

FORM 1  
NOTICE OF APPEAL IN A CIVIL CASE

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

NOV 21 2019  
SC Court of Appeals

APPEAL FROM KERSHAW COUNTY  
Court of Common Pleas

R.E. Hood, Circuit Court Judge

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Case No. 2019-CP-28-00463

NOV 20 2019  
SC Court of Appeals

Laverne Robinson, as Personal  
Representative of the Estate of  
Almeter Robinson,

Respondent, Martha  
Ann Robinson Aiken,  
Martha Ann Robinson  
as Trustee, Ronnie  
Randolph Robinson,  
Almeter Robinson  
Harrison and Mary  
Alice Robinson Green

JANET C. HASTY  
CLERK OF COURT  
KERSHAW COUNTY, S.C.

2019 NOV 20 PM 4: 28

FILED FOR RECORD

v.

Laverne Robinson,

Appellant.

NOTICE OF APPEAL

Laverne Robinson appeals the order [judgment] of the Honorable R.E. Hood dated October 22, 2019. Appellant received written notice of entry of this order [judgment] on October 23, 2019.

November 20, 2019

TBD  
Attorney for Appellant

Other Counsel of Record:  
Leonard R. Jordan Jr.  
Jordan Law Firm  
211 Veterans Road, Ste D  
Columbia, SC 29209

(803)726-1950 (O)

[ljordan@ljordanlaw.com](mailto:ljordan@ljordanlaw.com)

Attorney for Martha Ann Robinson Aiken

Moultrie B. Burns, Jr.

Savage, Royall & Sheheen, LLP

P.O. Drawer 10 Camden, SC 29021

(803)432-4391 (O)

[mburns@thesavagefirm.com](mailto:mburns@thesavagefirm.com)

Attorney for Ronnie Randolph Robinson,  
Almeter Patricia Robinson Harrison, and  
Mary Alice Robinson Green

Attorney for Respondent

**FORM 7  
PROOF OF SERVICE OF A NOTICE OF APPEAL**

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

APPEAL FROM KERSHAW COUNTY  
Court of Common Pleas

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SC Court of Appeals

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Almeter Robinson,

Respondent, Martha  
Ann Robinson Aiken,  
Martha Ann Robinson  
as Trustee, Ronnie  
Randolph Robinson,  
Almeter Robinson  
Harrison and Mary  
Alice Robinson Green

v.

Laverne Robinson,

Appellant.

JANET C. HASTY  
CLERK OF COURT  
KERSHAW COUNTY, S.C.

2019 NOV 20 PM 4: 23

FILED FOR RECORD

**PROOF OF SERVICE**

I certify that I have served the Notice of Appeal on Martha Ann Robinson Aiken, Martha Ann Robinson as Trustee, Ronnie Randolph Robinson, Almeter Robinson Harrison and Mary Alice Robinson Green by depositing a copy of it in the United States Mail, postage prepaid, on November 21, 2019, addressed to his/her attorney of record, Leonard R. Jordan Jr., 211 Veterans Road, Ste D, Columbia, SC 29209 and Moultrie B. Burns, Jr., P.O. Drawer 10, Camden, SC 29021, November 21, 2019.

November 20, 2019

s/ Laverne Robinson

(803)726-1950 (O)

[ljordan@ljordanlaw.com](mailto:ljordan@ljordanlaw.com)

Attorney for Martha Ann Robinson Aiken

Moultrie B. Burns, Jr.

Savage, Royall & Sheheen, LLP

P.O. Drawer 10 Camden, SC 29021

(803)432-4391 (O)

[mburns@thesavagefirm.com](mailto:mburns@thesavagefirm.com)

Attorney for Ronnie Randolph Robinson,  
Almeter Patricia Robinson Harrison, and  
Mary Alice Robinson Green

Attorney for Respondent

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NOV 21 2019

SC Court of Appeals

STATE OF SOUTH CAROLINA )  
COUNTY OF KERSHAW )

FILED FOR RECORD

2019 NOV 20 PM 4:24

IN THE CIRCUIT COURT  
(Appeal from Probate Court for  
Kershaw County: 2017-ES-28-00106)

JANET C. HASTY  
CLERK OF COURT  
KERSHAW COUNTY, S.C.

IN THE MATTER OF:  
Almeter B. Robinson  
(Decedent)

Laverne Robinson,

Appellant,

vs.

Martha Ann Robinson Aiken, Martha Ann  
Robinson as Trustee, Ronnie Randolph Robinson,  
Almeter Robinson Harrison and Mary Alice  
Robinson Green,

Respondents.

CASE NO.: 2019-CP-28-00463

ORDER AFFIRMING PROBATE  
COURT ORDER

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NOV 20 2019

SC Court of Appeals

This matter came before me on the Notice of Intent to Appeal to Circuit Court filed on April 26, 2019. A hearing was held on September 23, 2019, attended by William L. Pyatt, Attorney for Appellant, Leonard R. Jordan, Jr., Attorney for Respondents, Martha Ann Robinson Aiken and Martha Ann Robinson Aiken as Trustee; and Moultrie B. Burns, Attorney for Respondents, Ronnie Randolph Robinson, Almeter Patricia Robinson Harrison and Mary Alice Robinson Green.

This appeal is from an Amended Order Granting Motion for Summary Judgment issued by the Honorable Debra B. Branham, Kershaw County Probate Judge, which was filed on April 24, 2019. The said Order granted Respondents' Motion for Summary Judgment and dismissed this suit with prejudice.

Judge Branham only made two findings in said Order, to wit: (1) "no Affidavit in opposition of the Motion was filed by or on behalf of Plaintiff;" and (2) "there are no genuine

issues of material fact, which would compel the court to deny the Motion.”

The Order made no specific findings of fact, and there was no Motion under Rule 59(e) of the South Carolina Rules of Civil Procedure (SCRCP) to preserve any such matters for appeal. *Shirley's Iron Works, Inc. v. City of Union*, 397 S.C. 584, 598, 726 S.E.2d 208, 215 (Ct.App. 2010); affirmed in part, reversed in part, and remanded at 403 S.C. 560 (2013) (“Error preservation requirements are intended to enable the lower court to rule properly after it has considered all relevant facts, law, and arguments . . . It is axiomatic that for an issue to be preserved for appeal, it must be raised to and ruled upon by the trial court . . . When an issue or argument has been raised to but not ruled upon by the trial court, a party must file a Rule 59(e), SCRCP, motion to preserve the issue for appeal.”)

Due to Appellant’s failure to defend against Respondents’ Motion by serving an Affidavit, with specific facts showing there is a genuine issue for trial, the lower court had no information before it with which to conclude that the Motion should not be granted. In that regard, Appellant failed to comply with Rule 56(c), SCRCP. *Regions Bank v. Schmauch*, 354 S.C. 648, 660, 582 S.E.2d 432, 438 (Ct.App 2003) (“Once the party moving for summary judgment meets the initial burden of showing an absence of evidentiary support for the opponent’s case, the opponent cannot simply rest on mere allegations or denials contained in the pleadings. Rather, the nonmoving party must come forward with specific facts showing there is a genuine issue for trial.”)

Based upon the foregoing, I find that the appealed Order should be affirmed.

WHEREFORE, it is

ORDERED that the Amended Order Granting Motion for Summary Judgment, filed on April 26, 2016, be and it is hereby affirmed.

AND IT IS SO ORDERED.



Kershaw Common Pleas

**Case Caption:** Laverne Robinson VS Martha Ann Robinson Aiken , defendant, et al  
**Case Number:** 2019CP2800463  
**Type:** Order/Other

So Ordered

s/ R.E. Hood #2164

Electronically signed on 2019-10-02 17:06:48 page 3 of 3

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2019CP2800463

FILED FOR RECORD

Laverne Robinson  
PLAINTIFF(S)

Martha Ann Robinson Aiken et al  
DEFENDANT(S)

2019 NOV 20 PM 4: 24

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), SCRCP;  Rule 41(a), SCRCP (Vol. Nonsuit);  Rule 43(k), SCRCP (Settled);  Other
- ACTION STRICKEN (CHECK REASON):  Rule 40(j), SCRCP;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- STAYED DUE TO BANKRUPTCY
- 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:

Defendant's Motion to Reconsider is denied.

ORDER INFORMATION

This order  ends  does not end the case.  See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 10/22/2019 .

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NAMES OF TRADITIONAL FILERS SERVED BY MAIL

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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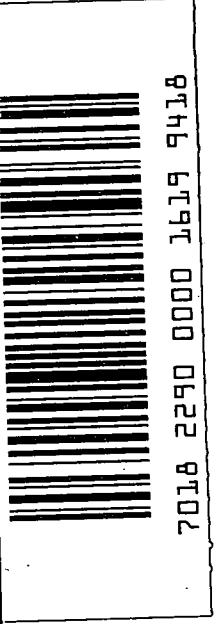
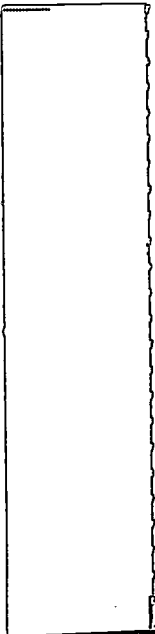
Kershaw Common Pleas

**Case Caption:** Laverne Robinson VS Martha Ann Robinson Aiken , defendant, et al  
**Case Number:** 2019CP2800463  
**Type:** Order/Electronic Form 4

So Ordered

s/ R.E. Hood #2164

LANEENE ROBINSON  
P.O. Box 362  
CAMDEN, SC 29021



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