

**PETITION FOR A WRIT OF CERTIORARI TO THE  
COURT OF APPEALS**

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM ANDERSON COUNTY  
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

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Opinion No. 2020-UP-149 (S.C. Ct. App. filed May 20, 2020)

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Windy Hill MHP, LLC,

Respondent,

v.

Chris Holcombe,

Petitioner.

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**PETITION FOR A WRIT OF CERTIORARI**

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## CERTIFICATE OF COUNSEL

Petitioner certifies that the Petition for Rehearing was made on June 24,2020.

### QUESTIONS PRESENTED

1. Did the Court of Appeals err in their decision on the case from Circuit Court?
2. Did the Court of Appeals take into consideration that the Appellant was not able to obtain an attorney to assist him that was knowledgeable of his whole circumstance?

### STATEMENT OF THE CASE

On August 3, 2016, Windy Hill MHP, LLC brought this action Rule To Vacate Or Show Cause. . . .

On August 3, 2016 Windy Hill MHP submitted a Rule to Vacate that was brought out by a county deputy. After looking the order over from Magistrate Court, I was not understanding what was going on because the order had the wrong address number on it. The Appellants address number is 138 and the Magistrate Court had 135 on it instead(i.e., R.p. 1). The appellant thought there may have been a mistake.

After not vacating as the Rule to Vacate mentioned, there was a Writ Of Ejectment served by the same county deputy that was dated for August 31, 2016. The address on the Writ Of Ejectment also had the wrong address on it and also had the number marked over(i.e, R.p. 3). At this time the Appellant started trying to locate an attorney to assist him with the case.

In the process of trying to locate an attorney to assist the Appellant with the issue, all the attorneys that he spoke with informed him it was either too complicated because the combination of his medical issues and the Writ Of Ejectment, or they only either handled medical law or evocation laws and not both. Appellant went to the Magistrate Court hearing and was ordered to move. The Appellant appealed the order from Magistrate Court to Circuit Court.

After appealing the order from Magistrate Court, the Appellant continued looking for an attorney to take the case. All the attorneys that were spoken to mentioned the SC Legal Services.

Appellant went to SC Legal Services and was to get an attorney. He informed the attorney of his medical issues after talking to him about the Writ Of Ejectment. He told the attorney he had medical documentation showing where he was a traumatic brain injury patent along with his spinal cord injury(i.e., R.p. 67, 69, 71, 73). The attorney informed him his medical information was not important to the case. The appellant ask the lawyer about the laws for people with medical issues like his and was informed the lawyer did not know those laws.

The Appellant also mentioned to the SC Legal Service attorney that the Name of the on file with the court house did not coincide with the property name on file with the county tax office(i.e., R.p. 1, 91). The Appellant also mentioned that Karen F. Wagner that was presenting herself as a property manager was not a licensed property manager in South Carolina(i.e., R.p. 85-89). The attorney informed him that information was not needed.

When the Appellant went to Circuit Court, there was no mentioning of the laws to protect mentally and physically handicap patients(i.e., R.p. 137-138, section 43-35-10 line 3, 11). The laws that were mentioned by the attorney was the Fair Housing Act(i.e., R.p. 48, lines 11-13). The Attorney from SC Legal Services mentioned the Federal statute 42 u.s. code 3604-3b(i.e., R.p 50, line 5) and South Carolina laws section 31-21-40 and section 31-21-70(i.e., R.p.; 50, line 25).

The Court of Appeals affirmed the judgment of the circuit court. Windy Hill MHP, LLC v. Chris Holcombe, Op. No. 2020-UP-149 (S.C. Ct. App. filed May 20, 2020). Petitioner seeks a writ of certiorari to review that decision.

## ARGUMENT

### 1. THE COURT OF APPEALS SHOULD HAVE HELD THAT THIS ACTION IS BARRED BY RES JUDICATA.

[On August 3, 2016 Windy Hill MHP submitted a Rule to Vacate that was brought out by a county deputy. After looking the order over from Magistrate Court, I was not understanding what was going on because the order had the wrong address number on it. The Appellants address number is 138 and the Magistrate Court had 135 on it instead(i.e., R.p. 1). The appellant thought there may have been a mistake.

After not vacating as the Rule to Vacate mentioned, there was a Writ Of Ejectment served by the same county deputy that was dated for August 31, 216. The address on the Writ Of Ejectment also had the wrong address on it and also had the number marked over(i.e, R.p. 3). At this time the Appellant started trying to locate an attorney to assist him with the case.

In the process of trying to locate an attorney to assist the Appellant with the issue, all the attorneys that he spoke with informed him it was either too complicated because the combination of his medical issues and the Writ Of Ejectment, or they only either handled medical law or evocation laws and not both. Appellant went to the Magistrate Court hearing and was ordered to move. The Appellant appealed the order from Magistrate Court to Circuit Court.

After appealing the order from Magistrate Court, the Appellant continued looking for an attorney to take the case. All the attorneys that were spoken to mentioned the SC Legal Services.

Appellant went to SC Legal Services and was to get an attorney. He informed the attorney of his medical issues after talking to him about the Writ Of Ejectment. He told the attorney he had medical documentation showing where he was a traumatic brain injury patent along with his spinal cord injury(i.e., R.p. 67, 69, 71, 73). The attorney informed him his medical information was not important to the case. The appellant ask the lawyer about the laws for people with medical issues like his and was informed the lawyer did not know those laws.

The Appellant also mentioned to the SC Legal Service attorney that the Name of the on file with the court house did not coincide with the property name on file with the county tax office(i.e., R.p. 1, 91). The Appellant also mentioned that Karen F. Wagner that was presenting herself as a property manager was not a licensed property manager in South Carolina(i.e., R.p. 85-89). The attorney

informed him that information was not needed.

When the Appellant went to Circuit Court, there was no mentioning of the laws to protect mentally and physically handicap patients(i.e., R.p. 137-138, section 43-35-10 line 3, 11). The laws that were mentioned by the attorney was the Fair Housing Act(i.e., R.p. 48, lines 11-13). The Attorney from SC Legal Services mentioned the Federal statute 42 U.S. code 3604-3b(i.e., R.p 50, line 5) and South Carolina laws section 31-21-40 and section 31-21-70(i.e., R.p., 50, line 25).

With Karen F. Wagner proclaiming to be the Property Manager of Windy Hill Mobile Home Park and not having a South Carolina Property Management License(i.e., R.p., 85-89, 105 Section 40-57-20, 107 Section 40-57-30 line 20), does it make the case invalid because of filing false information to the court?

With the name that was provided to the court for the name of the company, Windy Hill MHP LLC, instead of the name that is on file with the South Carolina Business Entities online(i.e., R.p., 83) and the county tax office(i.e., R.p., 91)?

With the address on the orders from Magistrate Court having 135 for the address number for the Appellant to begin with, would it make the case invalid(i.e., R.p., 1-2)?

Windy Hill is discriminating against the Appellant for profit. Windy Hill is wanting the Appellant to move his home to be able make more money of the lot he is on(i.e., R.p., 94 Section 31-21-40).

Per the South Carolina Adult Protection Laws Windy Hill Mobile Home Park is causing Psychological abuse to the Appellant(i.e., R.p., 138 Section 43-35-10 lines 10-11, 67-73)

Per the South Carolina General Assembly S. 290, (i.e., R.p., 163 Section 43-35-10 lines 22-26, 33-40)

Per the HUD Disability Rights in Housing for private or public housing(i.e., R.p., 179), It states a housing provider may not impose different application or qualification criteria, rental fees or sales price, and rental or sales terms or conditions than those required of or provided to persons to persons who are not disabled. Windy Hill Mobile Park LLC states they want to put a home in the location mine is in so that would mean they would be making a much greater profit than what they receive from the Appellant.

Per the U.S. Department of Justice, Reasonable Accommodations Under the Fair Housing Act(i.e., R.p., 181-195) explains all the fair housing laws or rules and conditions for the handicap, This was a subject brought up in Circuit court on what reasonable accommodations are.

The letter that was dated for July 30, 2015 with a list of issues on it(i.e., R.p.,207). The Appellant says he did not get call or a previous letter from Karen and did not do any of the issues listed. The only issue was the deck and skirting had been blown loose and had to get someone to fix it the issue when they become available and was able to help. The other issues listed where done by other residents and my son was just doing what he seen everyone else doing. Other residence in the neighborhood would shoot their guns and do the other things listed. I am being falsely accused of things that I did not do.

Why is there other people's information enclosed in the Appellants case (i.e., R.p., 208, 210)? This violates the other resident's privacy and information.

The Appellant is not able to have his home moved because it has modified and taken out of the manufactured specifications. All the movers that were called refused to move it because once they found out the door frames had been widened and the floor had been cut into for a handicap shower, they refused to move it because they all said their insurance companies would not let them move a home that had any modifications done to it (i.e., R.p., 53 lines 15-16).]

2. **THE INABILITY TO FIND A LAWYER TO HELP WITH THE CASE THAT WAS AWARE OF THE LAWS RELATED TO THE DISABILITIES THE APPELANT HAS.**

[Not having an attorney that is aware of the laws related to the whole situation has been a disadvantage, frustrating, and stressful. Appellant is asking if the court could provide an attorney to assist him. The attorney the Appellant had from the South Carolina Legal services was not very knowledgeable of the whole case because of it being a unique case based on the information provided.]

CONCLUSION

For the reasons stated, petitioner asks the Court to grant the petition for a writ of certiorari.

Respectfully submitted,



June 24, 2020

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Attorney for Petitioner

cc: Ralf Gleaton

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