

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Marvin H. Dukes, III, Master in Equity

Case Number 2018-CP07-2163  
APPELLATE CASE NUMBER: 2019-001448

**RECEIVED**  
OCT 20 2020  
SC Court of Appeals

WELDON E. WALL, SR.....Appellant.

v.

HAROLD H. WALL, SR.....Respondent.

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**APPELLANT'S FINAL REPLY BRIEF**

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## TABLE OF AUTHORITIES

1. Huguenin v Wall, 406 SE2d 347

## STATEMENT OF UNDISPUTED FACTS

The learned Master found certain facts against the Appellate, other facts allowed by him are in fact undisputed. Additional facts where the evidence is clear and convincing in favor of the Appellant:

UNDISPUTED FACTS: Harold Wall put nothing into the building of the house that he refers to as "Weldon's Old House". (ROA Pages 93, Page 108, 111 and 140). The case was actually heard by the Master in Beaufort County not located right across the street. In addition, Attorney Danny Henderson lives on the Roseland Property in the middle of the Wall property and he has not been called as a witness by EITHER SIDE. His lack of testimony is certainly understandable. Weldon Wall always claimed the 10 acres. (ROA Pages 90, 91 and 164). Harold Wall had a surveyor survey off 2 ten-acre parcels, he further paid Luke Brown for a deed to Sharon Wall (Weldon's then wife), for Weldon's ten-acre parcel. In accordance to the Plat, Weldon Wall's ten acres, is still there and the corners were recently found by a surveyor. The first time that Harold Wall actually claimed ownership of the house to exclude his brother Weldon, was when Dondi Wall asked for a deed so he could get a mortgage to fix the house up. The first time he legally took that position was when he filed his answer.

In this case, Harold Wall paid the plat and the deed. When asked why Weldon had no deed (ROA Page 123.

## ARGUMENT

### **I. THE FACTS AND DISPUTES BY WHICH THE APPELLATE PRODUCED CLEAR AND CONVINCING EVIDENCE.**

1. The learned Master found that Harold Wall always paid the taxes on the property. The uncontradicted testimony by J. W. Wall, Jr., the oldest Wall brother, was that hunting lease always paid all of the property taxes. There was further testimony that the Huguenin property was not leased for hunting until 1989, thus meaning that all taxes paid from 1974 until 1989 had to come

from the lease on the Fickling property. It was unequivocal that other than making repairs to the pump that was located on Weldon's ten acres which supplied all the water for all the Walls (Weldon, Harold and Harold, Jr.). Weldon and his tenants always paid that water (ROA Pages 116 and 141) At the time of the hearing, both Judge Luke Brown, his wife Hazel and his daughter, Sharon, had all been long dead. There is a muddled dispute as to what if any money Harold Wall put into the acquisition of Roseland. He personally paid less than \$5,000.00 on a used pickup. (TR PG 132) He then later said that he and Weldon borrowed \$125,000.00 that went to Weldon to reimburse him for what he had put up front Weldon testified that he put more than \$125,000.00 into Lemon Island, a joint venture by the Wall brothers that ended up being foreclosed. (ROA Pages 104 and 126) Harold testified that he did borrow \$125,000.00 from America Bank and Trust and it was lost in the foreclosure of Lemon Island. There is nothing in the record to show there were two \$125,000.00 mortgages. (ROA Page 104) Both Weldon and Dondi testified that the payment of rent each month went to Sharon Wall, Weldon's ex-wife as spousal support. Harold Wall claimed that he allowed various people with no "connection to him" (Judge Luke Brown, Weldon's ex-father in law, Dondi Wall, Weldon's son, and most incredulously, Danny Henderson, a lawyer that he had no connection to him and who in fact had sued Harold for access to Henderson's property because "He was going to put a road across my front yard." (ROA Page 106)

It was only after Harold flatly refused to give a deed to his brother or his brother's son for what he himself had always called "Weldon's old house". That suit was filed. It's a similar situation Huguenin versus Wall round two where there was a delay of some 13 years. It was ably argued by counsel for the Respondent when in fact the Supreme Court ruled against him and allowed an enforcement of this contract.

### CONCLUSION

For the foregoing reasons, the Appellate respectfully submits that the holding of the Judge flies in the face of the undisputed parts of the testimony and against the evidence and the commonsensible application of that to the facts of this case. The Appellate submits that he has in

fact established ownership of the premises by adverse possession and is entitled to a deed to said premises.

Respectfully submitted,

Law Office of R. Thayer Rivers, Jr.

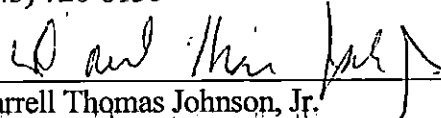


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