and the bell Law Firm were furnished with the affiant's correct email address and mailing address as displayed on all of his pleadings served upon them during the course of the action. Never was a P O Box included.

25

That there is no record of any instructions of the Master in Equity ever informing Attorney Bell what findings of fact or conclusions of law should be incorporated into the Order.

26

That Atty. Bell in addition to not providing me with a copy of his communications with the Master in Equity also made extrinsic false exparte representations to the Master-in Equity that induced the Master to assign to him the preparation of the Order.(See Plaintiff's Affidavit in Response to Defendant's Affidavit for Relief of Judgment in the action herein.)

27

That there were stated findings of fact in the Order for which no testimony was rendered and upon matters not set forth in the complaint particularly relating to Cornelia H. Hall being granted the power to sell the property on behalf of the tenants in common at a price to be agreed upon by her with the liberty to choose the attorney and real estate agent.

28

That the sale of the property was completed without being pre-approved by the Court.

29

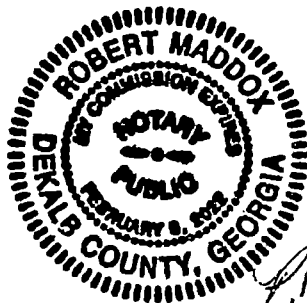
Further, that Affiant has been severely inhibited in obtaining other pertinent facts pertaining to this case because of the lateness in being served with discovery responses from the defendant, Atty Dean B. Bell whose responses are also incomplete.

Charles E. Houston Jr.

Charles E. Houston Jr.

SWORN to before me this
6 day of June, 2019

Robert Maddox
Notary Public for the State of Georgia
My Commission expires 2-8-2022



STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CASE # 2018-CP-07-001559

Charles E. Houston, Jr.
Plaintiff

Vs.

Dean B. Bell, individually;
Law Offices of Dean B, Bell, LLC
B. Hammel Properties, LLC

MEMORANDUM OF LAW
OPPOSITION TO MOTIONS
FOR SUMMARY JUDGEMENT

Defendants

MEMORANDUM OF LAW

The defendants have presented this case in the posture of a motion for summary judgment; thus, it is governed by South Carolina Rules of Civil Procedure Rule 56(c) SCRPC . This rule provides a motion for summary judgment shall be granted if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.

Under Rule 56(c), the party seeking summary judgment has the initial responsibility of demonstrating the absence of a genuine issue of material fact." Baughman v. Am. Tel. & Tel. Co., 306 S.C. 101, 115, 410 S.E.2d 537, 545 (1991). This initial responsibility may be discharged by pointing out to the trial court that there is an absence of evidence to support the non-moving party's case, and it is not necessary for the moving party to support its motion with affidavits or other similar materials negating the opponent's claim. *Id.* Once the moving party carries its initial burden, the opposing party must do more than rest upon the mere allegations or denials of his pleadings, but must, by affidavit or otherwise, set forth specific facts to show that there is a genuine issue for trial. *Id.*; Rule 56(e), SCRPC.

"In determining whether any triable issues of fact exist, the court must view the evidence and all reasonable inferences that may be drawn from the evidence in the light most favorable to the non-moving party." David v. McLeod Reg'l Med. Ctr., 367 S.C. 242, 247, 626 S.E.2d 1, 3 (2006). In cases applying the preponderance of the evidence burden of proof, the non-moving party is only required to submit a mere scintilla of evidence in order to withstand a motion for summary judgment. Hancock v. Mid-South Mgmt. Co., 381 S.C. 326, 330, 673 S.E.2d 801, 803 (2009). Summary judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law. Lanham v. Blue Cross & Blue Shield of S.C., 349 S.C. 356, 362, 563 S.E.2d 331, 333 (2002). Moreover, because summary judgment is a drastic remedy, it should be cautiously invoked to ensure a litigant is not improperly deprived of a trial on disputed factual issues. Madison ex rel. Bryant v. Babcock Ctr., Inc., 371 S.C. 123, 134, 638 S.E.2d 650, 655 (2006).

Respectfully, submitted



Charles E. Houston Jr.
Plaintiff, Pro Se
100 Shady Brooke Walk
Fayetteville, GA 30214
Phone: 843-684-0211
Email: charlesehouston@icloud.com

June 6, 2019
Fayetteville, Georgia

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CASE # 2018-CP-07-1559

Charles E. Houston, Jr.

Plaintiff

Vs

Dean Bell, individually; Law Offices
of Dean Bell, LLC. and B. Hammel
Properties, LLC.

CERTIFICATE OF SERVICE

Defendants

The undersigned, Charles E. Houston, Jr., hereby avers that he is the plaintiff in the action herein and that a true and accurate copies of the Plaintiff's **Affidavit in Opposition to Motion for Summary Judgment and Memorandum of Law** in the above entitled action has been served on the attorneys of record for this defendant, and all counsel of record, by placing same in the United States Mail ~~Overnight delivery~~ with sufficient first class postage affixed thereto and addressed as follows:

W. Cliff Moore, III
Adams and Reese, LLP
PO Box 2285
Columbia, SC 29202

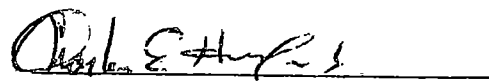
And

Thomas C. Taylor, Esquire
Law Offices of Thomas C. Taylor, LLC
PO Box 5550
Hilton Head Island, SC 29938

And

Dean B. Bell, Esquire
Law Offices of Dean B. Bell, LLC
48 Pennington Dr Suite C
Bluffton, SC 29910

This 10th Day of June 2018.



By: Charles E. Houston Jr.

Tab 3

Exhibit 2

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

Cornelia H. Hall, Jeanne H. Hampton,)
and Mary A. Houston,)
)
Plaintiffs,)
vs.)
)
Charles E. Houston, Jr.,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
CASE NO. 2011-CP-07-5141

FINAL ORDER

2013 JUL 19 PM 2:18
CLERK OF COURT
SOUTH CAROLINA

This matter came before me for final hearing on May 22, 2013 for final hearing in connection with the Plaintiffs Complaint which set forth causes of action for an accounting, conversion, contribution and partition by private sale. Present at the time of the hearing were Plaintiff Cornelia H. Hall and Dean B. Bell, Esq., attorney for the Plaintiffs and the Defendant, Charles E. Houston, Jr.

This action was commenced on December 7, 2011 by the Plaintiffs seeking an appropriate Order concerning property located on Hilton Head Island, South Carolina requesting and accounting as to rents received by the Defendant, requesting damages for conversion, requesting contribution from the Defendant for various costs associated with the property, and requesting that the Court approve a request that the property be listed for private sale and sold with any damages awarded deducted from the Defendant's share of any proceeds prior to distribution. Additionally, the Plaintiffs requested that the Defendant be ordered to vacate the property within a reasonable period of time not to exceed forty five (45) days, so that there would be no interference with the sale.

After hearing the testimony of the witnesses and reviewing the evidence offered, I find and conclude as follows:

1. The subject matter of this litigation is property located at 31 Marshland Road, Hilton Head Island, South Carolina 29926 ("Property"), and more particularly described as follows:

ALL that certain piece, parcel, or tract of land situate, lying, and being on Hilton Head Island, South Carolina, shown and designated as Lot 3, 0.390 acres, more or less, on a plat entitled "Plat Prepared for the Heirs of Alex Patterson", prepared by Sea Island Engineering, Inc., Benjamin Wilson, P.L.S., S.C. 5424, and dated August 22, 1995. For a more complete description as to courses, metes, and bounds, reference is made to said plat recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 34 at Page 18.

and also

ALL that certain piece, parcel, or tract of land situate, lying, and being on Hilton head Island, South Carolina, shown and designated as Lot 4, 2.998 acres, more or less, on a plat entitled "Plat Prepared for the Heirs of Alex Patterson", prepared by Sea Island Engineering, Inc., Benjamin Wilson, P.L.S., S.C. 5424, and dated August 23, 1995. For a more complete description as to courses, metes, and bounds, reference is made to said plat recorded in the Office of the Register of Deeds for Beaufort County, south Carolina, in Plat Book 34 at Page 18.

Property I.D. Nos: R510-008-000-008M
 R510-008-000-008C

2. The Plaintiffs and Defendant acquired the property by deed of First Federal Savings and Loan Association of Charleston, Trustee of the Charles E. Houston, Sr. Revocable Trust w/a/d/3/6/1020, dated March 16, 2011, and recorded March 23, 2011, in Deed Book 3046 at Page 549 in the Office of the Registrar of Deeds for Beaufort County, South Carolina.
3. Based on the deeds submitted as evidence at the hearing, it appears that the Plaintiffs and Defendants hold fee simple title to the Property and all necessary parties were joined in this action.
4. According to the testimony of Ms. Hall, the Defendant both resides in and

operates his law office out of the Property, but has paid no rent or other consideration to the Plaintiffs for either use. The Defendant testified that he does in fact both reside and operate his law practice out of the Property and has paid no rents. The Defendant further testified that there is another occupant in the Property who also pays no rent.

5. Ms. Hall testified that she and her sisters have been attempting to get the Defendant to agree to list and sell the Property since October, 2010 but that he has refused to cooperate in that listing and instead continues to reside in and operate his business out of the Property but will pay no rent for that use, or even for the use by his tenant. The Defendant confirmed that he has not agreed to list and sell the property.
6. Ms. Hall further testified that there is no way to physically divide the property because of its size and configuration and the location of the improvements, which cannot themselves be subdivided. The Defendant did not offer any credible evidence disputing this testimony. The Property is not of sufficient size to be subdivided under the current zoning laws for Hilton Head Island and it would be physically impossible to divided the improvements. As such, partition by sale is the only available option.
7. This Court has a wide range of equitable options. The Plaintiffs have requested that the Court allow the Property to be listed for sale with a licensed broker and sold to maximize the value to the co-owners. Ms. Hall testified that she and her sisters have researched available brokers and determined that David Bachelder is a qualified person with whom to list the Property. It is undisputed that the parties would recognize significantly greater value from a private sale. A private sale is in the best interests of the parties and within the equitable powers of this Court to Order.
8. The Plaintiff testified that she and one of her sisters have paid the insurance on the Property since January, 2011, totaling \$2,123. The Defendant confirmed that he has not paid anything towards insurance. As such, the Defendant owes the Plaintiffs \$537.24 towards insurance from January, 2011 to present.
9. The Plaintiff testified that the 2011 property taxes for the Property were paid by advances from an Educational Fund, set up by the parties father. The amount paid was \$4,300, and this amount is to be reimbursed from the sale, prior to any distributions.
10. As confirmed by testimony, the Defendant operates his law practice out of the property but has paid no rent. Ms. Hall testified that based on her research, a reasonable

contribution to the Plaintiffs by the Defendant for rent is \$150 per month, taking into account the fact that the Defendant, as a co-owner of an undivided twenty-five percent (25%) interest, would also receive a share of any rents. Ms. Hall further testified that the Defendant has occupied the Property for thirty-three (33) months as his law office. Therefore, the Plaintiffs are entitled to rent in the amount of Four Thousand Nine Hundred Fifty Dollars (\$4,950) from the Defendant's share of the net proceeds of sale. This amount is to be deducted from the Defendant's share of the net proceeds of sale, prior to distribution, and distributed to the Plaintiffs in equal shares.

11. Ms. Hall testified that the Defendant has a tenant. The Defendant confirmed that someone lives in the house but testified that he receives no rent. However, it can be presumed that the Defendant receives some benefit from the Tenant's presence, if in fact rent is not being paid. Ms. Hall testified that based on her research, a reasonable rental amount that should be paid to the Plaintiffs by the Defendant based on imputed rent is \$300 per month. The reasonableness of this amount was not disputed by the Defendant. Ms. Hall requested that she and the other Plaintiffs be awarded the sum of \$300 per month for thirty three (33) months, or Nine Thousand Nine Hundred Dollars (\$9,900) for the tenant's rent. This amount is to be deducted from the Defendant's share of the net proceeds of sale, prior to distribution, and distributed to the Plaintiffs in equal shares.

12. Ms. Hall testified that the Defendant has occupied the house to the exclusion of other owners without paying any rent. The Defendant admits that he lives in the Property and pays no rent. Given the small size of the house as described by both Ms. Hall and the Defendant, it is apparent that use as a law office, plus occupancy by the Defendant and the Defendant's tenant clearly precludes occupancy by anyone else. Moreover, the Plaintiffs are not residents of Beaufort County. The Defendant argues that he should not have to pay rent to occupy property he owns. However, it is undisputed that the Defendant only owns an undivided twenty five percent (25%) interest in the Property. If the Defendant did not occupy the Property, it would be rented and the proceeds distributed in accordance with ownership. Ms. Hall testified that based on her research, a reasonable amount that the Defendant should pay the Plaintiffs to live in the house as a residence is Three Hundred Fifty Dollars (\$350) per month. While the Defendant disputed any requirement that he should have to pay rent at all, he did not dispute the

amount Ms. Hall indicated as being reasonable. It is not equitable for the Defendant to receive the full benefit of living in the Property without compensation to the Plaintiffs for rent they would otherwise be able to receive. It is undisputed that the Defendant has occupied the Property for thirty three (33) months without paying any rent to the Plaintiffs. As such, the sum of Eleven Thousand Five Hundred Fifty (\$11,550) is to be deducted from the Defendant's share of the net proceeds of the sale and distributed to the Plaintiffs in equal shares.

13. Ms. Hall further testified that but for the Defendant refusing to cooperate in listing the Property for sale, filing this action would not have been necessary. The Defendant admitted that he refused to cooperate. However, it is well established that co-owners have a right to partition jointly owned property. S.C. Code §15-61-110 provides the Court may fix attorneys' fees in all partition proceedings and, as equitable, assess such fees against any or all parties in interest. Based on the circumstances, it is appropriate to assess attorneys fees and costs incurred by the Plaintiffs through the date of the hearing against the Defendant. According to the Affidavit of Attorney fees submitted by Dean B. Bell, attorney for the Plaintiffs, total attorneys fees and costs incurred are \$7,870.13. The Court finds this amount to be reasonable given the time and difficulty involved in this matter, the fees customarily charged by attorneys practicing in Beaufort County, South Carolina for similar services, and Mr. Bell's experience and reputation in the community. Furthermore, Ms. Hall testified that Mr. Bell agreed to be paid at the closing of the sale. As such, this sum is to be deducted from the Defendant's share of the net proceeds prior to distribution, and paid directly to Mr. Bell.

14. Ms. Hall further testified that she does not believe Mr. Houston will cooperate in connection with listing the property or the ultimate sale. Furthermore, while she lives in nearby Savannah, Georgia, her sisters (the remaining Plaintiffs) do not reside nearby. As such, she requests that the Court Order provide that she be authorized on behalf of all owners to sign any contracts, any deeds, any settlement documents, and other documentation associated with the sale, and that her signature on the deed shall be sufficient to bind all parties and no other owners will need to sign any documents associated with the sale.

15. During the period of time that the Property is listed, and for so long and the

Defendant continues to occupy the property, an additional sum of Eight Hundred Dollars (\$800) shall accrue for each month to be deducted from the Defendant's share of the net proceeds of the sale, which will also be paid directly to the Plaintiffs in equal shares.

16. The Defendant is further ordered to cooperate fully with the Plaintiffs and any and all agents and contractors selected or hired by them in connection with the listing and sale of the property. He is expressly ordered to no attempt in any way to interfere with any prospective buyer in any form or fashion, including but not limited to making disparaging or discouraging comments about title to the Property, any condition of the Property, and value of the Property, or any potential restrictions for use of the Property. In short, he is not to make negative comments at all regarding the Property, or the Plaintiffs, or any of agent or contractor selected or hired in connection with the sale of the Property. He is not to interfere with or move the "For Sale" sign or the lockbox place on the door to provide access. Ms. Hall agrees to instruct any agent or contractor to provide at least two hours notice prior to entry during the hours of 8:00 am to 8:00 pm Monday through Friday, and at least four hours notice prior to entry between 8:00 am and 8:00 pm on weekends. It is understood that entry before 8:00 am or after 8:00 pm shall only be with the Defendant's agreement. Any hearing on any motion pertaining to a breach or violation of this Paragraph shall be considered urgent and may be heard on twenty four hours notice. In the event that the Defendant does not cooperate or violates this provision of the Order in any way and such is demonstrated by Affidavit or testimony in the Court, the Defendant shall be subject to punishment for contempt and in addition, shall be required to pay all costs incurred including any attorneys' or expert witness fees, and the travel costs incurred by any Plaintiff.

17. The Defendant shall vacate the Property completely within thirty (30) days notice of the receipt of any signed contract for sale of the Property.

IT IS SO ORDERED.

July 1st, 2013




The Honorable Marvin H. Dukes, III
Master in Equity for Beaufort County,
South Carolina

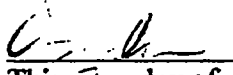
Tab 4

C. This matter is referred to the Honorable Marvin H. Dukes, III, as Master-in-Equity for the above-entitled county, and that the Master-in-Equity shall have the authority to enter final judgment, with appeal, if any, directly to the South Carolina Supreme Court or the Court of Appeals as provided by the South Carolina Appellate Court Rules in accordance with Rule 53, SCRPC.

IT IS SO ORDERED.



Hon. J. Ernest Kinard, Jr.
Fourteenth Judicial Circuit

, SC
This 7th day of April, 2012

Tab 5

STATE OF SOUTH CAROLINA 7 PH 4: 07 IN THE COURT OF COMMON PLEAS
2011 DEC)

COUNTY OF BEAUFORT)
BEAUFORT COUNTY S.C.)
CLERK OF COURT)
FOURTEENTH JUDICIAL CIRCUIT)

Cornelia H. Hall, Jeanne H. Hampton,
and Mary A. Houston,)

CASE NO.: 2011-CP-07-05141

Plaintiffs,)

COMPLAINT

v.)

Charles E. Houston, Jr.)

Defendant.)

NOW COME Cornelia H. Hall, Jeanne H. Hampton, and Mary A. Houston ("Plaintiffs"),
complaining of Charles E. Houston, Jr. ("Defendant"), and would respectfully show unto the
Court as follows:

1. Plaintiff Cornelia H. Hall is a citizen and resident of Savannah, Georgia.
2. Plaintiff Jeanne H. Hampton is a citizen and resident of Long Beach, California.
3. Plaintiff Mary A. Houston is a citizen and resident of Baltimore, Maryland.
4. Defendant is, upon information and belief, a citizen and resident of Hilton Head Island,
South Carolina.
5. The subject matter of this litigation is property located at 31 Marshland Road, Hilton
Head Island, South Carolina 29926, and more particularly described as follows:

ALL that certain piece, parcel, or tract of land situate, lying, and being on Hilton Head
Island, South Carolina, shown and designated as Lot 3, 0.390 acres, more or less, on a
plat entitled "Plat Prepared for the Heirs of Alex Patterson", prepared by Sea Island
Engineering, Inc., Benjamin Wilson, P.L.S., S.C. 5424, and dated August 22, 1995. For
a more complete description as to courses, metes, and bounds, reference is made to said
plat recorded in the Office of the Register of Deeds for Beaufort County, South Carolina,
in Plat Book 34 at Page 18.

and also

ALL that certain piece, parcel, or tract of land situate, lying, and being on Hilton head
Island, South Carolina, shown and designated as Lot 4, 2.998 acres, more or less, on a
plat entitled "Plat Prepared for the Heirs of Alex Patterson", prepared by Sea Island
Engineering, Inc., Benjamin Wilson, P.L.S., S.C. 5424, and dated August 23, 1995. For a
more complete description as to courses, metes, and bounds, reference is made to said

plat recorded in the Office of the Register of Deeds for Beaufort County, south Carolina, in Plat Book 34 at Page 18.

This being the same property conveyed to the within Grantor, or Grantor's predecessors in interest, by Deeds recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Deed Book 2939 at Page 1108 and Deed Book 2967 at Page 144.

Property I.D. Nos: R510-008-000-008M
R510-008-000-008C

6. The Plaintiffs and Defendant acquired the property by deed (attached as Exhibit "A") of First Federal Savings and Loan Association of Charleston, Trustee of the Charles E. Houston, Sr. Revocable Trust w/a/d/3/6/1020, dated March 16, 2011, and recorded March 23, 2011, in Deed Book 3046 at Page 549 in the Office of the Registrar of Deeds for Beaufort County, South Carolina.
7. Defendant operates a business on the above-described property and does not pay rent thereon.
8. Upon information and belief, Defendant has leased a portion of the property to an unknown third party at an unknown amount and has not paid the proceeds to any of Plaintiffs.

FOR A FIRST CAUSE OF ACTION
(Accounting)

9. Plaintiffs reiterate the foregoing Paragraphs as if fully set forth herein verbatim.
10. Plaintiffs are informed and believe that they are entitled to a complete accounting from Defendant as it relates to the subject property referenced hereinabove, including but not limited to any and all rents received and payments made to Plaintiffs.

FOR A SECOND CAUSE OF ACTION
(Conversion/Unjust Enrichment)

11. Plaintiffs reiterate the foregoing Paragraphs as if fully set forth herein verbatim.
12. Plaintiffs have an interest in the subject property referenced hereinabove.
13. Defendant has converted the property to his own use by operating a business and not paying rent thereon, and Defendant has been unjustly enriched thereby.
14. Upon information and belief, Defendant has converted the property to his own use by leasing a portion of the property to unknown third party tenants and collecting an unknown amount rent thereon, and Defendant has been unjustly enriched thereby.

15. At no time relevant to this action did Defendant have any of Plaintiffs' permission to reside on the subject property or to lease the property to tenants or collect rent thereon.
16. Plaintiffs have suffered and continue to suffer damages as a result of Defendant's actions.
17. Plaintiffs are informed and believe that they are entitled to judgment for conversion for actual and punitive damages in an amount to be determined at trial.
18. Plaintiffs are informed and believe that they are entitled to judgment for unjust enrichment for actual and punitive damages in an amount to be determined at trial.

FOR A THIRD CAUSE OF ACTION

(Contribution)

19. Plaintiffs reiterate the foregoing Paragraphs as if fully set forth herein verbatim.
20. Plaintiffs have made expenditures that were necessary for the maintenance of the subject property and to prevent waste, including but not limited to the payment of taxes, insurance, and other expenditures for the upkeep of the property.
21. Defendant has failed to take actions necessary to maintain the property.
22. Defendant has failed to contribute to the maintenance of the property.
23. Plaintiffs are informed and believe that they are entitled to contribution according to the rights of the parties for all expenditures necessary for the maintenance of the subject property.
24. Plaintiffs have suffered and continue to suffer damages as a result of Defendant's actions.
25. Plaintiffs are informed and believe that they are entitled to judgment for contribution for actual and punitive damages in an amount to be determined at trial.

FOR A FOURTH CAUSE OF ACTION

(Partition by Sale)

26. Plaintiffs reiterate the foregoing Paragraphs as if fully set forth herein verbatim.
27. Plaintiffs and Defendant are joint tenants or tenants in common.
28. Plaintiffs are informed and believe that they are entitled to a partition by sale in accordance with SC Code § 15-61-10 et seq.
29. Upon information and belief, under the current market conditions, a partition by public sale will not result in a sale at a fair or market price.
30. Upon information and belief, partition by sale at public auction is not in the best interests of the parties.
31. Upon information and belief, it is in the best interests of the parties to employ a private

real estate agent to list and sell the property in order to maximize the sale price and value for the parties.

32. Plaintiffs are informed and believe that they are entitled to an order for partition by sale by private real estate agent.

WHEREFORE, Plaintiffs pray that the Court inquire into the matters set forth herein and issue an Order:

- A. For a complete accounting by Defendant as it relates to the subject property;
- B. Awarding Plaintiffs actual and punitive damages for conversion;
- C. Awarding Plaintiffs actual and punitive damages for unjust enrichment;
- D. Awarding Plaintiffs actual and punitive damages for contribution;
- E. Assessing attorneys' fees against Defendant, as it may be equitable, in accordance with SC Code § 15-61-110;
- F. Selling the property according to law by private sale;
- G. Dividing the proceeds among the Plaintiffs and Defendant according to the rights of the parties; and
- H. For such other and further relief as the Court deems just, equitable, and proper.

THE LAW OFFICE OF DEAN B. BELL, LLC

BY: _____

Zach S. Naert
Dean B. Bell, Esq.
Zach S. Naert, Esq.
87 Grays Hwy.
P.O. Box 1779
Ridgeland, SC 29936
Tel: (843) 717-2772
Fax: (843) 717-2770

December 6, 2011
Ridgeland, SC

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)
)
 Cornelia H. Hall, Jeanne H. Hampton,)
 and Mary A. Houston,)
)
 Plaintiffs,)
)
 v.)
)
 Charles E. Houston, Jr.)
)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CASE NO.: 2011-CP-07-5141
FIRST AMENDED COMPLAINT

2012 OCT -6 PM 12:55
 CLERK OF COURT
 BEAUFORT COUNTY, S.C.

NOW COME Cornelia H. Hall, Jeanne H. Hampton, and Mary A. Houston ("Plaintiffs"), complaining of Charles E. Houston, Jr. ("Defendant"), and would respectfully show unto the Court as follows:

1. Plaintiff Cornelia H. Hall is a citizen and resident of Savannah, Georgia.
2. Plaintiff Jeanne H. Hampton is a citizen and resident of Long Beach, California.
3. Plaintiff Mary A. Houston is a citizen and resident of Baltimore, Maryland.
4. Defendant is, upon information and belief, a citizen and resident of Hilton Head Island, South Carolina.
5. The subject matter of this litigation is property located at 31 Marshland Road, Hilton Head Island, South Carolina 29926, and more particularly described as follows:

ALL that certain piece, parcel, or tract of land situate, lying, and being on Hilton Head Island, South Carolina, shown and designated as Lot 3, 0.390 acres, more or less, on a plat entitled "Plat Prepared for the Heirs of Alex Patterson", prepared by Sea Island Engineering, Inc., Benjamin Wilson, P.L.S., S.C. 5424, and dated August 22, 1995. For a more complete description as to courses, metes, and bounds, reference is made to said plat recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 34 at Page 18.

and also

ALL that certain piece, parcel, or tract of land situate, lying, and being on Hilton head Island, South Carolina, shown and designated as Lot 4, 2.998 acres, more or less, on a plat entitled "Plat Prepared for the Heirs of Alex Patterson", prepared by Sea Island Engineering, Inc., Benjamin Wilson, P.L.S., S.C. 5424, and dated August 23, 1995. For a more complete description as to courses, metes, and bounds, reference is made to said

plat recorded in the Office of the Register of Deeds for Beaufort County, south Carolina, in Plat Book 34 at Page 18.

This being the same property conveyed to the within Grantor, or Grantor's predecessors in interest, by Deeds recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Deed Book 2939 at Page 1108 and Deed Book 2967 at Page 144.

Property I.D. Nos: R510-008-000-008M
R510-008-000-008C

6. The Plaintiffs and Defendant acquired the property by deed (attached as Exhibit "A") of First Federal Savings and Loan Association of Charleston, Trustee of the Charles E. Houston, Sr. Revocable Trust u/a/d/3/6/1020, dated March 16, 2011, and recorded March 23, 2011, in Deed Book 3046 at Page 549 in the Office of the Registrar of Deeds for Beaufort County, South Carolina.
7. Defendant operates a business on the above-described property and does not pay rent thereon.
8. Upon information and belief, Defendant has leased a portion of the property to an unknown third party at an unknown amount and has not paid the proceeds to any of Plaintiffs.

FOR A FIRST CAUSE OF ACTION
(Accounting)

9. Plaintiffs reiterate the foregoing Paragraphs as if fully set forth herein verbatim.
10. Plaintiffs are informed and believe that they are entitled to a complete accounting from Defendant as it relates to the subject property referenced hereinabove, including but not limited to any and all rents received and payments made to Plaintiffs.

FOR A SECOND CAUSE OF ACTION
(Conversion/Unjust Enrichment)

11. Plaintiffs reiterate the foregoing Paragraphs as if fully set forth herein verbatim.
12. Plaintiffs have an interest in the subject property referenced hereinabove.
13. Defendant has converted the property to his own use by operating a business and not paying rent thereon, and Defendant has been unjustly enriched thereby.
14. Upon information and belief, Defendant has converted the property to his own use by leasing a portion of the property to unknown third party tenants and collecting an unknown amount rent thereon, and Defendant has been unjustly enriched thereby.

15. At no time relevant to this action did Defendant have any of Plaintiffs' permission to reside on the subject property or to lease the property to tenants or collect rent thereon.
16. Plaintiffs have suffered and continue to suffer damages as a result of Defendant's actions.
17. Plaintiffs are informed and believe that they are entitled to judgment for conversion for actual and punitive damages in an amount to be determined at trial.
18. Plaintiffs are informed and believe that they are entitled to judgment for unjust enrichment for actual and punitive damages in an amount to be determined at trial.

FOR A THIRD CAUSE OF ACTION

(Contribution)

19. Plaintiffs reiterate the foregoing Paragraphs as if fully set forth herein verbatim.
20. Plaintiffs have made expenditures that were necessary for the maintenance of the subject property and to prevent waste, including but not limited to the payment of taxes, insurance, and other expenditures for the upkeep of the property.
21. Defendant has failed to take actions necessary to maintain the property.
22. Defendant has failed to contribute to the maintenance of the property.
23. Plaintiffs are informed and believe that they are entitled to contribution according to the rights of the parties for all expenditures necessary for the maintenance of the subject property.
24. Plaintiffs have suffered and continue to suffer damages as a result of Defendant's actions.
25. Plaintiffs are informed and believe that they are entitled to judgment for contribution for actual and punitive damages in an amount to be determined at trial.

FOR A FOURTH CAUSE OF ACTION

(Partition by Sale)

26. Plaintiffs reiterate the foregoing Paragraphs as if fully set forth herein verbatim.
27. Plaintiffs and Defendant are joint tenants or tenants in common.
28. Plaintiffs are informed and believe that they are entitled to a partition by sale in accordance with SC Code § 15-61-10 et seq.
29. Upon information and belief, under the current market conditions, a partition by public sale will not result in a sale at a fair or market price.
30. Upon information and belief, partition by sale at public auction is not in the best interests of the parties.
31. Upon information and belief, it is in the best interests of the parties to employ a private

real estate agent to list and sell the property in order to maximize the sale price and value for the parties.

32. Plaintiffs are informed and believe that they are entitled to an order for partition by sale by private real estate agent.
33. Alternatively, Plaintiffs are informed and believe that they are entitled to an order for partition by sale in accordance with SC Code § 15-61-10 et seq.

WHEREFORE, Plaintiffs pray that the Court inquire into the matters set forth herein and issue an Order:

- A. For a complete accounting by Defendant as it relates to the subject property;
- B. Awarding Plaintiffs actual and punitive damages for conversion;
- C. Awarding Plaintiffs actual and punitive damages for unjust enrichment;
- D. Awarding Plaintiffs actual and punitive damages for contribution;
- E. Assessing attorneys' fees against Defendant, as it may be equitable, in accordance with SC Code § 15-61-110;
- F. Selling the property according to law by private sale;
- G. Dividing the proceeds among the Plaintiffs and Defendant according to the rights of the parties; and
- H. For such other and further relief as the Court deems just, equitable, and proper.

THE LAW OFFICE OF DEAN B. BELL, LLC



Dean B. Bell, Esq.
Zach S. Naert, Esq.
1 Corpus Christi Place, Suite 105
Hilton Head Island, SC 29928
Tel: (843) 785-9772
Fax: (843) 785-9773
Attorneys for Plaintiffs

October 2, 2012
Hilton Head Island, SC

Table

Dean Bell

From: Dean Bell
Sent: Monday, June 24, 2013 8:35 AM
To: Dukes, Marvin
Cc: McLeod, Heather; charles@houstonlaw.net; Cornelia Houston Hall
Subject: RE: Hall, et al. v. Houston/2011-CP-07-5141

Will do. I'll try to get it to you this week.

Thanks,

Dean

From: Dukes, Marvin [<mailto:mdukes@bcgov.net>]
Sent: Monday, June 24, 2013 8:32 AM
To: Dean Bell
Cc: McLeod, Heather; charles@houstonlaw.net; Cornelia Houston Hall
Subject: RE: Hall, et al. v. Houston/2011-CP-07-5141

Thanks,
Please draft an Order in Word format and send it to heather, with copies to all.

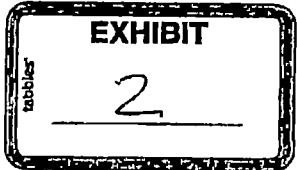
Marvin H. Dukes, III
Master-in-Equity for Beaufort County
Beaufort County Courthouse
102 Ribaut Road, Room 212
Post Office Drawer 1228
Beaufort, SC 29901
Office: 843.255.5710
Fax: 843.255.9505

Neither this office, nor its staff gives legal, financial or other advice. Any information obtained from this office or its staff, regardless of form, should not be taken as legal or financial advice. Persons seeking to purchase properties from foreclosures or other sales should obtain independent advice as to value, sufficiency of title, tax consequences, other liens, and all other matters related to said purchase. Persons involved in litigation should obtain counsel and may not rely on any information obtained from this office as legal advice. Do not rely on this office for legal advice- always obtain independent legal advice.

From: Dean Bell [<mailto:dbell@deanbell-law.com>]
Sent: Monday, June 24, 2013 8:22 AM
To: Dukes, Marvin
Cc: McLeod, Heather; charles@houstonlaw.net; Cornelia Houston Hall
Subject: Hall, et al. v. Houston/2011-CP-07-5141

Judge Dukes:

The final hearing in the above referenced matter was on May 22. I subsequently provided an Affidavit of Attorney fee, which was filed and copied to Mr. Houston. I have had no communications any sort from Mr. Houston subsequent to



the hearing, and as such, it does not appear that any possibility of a settlement exists. I would appreciate your issuing an Order at your convenience. If you would prefer, I can provide a proposed Order.

Thank you,

*Dean B. Bell
The Law Office of Dean B. Bell, LLC
1 Corpus Christie Place
Bldg 105 Executive Center
Hilton Head Island, SC 29928
(843) 785-9772; (843) 785-9773 (fax)*

*dbell@deanbell-law.com
www.deanbell-law.com*

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To ensure compliance with the requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including the attachments) is not intended or written to be used, for the purpose of (a) avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or tax-related matter[s]. To provide you with a communication that could be used to avoid penalties under the Internal Revenue Code will necessarily entail additional investigations, analysis and conclusions on our part. **Thank you.**

Dean Bell

From: Dean Bell
Sent: Tuesday, July 09, 2013 9:27 AM
To: McLeod, Heather
Cc: charles@houstonlaw.net
Subject: Hall, et al v. Houston/CASE NO. 2011-CP-07-5141
Attachments: Final Order.docx

Heather:

Attached please find a proposed Order in connection with the final hearing that was held on May 22. I apologize for the delay in providing this. By copy of this email, I am forwarding it to Mr. Houston. If you need anything further, let me know.

Thank you,

*Dean B. Bell
The Law Office of Dean B. Bell, LLC
1 Corpus Christie Place
Bldg 105 Executive Center
Hilton Head Island, SC 29928
(843) 785-9772; (843) 785-9773 (fax)*

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To ensure compliance with the requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including the attachments) is not intended or written to be used, for the purpose of (a) avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or tax-related matter[s]. To provide you with a communication that could be used to avoid penalties under the Internal Revenue Code will necessarily entail additional investigations, analysis and conclusions on our part. **Thank you.**

Tab 7

Fw: Bruce King, et al. vs. Peggy Allen, et al.; 09-4889

From: "McLeod, Heather" <hmcleod@bcgov.net>

Date: 12/02/2015 11:46AM

To: "William B. Heyward" <heywarddwighth@msn.com>, Rick Haight <rick@mhalawfirm.com>, Elaine Montgomery for Rick Haight <Elaine@mhalawfirm.com>, "Douglas W. MacNeille" <douglas@ruthandmacneille.com>, "Douglas W. MacNeille" <macneilled@aol.com>, "John W. Wilkins" <john@coltraneandwilkins.com>, "Arlene Coleman for John W. Wilkins" <arlene@coltraneandwilkins.com>, Daniel Saxon <dsaxon@ns-lawfirm.com>, "Monica Strong for Daniel A. Saxon" <mstrong@ns-lawfirm.com>, "William F. Marscher III" <rick.marscher@vmblawfirm.com>, "Debbie Criddle for William F. Marscher III" <debbie.criddle@vmblawfirm.com>, "Myra for William F. Marscher III" <myra.daniell@vmblawfirm.com>, "Leah B. Moody (lbmatty@comporium.net)" <lbmatty@comporium.net>, "Addison D. Fender" <addison@fenderlawfirm.net>, addison fender <addisonfender@gmail.com>, "Louis O. Dore" <dorelaw@embarqmail.com>, "Cheryl V. Doe for Louis Dore" <cheryldoe@embarqmail.com>, Terry Finger <tfinger@fingerlaw.com>, "Veronica Hagopian for Terry Finger" <vhagopian@fingerlaw.com>, "Cathy Carstensen for Terry A. Finger" <ccarstensen@fingerlaw.com>, "Louis H. Lang" <louislang@ctrlawfirm.com>

Cc: "The Houston Law Firm, LLC" <charles@houstonlawfirm.net>, "Dukes, Marvin" <mdukes@bcgov.net>

To All Parties:

Please see the below email with the above attached proposed Order I received from Charles Houston yesterday. I would ask all to review and reply. Thank you.

Please contact us immediately if you are waiting on a ruling and it has been more than 30 days.

If you have a motion older than 30 days, needing a hearing, please email me a filed copy and I will work with you on scheduling. Please note, there may be jurisdiction or conflict issues resulting in Judge Dukes' inability to hear a motion.

Thanking You in Advance,

**Heather R. H. McLeod,
Judicial Assistant to
Hon. Marvin H. Dukes, III
Beaufort County Master In Equity
And Special Circuit Court Judge
P. (843) 255-5710
F. (843) 255-9505
hmcleod@bcgov.net**

**Beaufort County Courthouse
102 Ribaut Rd., 2nd Floor, Room 212**

Tab 8

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2011 CP-07-05141

CORNELIA H. HALL, ET AL.

CHARLES E. HOUSTON, JR.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: BEAUFORT COUNTY MASTER IN EQUITY

Attorney for : Plaintiff Defendant
or
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

THIS CAME BEFORE ME TODAY ON DEFENDANT'S MOTION FOR RECONSIDERATION, FILED 7/30/2013. ATTORNEY DEAN BELL APPEARED FOR THE PLAINTIFFS AND THE DEFENDANT APPEARED PRE-SE AND VIA TELE-CONFERENCE. AFTER HEARING FROM BOTH PARTIES I HEREBY DENY THE MOTION FOR RECONSIDERATION.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

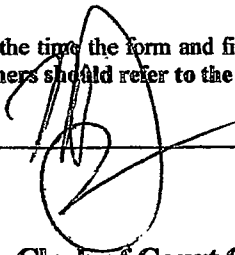
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest

or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge



3069
Judge Code

9/11/13
Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

DEAN B. BELL

CHARLES E. HOUSTON, JR.

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter: N/A

126 9

2018-CP-07-01559 Charles E. Houston, Jr. v. Dean Bell, et al

August 21, 2019 at 1:37 PM

From "Dickson, Edgar W. Secretary (Catherine C. Wilson)"

To "dbell@deanbell-law.com", "cliff.moore@arlaw.com", "tom@thomastaylorlaw.com",
"charlesehouston@icloud.com"

Cc "Dickson, Edgar W. Law Clerk (Elizabeth Koeman)"

Counsel,

After careful consideration Judge Dickson has decided to grant Defendant's Hammel Properties and Dean Bell's Motion for Summary Judgment. Mr. Bell and Mr. Moore please submit Orders granting summary judgment to our office within 10 days.

Catherine "Cathy" C. Wilson
Administrative Assistant
Judge Edgar W. Dickson
P.O. Box 1949
Orangeburg, S.C. 29116
803.535.2187
edicksonsc@sccourts.org

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