

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Hon. Edgar W. Dickson, Judge

RECEIVED

MAR 06 2020

SC Court of Appeals

Appellate Case No. 2019-001676

CHARLES E. HOUSTON JR

Appellant

V.

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

Respondents

APPELLANT'S REPLY TO DEFENDANT B. HAMMEL PROPERTIES RETURN TO
APPELLANT'S MOTION TO FILE INITIAL BRIEF AND DESIGNATION OF
MATTERS OUT OF TIME

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

Fayetteville, Georgia
March 6, 2020

ARGUMENT IN REPLY

The Respondent's B, Hammel Properties Return states no valid or germane reason for this Court not to grant the Appellant's Motion to file his Initial Brief and Designation of Matters out of Time for the following reasons:

1

The filing was due to be filed and served on February 18, 2020 and was filed and served on February 25, 2020; a period of seven (7) days where no significant prejudice has been shown.

Contrary to this Respondent's assertion of facts in the Order its counsel drafted, the Hearing on the Motion for Summary Judgment was held on June 10, 2019 and not July 10, 2019 and there was an elapse of time of over 60 days after the hearing before Respondents' counsels received an ex parte communication from the trial judge asking them to draft an order awarding their clients summary judgment without any guidelines.

2

The Appellant has no interest in delaying the progression of this case to justice. The property subject to this action has been held by my ancestors by land grant immediately after the Civil War. As a young teenager I picked cotton on this property to aid my grandparents to raise money to pay the taxes on it. I strongly feel that through extrinsic fraud and deceit and errors of law that I have been wrongfully disenfranchised of my family heritage and

1

adamantly seeks this Court's learned determination of the issues upon the merits as the law justly determines it to be.

3

This appeal was first filed with the South Carolina Supreme Court. The Supreme Court sent me an *ex parte* letter not copied to any of the Respondents requesting me to brief them on a jurisdictional question pertaining to the venue of the appeal. I complied in the same manner.

4

Your Appellant has all due regard, adherence and respect for the sanctity of the SCRAP and the South Carolina Court of Appeals dedicated interest in the orderly progression of the cases filed upon its docket. I am also mindful that mail from Fayetteville Georgia to Columbia by regular mail can take up to three to four days before delivery. Respondents Return was mailed by regular first-class mail from Columbia on February 28, 2020 and received by me on the evening of March 5, 2020.

Therefore, when the Appellant suspects that a filing may be delayed, he promptly calls the Court to notify them by phone that it is being mailed and further provides the Court with a fax copy of the representative sample of what is coming through the mail. Also, the cover letter faxed to the Court is a copy of the original transmittal letter. The same letter is placed in the mail to the Court and served by mail upon all opposing counsels along with the

contents of the filing simultaneously. Appellant has not engaged in any ex parte communication with this Court as attempted to be intimidated by opposing counsel.

4

The prime reason for the abandonment of the direct appeal taken by Appellant in the underlying case of Hall et. Al. v Houston Case # 2011- CP - 07-5141 is part of the causes of action set forth by Appellant in the present case brought now upon appeal, being the extrinsic fraud committed by the Respondent, Dean B. Bell Esquire. Atty. Bell refused to disclose to me the name of the court reporter he hired to take the transcription of the testimony of the hearing before the Master -in- Equity. Without a transcript one cannot effectively pursue an appeal especially where there are evidentiary matters in dispute. A copy of his testimony on this point is contained in the transcript from the hearing before the trial court in our instant case where he tells the Court that the Master -in Equity had provided his standing court reporter to transcribe the hearing. This was a blatant lie (See transcript page annexed as Exhibit # 1)

5

The timeliness of the Appellant bringing the present lawsuit has been cleverly disguised and is a main issue in this appeal. While the time period from the events cited by the Respondent are correct , nevertheless, these events are not controlling for statute of limitation considerations.

3

6

The Appellant asserts that the late filing of 7 days was due to the intervention of circumstances pertaining to his health that have been over three years in duration, beyond his control and have directly and proximately inhibited his capacity but not desire to meet the due date for the filings set by this Court. Appellant has reached 79 years of age this month and does not respond from surgery and medical procedures quickly. A medical statement by Appellant's treating physician requesting he be excused was provided to the Court and opposing counsel. The Appellant being appreciative and respectful of the Court's procedural rules alerted the Court prior to the deadline of Appellant's impairments and that the deadline would not be met but that the required filings would be shortly made.

7

Court Rules are necessary and proper for the orderly administration of the Court's functioning. In the absence of a flagrant violation that has not been demonstrated here. The Court's ultimate responsibility of adjudicating cases and administering justice on the merits of the case has higher priority over any procedural delay; especially where the delay was excusable and no cognizable prejudice to the other parties exist. Here justice will be better served by this Court's hearing this appeal upon its merits.

Respectfully submitted,

4



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

March 6, 2020
Fayetteville, Georgia

Exhibit #1

Mr. Houston

The other thing is he brought the court reporter, but he won't tell me who the court reporter was. So I can't order the transcript from the hearing.

The Court: Okay.

Mr. Houston: Thank you, Your Honor.

The Court: Thank you.

Mr. Bell: Just one quick comment, Your Honor. Just only because of the transcript issue. Your Honor, that was Judge Dukes' court reporter, not mine. I didn't bring a court reporter. That was the Court's court reporter. I did not ever request the transcript to be transcribed, there was no reason for me to. An Order was prepared. Mr. Houston is the one that filed the appeal.

It would've been incumbent upon him to get the transcript done. There is no transcript that exist, Your Honor.

The Court: Alright. Thank you.

Mr. Houston: I never requested the transcript from him. I said the name of the court reporter. Judge Dukes

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never had a court reporter. The moving parties always brings their reporters to the hearing. Judge Dukes doesn't have a standard court reporter. So I don't know why you made that representation to the Court.

The Court: All right. Gentlemen, I'm going to look over everything and I'll get back to y'all with my decision. Thank you.

(End of Hearing)

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APPEAL FROM BEAUFORT COUNTY

MAR 06 2020

HON. EDGAR W. DICKSON, JUDGE

SC Court of Appeals

APPELLATE CASE NO. 2019-001676

Charles E. Houston Jr

Appellant

V.

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

Respondents

CERTIFICATE OF SERVICE

The undersigned, hereby avers that he is the Appellant in the action herein and that a true and accurate copy of the Appellant's Reply to Respondent's Return to Appellant's Motion to File the Initial Brief and Designation of Matters Out of Time in the above entitled action has been served on all counsels of record for the Respondents by placing the same in the United States Mail with s postage affixed to carry the same to its destination as follows:

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

Columbia, SC 29202

And

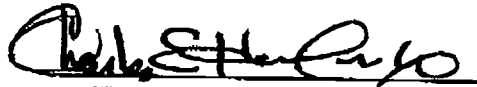
Thomas C. Taylor, Esquire
Law Offices of Thomas C. Taylor, LLC
PO Box 5550
Hilton Head Island, SC 29938
Attorneys for B. Hammel Properties, LLC

And

Dean B. Bell, Esquire
6120 College Street, Suite D121
Beaumont, Texas 77706

Attorney for Dean B. Bell and the Law Offices of Dean B. Bell

This 6day of March 2020.



Charles E. Houston, Jr.
Appellant, *Pro Se*

Charles E. Houston, Jr.
100 Shady Brooke Walk
Fayetteville, Georgia 30214

843-684-0211

emailcharleshouston@aol.com

March 6, 2020

Hon. Jenny Abbott Kitchings
Clerk of Court
The South Carolina Court of Appeals
P.O. Box 1629
1220 Senate Street
Columbia, South Carolina 29201

RECEIVED

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SC Court of Appeals

*Re: to be Case # 2019-001676
Charles E. Houston Jr. V. Dean B. Bell, et al
Appellant's Reply*

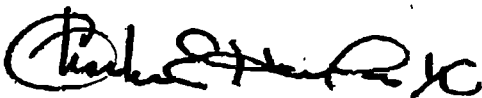
Dear Ms. Kitchings:

We our submitting for filing with the Court the original, and six (6) copies of the Appellant's Reply to Respondent, B. Hammel Properties Return to Appellant's Motion to File the Appellant's Initial Brief and Designation of Matters Out of Time along with the Certificate of Service in the above referenced case.

Please clock stamp this filing and return a copy in the self- addressed envelope provided.

By copy of this letter I have furnished and served a copy of the same upon the Respondents' counsels as indicated on the Certificate of Service.

With kind regards, I remain
Respectfully



Charles E. Houston, Jr.

cc: W. Cliff Moore III Esq.
Thomas C. Taylor, Esq.
Dean B. Bell, Esq.