THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Master in Equity

Charles B. Simmons, Jr., Master in Equity

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.

FINAL BRIEF OF RESPONDENT

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STATEMENT OF THE CASE

This case concerns the partition of three (3) acres of property located in Greenville County, South Carolina (TMS #: 0550.02-01-003.32) (the "Property"). Respondent, a cotenant of the Property, filed this action in the Court of Common Pleas on or about February 15, 2018, pleading causes of action to wind up an inactive corporation and partition. An Answer was filed by one or more Defendants. A Guardian Ad Litem was appointed to represent the unknown Defendants.

This case is subject to both the Partition Act, S.C. Code § 15-61-10, et seq., and § 15-61-310, et seq., the Clementa C. Pinckney Uniform Partition of Heirs' Property Act ("Heirs' Property Act"). A Consent Order was filed on or about May 24, 2018 wherein the appearing parties consented to the application of the Heirs' Property Act in compliance with the statute.

Prior to the August 9, 2019 Order, which resolved the merits of Respondent's partition cause of action, the Court scheduled a hearing related to ownership of the Property, as the status of title was complicated and unclear due to the existence of several unprobated estates.

On or about February 6, 2019, the Greenville County Master in Equity heard testimony and reviewed evidence related to the ownership of the Property. By Order – Ownership of Property dated February 22, 2019; ownership was confirmed and established by the Court. Ownership of the Property was established as follows:

A. Plaintiff - 0.375 interest
B. Children of Willie Brown – 0.25 interest (total)

i. Frances Lee Farmer Sullivan – 1/20 interest (0.05)
i. Marcus Lynn Farmer – 1/40 interest (0.025)
iii. Nelson Eugene Farmer - 1/40 interest (0.025)
iv. Peaches Shawn Farmer - 1/20 interest (0.05)
v. John Anthony Pelzer - 1/20 interest (0.05)
vi. Thomas Farmer - 1/40 interest (0.025)
vii. Tara Smith – 1/40 interest (0.025)

C. The Estate of Lula Mae Knox - 0.375 interest

Appellants, nor any other party, appealed the Order – Ownership of Property or filed any post-hearing motion or objection concerning the same (the "Order – Ownership of Property") (R. pp. 1-10).

Another hearing was held on or about July 29, 2019 (the "July 2019 Hearing") to determine the value of the Property and to resolve the partition cause of action. The parties had previously been unable to agree to a value, so an appraiser was appointed by the Court to value the Property, prepare an appraisal and testify at the July 2019 Hearing. At the hearing, the court-appointed appraiser was present as well as an appraiser hired by the Defendants.

The Order in this case, which is the subject of this appeal, was entered on or about August 9, 2019 (the "August 2019 Order") (R. pp. 13-19). In the Order, consistent with S.C. Code 15-61-360, the Court ruled on the matters before the Court as follows: (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.

Most of the Defendants were initially represented by counsel, Rick Vieth. Mr. Vieth filed a Motion to be Relieved on or about October 1, 2018. An Order granting the Motion was filed on or about April 12, 2019. Since that time, no Defendant has been represented by counsel, despite numerous recommendations from the Master in Equity.

It is undisputed that the Appellants do not own any portion of the Property, which is the subject of this case. As confirmed in the Order – Ownership of Property and the August 2019 Order, Appellants are potential heirs of the Estate of Lula Mae Knox, who passed away in 2011.

> And, to further complicate matters, as established by the Court in the Order of February 22, 2019, 37.5% of the ownership of the parcel is owned in the un-probated estate of Lula Mae Knox, making ownership of this share an unknown. Order of Charles B. Simmons, Jr. dated August 9, 2019 (R. p. 17).

The Estate has never been probated, so the inheriting individual(s) of the Estate are unknown at this time.

On or about September 6, 2019, Appellants filed and served their Notice of Appeal. On or about December 13, 2019, Respondent filed a Motion to Dismiss, alleging that the Appellants lacked standing. Appellants filed a Return to Respondent's Motion to Dismiss on or about December 23, 2019. Respondent filed a Reply and Memorandum in Support of its Motion to Dismiss on or about December 30, 2019. On or about February 10, 2020, the Court issued a non-

dispositional decision, denying the Respondent's Motion to Dismiss but providing that the Order does not prevent Respondent from raising the issue of standing in its brief.

STANDARD OF REVIEW

This is an action in equity. *Wilson v. McGuire,* 320 S.C. 137, 140, 463 S.E.2d 614, 616 (Ct.App.1995) (a partition action is equitable). Therefore, this court may find facts in accordance with its own view of the preponderance of the evidence. *Inlet Harbour v. S.C. Dep't of Parks, Recreation & Tourism,* 377 S.C. 86, 91, 659 S.E.2d 151, 154 (2008). However, we are not required to disregard the findings of the trial judge who saw and heard the witnesses and was in a better position to judge their credibility. *Sloan v. Greenville County,* 356 S.C. 531, 546, 590 S.E.2d 338, 346 (Ct.App.2003). *Marichris, LLC v. Derrick*, 384 S.C. 345, 351, 682 S.E.2d 301, 304–05 (Ct. App. 2009).

ARGUMENT

Appellants do not have standing to bring this Appeal.

As evidenced by the Order – Ownership of Property, the August 2019 Order and Respondent's Statement of the Case, it is undisputed that ownership of the Estate's interest in the Property is unknown and undetermined. It is further undisputed that Appellants have no other ownership interest in the Property. This appeal was filed by potential heirs to an un-probated Estate, less than ten (10) years old, without any cotenant status in the Property. The remaining Defendants, which include cotenants of the Property, did not join in this appeal.

Appellants do not have any interest in the Property and further have no authority to act or appear on behalf of the Estate of Lula Mae Knox. A Personal Representative of the Estate has never been appointed. The statute governing partitions in South Carolina administers the rights

and interests of joint tenants and tenants in common only. 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.*

Appellants do not have standing to bring this appeal as a non-owner lacks a vested interest to compel or defend a partition action to real property in South Carolina. For the reasons stated herein, the Court should affirm the August 2019 Order and the case should be remanded to the Master in Equity.

Appellants did not preserve one or more issues for Appellate Review.

i. Absence of Dixon Howard.

Appellants' first objection to the August 2019 Order is that the Court should have rescheduled the July 2019 Hearing because Dixon Howard, the original appraiser hired by one or more Defendants, was unable to attend. However, Appellants never objected to Mr. Dixon's nonappearance at the hearing. Appellants' Initial Brief includes an excerpt of an email from the Court instructing the parties as follows: "if no one objects to Mr. Howard's partner testifying on his behalf … then the hearing will move forward." Appellants never submitted a written objection. Mr. Dixon's partner appeared and testified on behalf of the Defendants and Mr. Dixon's absence was not raised until this appeal.

> It is well settled that an issue must have been raised to and ruled upon by the trial court to be preserved for appellate review. *Staubes v. City of Folly Beach,* 339 S.C. 406, 412, 529 S.E.2d 543, 546 (2000). Additionally, "[i]f the losing party has raised an issue in the lower court, but the court fails to rule upon it, the party must file a motion to alter or amend the judgment in order to preserve the issue for appellate review." *Elam v. South Carolina Dep't of Transp.,* 361 S.C. 9, 24 n. 4, 602 S.E.2d 772, 780 n. 4 (2004). Without an initial ruling by the trial court, a reviewing court

> simply would not be able to evaluate whether the trial court committed error. *Staubes,* 339 S.C. at 412, 529 S.E.2d at 546.

Because an objection was never made, the Court never ruled on the issue.

ii. Interference by Respondent's Counsel.

At the July 2019 Hearing, Appellant Brown argued on multiple occasions that Respondent's counsel interfered with the court-appointed appraiser by responding to a question regarding the status of the Property (R. p. 84, lines 2-15). Appellants fail to acknowledge that they were copied on the email and had the same opportunity to submit a response to the same. Appellants further fail to acknowledge that Appellant Brown also issued a responsive email.

Appellants did not file any motion to exclude the court-appointed appraiser's testimony or his findings based on prejudice (or any other basis) and the Court never issued a ruling as to whether the email submitted by Respondent's counsel was or was not unduly prejudicial. Appellants never entered the subject emails into evidence at the July 2019 Hearing.

For the reasons stated herein, these issues are not subject to appellate review.

The Master in Equity did not commit reversible error in ordering the real property, which is the subject of this partition action to be sold.

The Appellants present one argument in support of their position that the Court "abused judicial discretion" in ordering the 3 acres of land to be sold as a whole. Their argument relates solely to the nonappearance of their appraiser, Dixon Howard. However, as Respondent articulated above, Appellants did not raise any objection regarding Mr. Howard's unavailability prior to or during the July 2019 Hearing. Once David Batson, the Appellants' alternate witness was confirmed as a replacement for Mr. Howard (prior to the hearing), Mr. Howard's unavailability was not discussed. Appellants presented no other argument in support of their position that the Court committed reversible error in ordering the Property to sale.

Notwithstanding the foregoing, both the court-appointed appraiser and Appellants' appraiser testified that the Property would be significantly devalued if the Property was distributed in-kind versus sold with the proceeds being distributed amongst the cotenants. Both appraisers confirmed that the large number of cotenants, compared to the size of the Property, make it impossible to divide without compromising the cotenants' financial interest in the Property as a whole.

In response to the Court's inquiry into what happens to the Property value if the Property is physically divided in-kind, the Appellants' appraiser, David Batson, testified as follows:

> "It dilutes the value so that the property would not have the same value as to leave it as one piece of property. Obviously you can divide it, you know, subdivide it any way you want to as far as the percentages goes, but the value would change dramatically." (R. p. 98, lines 20-25).

The court-appointed appraiser, Tripp Glenn, also testified consistent with Appellants' appraiser.

> The Court: "And did you also form an opinion as to what the property could be divided in kind – in other words split between the relative ownership interests or was it more appropriate or necessary to dispose of it in whole?"
>
> Tripp Glenn: "We did form an opinion; yes, sir. We formed the opinion that it creates more value to dispose of the property in whole by not diluting the ownership interests." (R. p. 81, line 21 - p. 82, line 4).

In ruling that the Property cannot be practically divided among the cotenants, the Court held as follows:

> [T]he Court has considered the factors set forth in 15-61-390 and is unable to find that the parcel can be practically divided among the cotenants or, for that fact, that this is even the desire of a significant percentage of the pro se Defendants. Further, and as noted above, ownership of the 37.5% interest of the Estate of Lula Mae Knox has never been determined or established. Rather, the evidence overwhelmingly establishes that the Court's requiring an in-kind division, to the extent such was even a possibility, would result in manifest injury to the cotenants as a group. Order of Charles B. Simmons, Jr. dated August 9, 2019 (R. p. 17).

While equitable considerations such as the length of ownership and sentimental attachment to the property may be considered, the pecuniary interests of all of the parties is the determining factor in deciding whether to require a judicial sale or allow a partition by allotment. *Zimmerman v. Marsh* (S.C. 2005) 365 S.C. 383, 618 S.E.2d 898.

For the reasons stated herein, no objection was made at the July 2019 Hearing and thus this issue is beyond the scope of appellate review.

The Master in Equity's Order complied with S.C. Code § 15-61-400(D).

Appellants further argue that the Master in Equity's August 2019 Order failed to comply with S.C. Code Ann. §15-61-400(D) of the Heirs' Property Act. Appellants argue that the Order must require an additional court hearing in the event that the Property is not sold by a realtor during the specific timeframe prescribed in §15-61-400. The requirements outlined in S.C. Code Ann. §15-61-400 are included herein.

> (A) If the court orders a sale of heirs' property, the sale must be an open-market sale unless the court finds that a sale by sealed bids or an auction would be more economically advantageous and in the best interest of the cotenants as a group.
>
> (B) If the court orders an open-market sale and the parties, not later than thirty days after the entry of the order, agree on a real estate broker licensed in this State to offer the property for sale, the court, upon consultation with the parties, shall appoint the broker and establish a reasonable commission. If the parties do not agree on a broker, the court shall appoint a disinterested real estate broker licensed in this State to offer the property for sale and shall establish a reasonable commission. The broker shall offer the property for sale in a commercially reasonable manner at a price no lower than the determination of value and on the terms and conditions established by the court.
>
> (C) If a broker appointed under subsection (B) obtains within a reasonable time an offer to purchase the property for at least the determination of value:
>
> (1) the broker shall comply with the reporting requirements in Section 15-61-410;

(2) the sale may be completed in accordance with state law other than this article; and

(3) the commission of the real estate broker must be paid from the proceeds of the sale.

(D) If the broker appointed under subsection (B) does not obtain within a reasonable time an offer to purchase the property for at least the determination of value, the court, after a hearing, may:

(1) approve the highest outstanding offer, if any;

(2) redetermine the value of the property and order that the property continue to be offered for an additional time; or

(3) order that the property be sold by sealed bids or at an auction.

(E) If the court orders a sale by sealed bids or an auction, the court shall set terms and conditions of the sale. If the court orders an auction, the auction must be conducted pursuant to procedures governing judicial sales and auctions.

(F) If a purchaser is entitled to a share of the proceeds of the sale, the purchaser is entitled to a credit against the price in an amount equal to the purchaser's share of the proceeds. *Id.*

The Court, instead of immediately ordering the Property for judicial sale, ordered the Property to be sold by a realtor in compliance with the statute. In doing so, the Master in Equity ruled as follows:

> In light of the above, the Court will allow the parties 30 days, in accordance with 15-61-400, to agree upon a realtor to list the property for sale. In the event this does not occur, the Court shall appoint a licensed realtor, in accordance with 15- 61-400, after the expiration of 40 days of this Order being filed and served upon all parties, to have an open market listing and sale of the entire tract with proceeds being divided, after payment of any and all costs, the appraisers fees, and a 6% relators commission, in accordance with the Order of February 22, 2019. It is again the hope of the Court that by allowing this 40 day period, the parties will present to each other and/or to Plaintiff's counsel a written offer to either purchase the respective interest's in the parcel or to sell the interests in the parcel. In the event this does not happen, then the parcel will be listed with the realtor chosen by the Court. If the parcel is not under contract to the highest and best offer as determined by the realtor, and in accordance with 15-61-400, within 90 days of the listing, then the parcel shall be sold with no minimum price at the next available monthly Greenville

> County Courthouse auction and in accordance with the usual and customary terms and conditions of said sale. Order of Charles B. Simmons, Jr. dated August 9, 2019 (R. pp. 17-18).

The Appellants' sole argument as to why the Court's August 2019 Order violates S.C. Code Ann. §15-61-400 is that the Court did not require the parties to reconvene at a hearing before the Court orders the Property for judicial sale (in the event that the Property is not first sold by a realtor). No other deviation was made from the language of the statute and no other basis in support of reversal was presented by the Appellants in their Brief.

Respondent avers that it is in the Court's discretion, which includes an evaluation of judicial economy, to determine whether or not to hold a subsequent hearing (if the Property is not sold by a licensed realtor). Moreover, Respondent avers that the Property was never listed for sale with a licensed realtor, so it is possible that the issue of a hearing would never be relevant in the case at bar. Respondent further points out that this section of the Heirs' Property Act limits its scope to cotenants of the Property, specifically excluding Appellants as a benefitted (or burdened) party. Respondent reaffirms that Appellants lack standing to raise this issue on appeal because the statute does not protect the interests of potential future heirs of property. Section §15-61-400(A) states: "[i]f the court orders a sale of heirs' property, the sale must be an open-market sale ***unless the court finds that a sale by sealed bids or an auction would be more economically advantageous and in the best interest of the cotenants as a group***" (emphasis added).

However, 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.

The Master in Equity did not commit reversible error in denying Appellant Brown's Motion for Recusal.

The informal request for the Master in Equity to recuse himself was raised only by Sharon Brown, a pro se litigant. A formal motion was never filed. Prior to the substantive portion of the July 2019 Hearing, the Court offered Ms. Brown an opportunity to present her argument for requesting Judge Simmons to recuse himself. Ms. Brown presented the following to the Court:

> Some of the recitations that you said – facts that you said happened in the course of the litigation in the past when we were here last time had not happened. And I didn't bring my evidence because I didn't know you were going to let me do a motion to recuse, even though I mentioned that. But I didn't actually file a motion actual motion. But basically we – well, I feel that it's just been a negative light that you've put on us.
>
> And me personally, I'm just going to be how I really feel, I just feel like the way you are stating things is always in the negative. Like when Mr. Vieth first – we haven't been getting a lot of continuances. Only one – I don't know about Mr. Vieth, the attorney, because I don't know his schedule, but he had to cancel some of the hearings or whatever. But we haven't been called into Court, us personally, and we don't have anything to do with our attorney's schedule. And it's just been all negative, you know, just making us look all negative, to me, along with some of your recitation of facts were not accurate (R. p. 75, line 10 - p. 76, line 5).

In response, the Court asked Ms. Brown, "Okay. Is there anything else you would like to have on the record?" (R. p. 76, lines 6-7). In response, Sharon Brown replied "No." (R. p. 76, line 8). The Court subsequently denied the motion.

> "A judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including instances where he has a personal bias or prejudice against a party." *Koon v. Fares,* 379 S.C. 150, 156, 666 S.E.2d 230, 234 (2008). "It is not sufficient for a party seeking disqualification to simply allege bias; rather, the party must show some evidence of bias or prejudice. ***If there is no evidence of judicial bias or prejudice, a judge's failure to disqualify himself will not be reversed on appeal.***" *Id.* (citations omitted). "The fact a trial judge ultimately rules against a litigant is not proof of prejudice by the judge, even if it is later held the judge committed error in his rulings." *Mallett v. Mallett,* 323 S.C. 141, 147, 473 S.E.2d 804, 808 (Ct.App.1996). *Mortg. Elec. Sys., Inc. v. White*, 384 S.C. 606, 616, 682 S.E.2d 498, 503 (Ct. App. 2009) (emphasis added).

Appellant Brown failed to identify any basis of partiality or bias. Her only argument was that she felt that the case has been "negative" and that the Court's "recitation of facts were not accurate." Yet no specific set of facts or circumstances were identified.

In the *Mortgage Electronic Systems, Inc. v. White* case, the court found that "[the] Whites' only evidence of bias is the special referee's ruling denying their right to a jury trial and the judgment in favor of Mortgage Electronic. The fact the referee ruled against them is insufficient to show actual prejudice. Our review of the record reveals no indication of any actual bias on the part of the special referee. *Mortg. Elec. Sys., Inc. v. White*, 384 S.C. 606, 616, 682 S.E.2d 498, 503 (Ct. App. 2009). For this reason, the court affirmed the ruling of the special referee.

In the case at bar, Appellant Brown failed to introduce any evidence or basis to support her request that Judge Simmons' recuse himself from the case. She admitted under oath that she did not bring any evidence with her to the hearing. For the reasons stated herein, Respondent avers that this Court has no basis to reverse the ruling of the Master in Equity.

The Master in Equity did not commit reversible error in issuing a final Order despite the absence of the Appellants' preferred appraiser at the July 29, 2019 Hearing.

As articulated herein above, the Appellants never raised an objection or filed a motion prior to or at the July 2019 Hearing related to the absence of their appraiser, Dixon Howard. A replacement appraiser was present at the hearing and testified, without objection, by any party present at the hearing. Appellants failed to preserve this issue for appeal.

Appellants' claim of undue influence of the court-appointed appraiser was not preserved for Appellate Review.

Appellants argue in their Brief that Respondent's counsel interfered with the court-appointed appraiser's appraisal due to Respondent's counsel answering a question directed by email to all parties in the case. Appellants failed to submit any of the relevant emails into evidence

at the July 2019 Hearing and therefore the content of the same is not within the scope of appellate review.

Despite the Appellants' failure to submit the objected email into evidence, during the July 2019 Hearing, the Court inquired into whether the court-appointed appraiser was prejudiced by the email submitted by Respondent's counsel. The Court specifically asked the court-appointed appraiser, Tripp Glenn whether there was any undue influence and Tripp Glenn provided the following response:

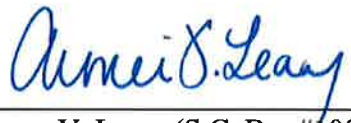
> The Court: Did you -- were you influenced in any way by any of the communications by Ms. Leary or her law firm providing information that you had requested?
> Tripp Glenn: No, sir. We take any information -- any information we receive from the property owner and do our due diligence to confirm.
> The Court: So did you feel like the information that was provided was reasonable and necessary and in accordance with your request?
> Tripp Glenn: Yes, sir. That's a fairly typical practice.
> The Court: And did her information – first was any of her information proven inaccurate or incorrect?
> Tripp Glenn: No, sir. I don't believe so.
> The Court: And did it have any influence on your decision ---
> Tripp Glenn: No, Sir.
> The Court: -- as far as the evaluation, higher or lower?
> Tripp Glenn: No, sir.
> (R. p. 110, line 23 - p. 111, line 19).

While Appellant Brown also inquired into the court-appointed appraiser's influence by Respondent's counsel, at no point did she request that the Court strike the court-appointed appraiser's appointment or testimony due to undue influence. Moreover, the Court never ruled on whether or not the email was unduly prejudiced and Appellants never filed a motion or other request related to the same. As a result, this issue is also beyond the scope of appellate review.

CONCLUSION

For the reasons stated herein, Respondent respectfully prays that this Honorable Court affirm the Order of the Greenville County Master in Equity and remand the case for fulfillment of the August 9, 2019 Order.

Respectfully submitted,



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June 4, 2020

THE STATE OF SOUTH CAROLINA
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Charles B. Simmons, Jr., Master in Equity

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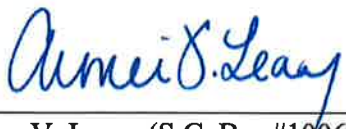
Frances Lee Farmer Sullivan, Marcus Lynn Farmer, Nelson Eugene Farmer, Peaches Shawn Farmer, John Anthony Pelzer, Thomas Farmer, Tara Smith, the Heirs of Kimberly Bean, L'kita Brown, Margaret Lois Brown, Robert Brown and Willie Brown as officers, directors and/or shareholders of the Holy Temple of God 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 COUNSEL

The undersigned, Aimee V. Leary, certifies that this Final Brief of Respondent complies with Rule 211(b).



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