

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Master in Equity

**RECEIVED**

Charles B. Simmons, Jr., Master in Equity **DEC 30 2019**

**SC Court of Appeals**

Appellate Case No. 2019-001518

Laurel Grove, LLC.....Respondent,

v.

Frances Lee Farmer Sullivan, Marcus Lynn Farmer, Nelson Eugene Farmer, Peaches Shawn Farmer, John Anthony Pelzer, Thomas Farmer, Tara Smith, the Heirs of Kimberly Bean, L'kita Brown, Margaret Lois Brown, Robert Brown and Willie Brown as officers, directors and/or shareholders of the Holy Temple of God Faith Healing Church, The Estate of Lula Mae Knox, Shirley Miller, Norma Williams, Juanita Smith, Evelyn Byrd, James Brown, Norman Smith, Robert Smith, Catherine Stroble, Sharon Brown, the Greenville County Tax Collector, John Doe representing any and all known and unknown heirs of the following individuals who may claim an interest in the Property: Willie R. Brown a/k/a Willie Ruth Brown a/k/a Willie A. Brown a/k/a Willie Lee Farmer Brown a/k/a Willie Lee Wilson, Robert R. Brown a/k/a Robert Russell Brown a/k/a Robert Russell Roland Brown, Mary Elizabeth Farmer Crudup, Nelson Farmer, Donnie Rae Farmer, Richard Earle Farmer, Nazeae Jefferson aka Zeon Jefferson, Annie Ruth Farmer Pelzer, Willie Rufus Farmer, Kimberly Bean, Lula Mae Knox, Theodore Byrd, Michael Jerome Smith, and as Defendants whose names are unknown claiming any right, title estate, interest in, or lien upon the real estate described in the Complaint herein, any known adults, their heirs and assigns and all other persons, firms or corporations entitle to claim under by or through the above-named Defendants, being as a class designated as Richard Roe, and any unknown infants or persons under disability being a class designated as Jane Doe, Defendants.

Of Whom, Juanita Smith, Evelyn Byrd, Shirley Miller and Sharon Brown are the Appellants.

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**RESPONDENT'S REPLY AND MEMORANDUM IN SUPPORT OF MOTION  
TO DISMISS APPEAL**

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The Respondent, Laurel Grove, LLC (“Laurel Grove”), respectfully submits this Reply and Memorandum in Support of Motion to Dismiss Appeal, pursuant to Rule 260 of the South Carolina Appellate Court Rules.

The remedy of partition is provided in S.C. Code Ann § 15-61-10.

(A) All joint tenants and tenants in common who hold, jointly or in common, for a term of life or years or of whom one has an estate for a term of life or years with the other that has an estate of inheritance or freehold in any lands, tenements or hereditaments shall be compellable to make severance and partition of all such lands, tenements and hereditaments. Id.

The statute governing partitions does not extend to heirs and devisees of real property, except for one limited circumstance. Section § 15-61-25 of the Partition Act applies only to the right of nonpetitioning joint tenants or tenants in common to purchase the petitioning joint tenants or tenants in common’s interest(s) in the property no later than ten (10) days prior to the date set for trial in the underlying case (emphasis added). In this section, the definition of “joint tenants and tenants in common” extends to heirs and devisees.

(A) For the purposes of this section, “joint tenants and tenants in common” include heirs or devisees. S.C. Code Ann. § 15-61-25.

Appellants never petitioned to purchase the real property from the Respondent prior to trial and thus, this section is no longer available as a remedy. Appellants instead filed this Appeal to contest the Master in Equity’s August 9, 2019 Order which was issued in accordance with the Clementa C. Pinckney Uniform Partition of Heirs’ Property Act. Specifically, Appellants appealed the following: (i) that the value of the Property was \$100,000.00; (ii) that the parties should share in the cost of the court-appointed appraiser; (iii) that pursuant to 15-61-370 and 15-61-380, no cotenant has offered to buy out some of all of the interested of the others in the parcel; (iv) that ownership of the un-probated

estate of Lula Max Knox is unknown; (v) that the Court considered the factors in 15-61-390 and an in-kind division would result in manifest injury to the cotenants as a group; (vi) that the Court will allow the parties 30 days to agree upon a realtor to list the Property for sale pursuant to 15-61-400; and (vii) that the Court finds no factual or legal basis for Ms. Brown's request that the Court recuse itself and therefore the request is denied. See **Exhibit C** of Respondent's Motion to Dismiss.

None of the provisions of the Clementa C. Pinckney Uniform Partition of Heirs' Property Act extend the definition of "cotenant" to include heirs and devisees. Rather, the rights and procedures for partition under this Act specifically limit the same to "cotenants."

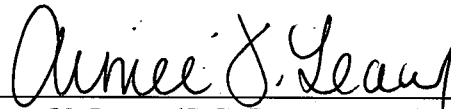
In their Return, Appellants argument in opposition to Respondent's Motion to Dismiss is limited to S.C. Code Ann. § 15-61-25. They conclude that because § 15-61-25: Right of First Refusal of Joint Tenant or Tenant in Common to Purchase Property Prior to Partition extends the definition of joint tenants and tenants in common to include heirs and devisees that the rest of the Partition Act and the Clementa C. Pinckney Uniform Partition of Heirs' Property Act does so as well. However, § 15-61-25 specifically limits the application of the broader definition to "this section." Moreover, Appellants have not raised any issue on appeal which relates to § 15-61-25. For these reasons, Appellants' argument that S.C. Code Ann. § 15-61-25 vests Appellants with standing to bring this Appeal fails.

Respondent maintains that Appellants are neither joint tenants, tenants in common nor cotenants to the real property which is the subject of this Appeal. The Estate of Lula Mae Knox which they claim ownership to the real property through has been pending in

the Spartanburg County Probate Court since 2014 and it has been less than ten (10) years since Lula Mae Knox passed away.

For the reasons stated herein, Appellants lack standing to bring this Appeal contesting the Master in Equity's Order. Respondent respectfully requests immediate involuntary dismissal of the Appeal.

Respectfully submitted,



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*Attorney for Respondent Laurel Grove, LLC*

December 24, 2019

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Master in Equity

Charles B. Simmons, Jr., Master in Equity

Case No. 2018-CP-23-00883

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DEC 30 2019  
SC Court of Appeals

Laurel Grove, LLC.....Respondent,

v.

Frances Lee Farmer Sullivan, Marcus Lynn Farmer, Nelson Eugene Farmer, Peaches Shawn Farmer, John Anthony Pelzer, Thomas Farmer, Tara Smith, the Heirs of Kimberly Bean, L’kita Brown, Margaret Lois Brown, Robert Brown and Willie Brown as officers, directors and/or shareholders of the Holy Temple of God Faith Healing Church, The Estate of Lula Mae Knox, Shirley Miller, Norma Williams, Juanita Smith, Evelyn Byrd, James Brown, Norman Smith, Robert Smith, Catherine Stroble, Sharon Brown, the Greenville County Tax Collector, John Doe representing any and all known and unknown heirs of the following individuals who may claim an interest in the Property: Willie R. Brown a/k/a Willie Ruth Brown a/k/a Willie A. Brown a/k/a Willie Lee Farmer Brown a/k/a Willie Lee Wilson, Robert R. Brown a/k/a Robert Russell Brown a/k/a Robert Russell Roland Brown, Mary Elizabeth Farmer Crudup, Nelson Farmer, Donnie Rae Farmer, Richard Earle Farmer, Nazeae Jefferson aka Zeon Jefferson, Annie Ruth Farmer Pelzer, Willie Rufus Farmer, Kimberly Bean, Lula Mae Knox, Theodore Byrd, Michael Jerome Smith, and as Defendants whose names are unknown claiming any right, title estate, interest in, or lien upon the real estate described in the Complaint herein, any known adults, their heirs and assigns and all other persons, firms or corporations entitle to claim under by or through the above-named Defendants, being as a class designated as Richard Roe, and any unknown infants or persons under disability being a class designated as Jane Doe, Defendants.

Of Whom, Juanita Smith, Evelyn Byrd, Shirley Miller and Sharon Brown are the Appellants.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of **Respondent's Reply and Memorandum in Support of Motion to Dismiss Appeal** and this Certificate of Service were served upon counsel on December 24, 2019 by First Class Mail as follows:

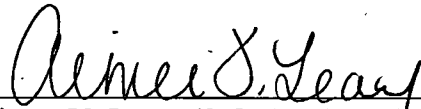
Sharon Brown  
216 Ardmore Road  
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Juanita Smith  
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Spartanburg, SC 29306

Evelyn Byrd  
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Shirley Miller  
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Respectfully submitted,



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December 24, 2019



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December 24, 2019

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DEC 30 2019  
SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: Laurel Grove, LLC vs. Frances Lee Farmer Sullivan, et. al.  
Docket Case No. 2018-CP-23-00883  
Appellate Case No. 2019-001518

Dear Ms. Kitchings:

Please find enclosed the Respondent's Reply and Memorandum in Support of Motion to Dismiss Appeal, including six (6) copies along with a Certificate of Service for the same. By way of this correspondence, I have served the Appellants with a copy of the same.

Thank you for your attention to this matter,

Very truly yours,

Aimee Victoria-Ann Leary

AVL;jkk  
Enclosures

cc: Sharon Brown, Appellant  
Juanita Smith, Appellant  
Evelyn Byrd, Appellant  
Shirley Miller, Appellant

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SC Court of Appeals



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Hon. Jenny Abbott Kitchings, Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211