

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

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**MAR 23 2020**

**SCC Court of Appeals**

**APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas**

**Charles B. Simmons Jr., Circuit Court Judge**

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**Docket Case No. 2018-CP-23-00883  
Appellate Case No. 2019-001518**

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Laurel Grove, LLC, . . . . . Respondent,

vs.

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, 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 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 a/k/a 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 Doe, 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 Appellants .

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**APPELLANTS' INITIAL REPLY BRIEF**

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## STATEMENT OF FACTS IN REPLY

Appellants disagree with the respondent's statement, "it is undisputed that the Appellants do not own any portion of the Property, which is the subject of this case."

Respondent is fully aware that the appellants are the biological heirs of Lula Mae Knox through the deceased Lula Mae Knox's Will and Testament and or as intestate heirs.

Appellants have previously presented this court with exhibits from the Spartanburg County Probate Court which proves that ownership to the appellants is forthcoming in *Appellant's Return to Respondent's Motion/Memorandum to Dismiss Appeal* in this court. Sharon Brown is the biological granddaughter of the deceased Lula Mae Knox. Evelyn Byrd, Juanita Miller, and Shirley Miller are the biological daughters of the deceased Lula Mae Knox.

## ARGUMENTS IN REPLY

### **I. Appellants have standing to bring this appeal.**

The respondent cannot prove their allegation that the Appellants do not have standing to bring this appeal because Appellants have no ownership interest in the property which is the subject of this action. This is an opinion of the respondent.

On July 29, 2019, Judge Charles Simmons states the following, " In light of the ownership interests set out in the Order of February 22nd where you basically have three groups. You have the Plaintiffs owning a little over thirty-seven percent. You have the children of Willie Brown, and that's seven children "owing [sic]" combined a twenty-five percent interest. And then the Estate of Lula Mae is still being litigated, owing the other thirty-seven percent. " (Transcript of Hearing held on July 29, 2019, pg. 19 lines 10-12). Additionally, on page 8 of the transcript, Judge Simmons asked Ms. Brown the following: "Okay. Ms. Brown, as I was looking through the rather voluminous file, what exactly is your ownership in the tract in question." On page 9 of the transcript Ms. Sharon Brown told judge Simmons that she was an heir. Judge Simmons replied, "Okay. An heir via who?" Ms. Brown replied, "Lula Mae Knox." Further, on page 9 of the same transcript Evelyn Byrd and Shirley Miller were appearing before Judge Simmons as well as pro se. You will notice that Judge Simmons states the following. "Okay. Thank You. And then I notice there are some other pro ses. So let me start over here with the nice lady in the striped shirt. Your name is?" (The transcript of the July 29, 2019 hearing before Judge Charles Simmons ). Again, It is to be noted that Sharon Brown is Lula Mae Knox's biological granddaughter. Evelyn Byrd, Shirley Miller, and Juanita Smith are Lula Mae Knox's

biological daughters. Appellants attached 3 documents in Appellant's Return to Respondent's Motion/ Memorandum to Dismiss Appeal in this Court from the Spartanburg County Probate Court concerning Lula Mae Knox's estate being probated. Appellants attached these documents to this return as Exhibits B, C, and D. Section 15-61-25 (A) of Chapter 61 Partition states, "joint tenants and tenants in common" include heirs or devisees.

Further, appellants contend that the lower court did not determine that Lula Mae Knox has no heirs. Additionally, appellants contend that there is an action in the Spartanburg County Probate Court to probate Lula Mae Knox's will or to determine her intestate heirs. Further, the testimony and evidence before the lower court show that the appellants are successors to Lula Mae Knox's estate.

## **II. Absence of Dixon Howard.**

Appellants contend that we had no control over Judge Simmons allowing our appraiser Dixon Howard to get out of a Subpoena. Further, after allowing Dixon Howard to get out of a Subpoena, Judge Simmons then states in his order that Mr. Bates (replacement for Dixon Howard) is not a licensed appraiser. Appellants strongly believe that this is a clear example of abuse of judicial discretionary power. Here the lower court erred as a matter of law by failing to enforce the subpoena upon Dixon Howard, so Appellants would not suffer any prejudice. Indeed, a prudent adjudicator we have rescheduled court until Dixon Howard could be present.

### **III. Interference by Respondent's Counsel.**

Attorney Aimee Leary (Ms. Leary) appeared to be interfering with the court ordered appraiser. Ms. Leary was copied on Appellant's email to Judge Simmons about her interference. Therefore, Attorney Leary had an opportunity to respond. ( Copy of E-mail and Transcript of July 29, 2019 Hearing).

### **IV. The Master in Equity committed reversible error in ordering the real property which is the subject of this partition action to be sold.**

Indeed, Court for July 29, 2019 should have been cancelled. Therefore, the issue of whether the property should have been divided should not have been discussed at all that day (July 29, 2019) due to Howard Dixon, appellants' licensed appraiser, not being present. Therefore Judge Simmons committed reversible error by ruling that the Property cannot be practically divided among the cotenants.

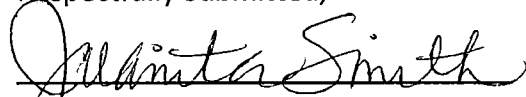
### **V. The Master in Equity's Order did not comply with S.C. Code § 15-61-400 (D).**

Upon Belief, Ms. Leary is aware that Judge Simmons is not following South Carolina Law. That's why she states in respondent's initial brief, "should this Court rule that a subsequent hearing is in fact required under §15-61-400(D), then this Court should remand this case, affirming the Master in Equity's August 2019 Order, but with instruction to require a subsequent hearing in the event the Property is not first sold by a realtor.

**Conclusion**

The lower court's order dated August 9, 2019, should be reversed upon the grounds that the lower court clearly abused its discretionary powers and failed to follow the laws of this state.

Respectfully Submitted,



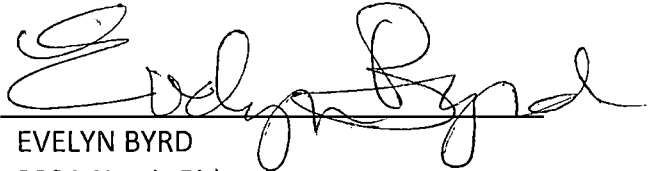
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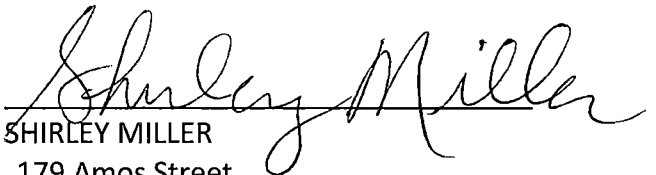
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March 19, 2020

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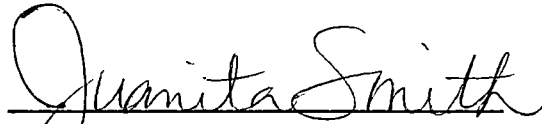
SC Court of Appeals

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CERTIFICATE OF COUNSEL

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This is to certify that Appellants' Initial Reply Brief complies with Rule 208 SCACR.



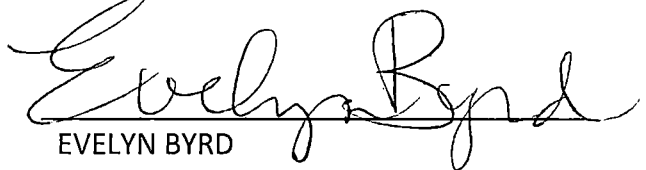
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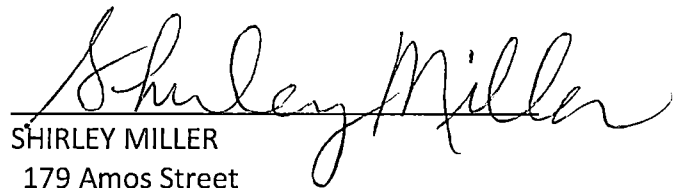
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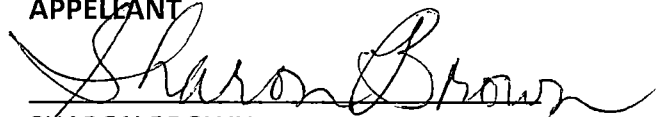
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March 19, 2020

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CERTIFICATE OF SERVICE

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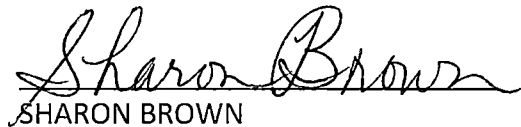
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I, Sharon Brown, hereby certify that I have this 19th day of March 2020, served a copy of the herein below listed document to the address listed below by depositing a copy of same in the United States Postal System postage prepaid, and mailing same to:

Document: APPELLANT'S INITIAL REPLY BRIEF

PARTY SERVED:

Aimee v. Leary, Esq.  
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2 W. Washington St., Suite 1100  
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South Carolina Court of Appeals  
ATTN: Jenny Abbott Kitchings, Clerk of Court  
P.O. Box 11629  
Columbia, S.C. 29211

Re: Laurel Grove, LLC, Plaintiff, vs. Frances Lee Farmer Sullivan, et al, Defendants.  
Docket No. 2018-CP-23-00883  
Appeal No: 2019-001518

March 19, 2020

Dear Clerk of Court,

I have enclosed an original Appellants' Initial Reply Brief. Additionally, I have enclosed a certificate of service.

If you have any questions, please feel free to contact me.

Sincerely,

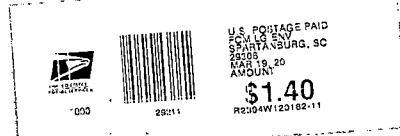


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Enclosure(s)

Cc: AIMEE V. LEARY, ESQUIRE

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