

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM BEAUFORT COUNTY

HON. EDGAR W. DICKSON, JUDGE

APPELLATE CASE NO. 2019-001676

Charles E. Houston Jr

Appellant

V.

Shirley J. Boone As the Administrator of the Estate of Dean B. Bell,
The Law Offices of Dean B. Bell, LLC and B. Hammel Properties, LLC

Respondents

APPELLANT'S MOTION FOR RECONSIDERATION

Charles E. Houston Jr
100 Shady Brooke Walk
Fayetteville, Georgia 3024
charlesehouston@icloud.com

Appellant, *Pro Se*

Fayetteville, Georgia
November 2, 2020

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

The Appellant, pursuant to Rule 240, SCACR, would move the Court to reconsider and amend that portion of its' October 15, 2020 Order filed in the case herein providing for the deletion of the notes placed by Attorney Dean B. Bell in the Circuit Court's file and attached for identification purposes as Exhibit # A to this motion.

First, the Appellant directed the Defendant Respondents attention to the fact that the materials were placed in the files of the Circuit Court by Dean B. Bell in Paragraph 23 of the Complaint. (See attached Exhibit # B) The contents of the Circuit Court's file are equally assessable to all parties and thus were not subject to production. (See SC Judicial Department Website)

Second: Appellant never alleged or stated that he had a copy of the notes placed in the file by Dean B. Bell in his possession.

Third: At the commencement of the hearing on the Defendant-Respondent's Motion for Summary Judgment the Appellant moved into the record, without objection, among other items, all pleadings,

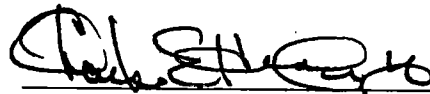
Orders and the contents of the Circuit Court's file. (See Transcript of Hearing on Motion for Summary Judgment, Pgs. 17-18 attached as Exhibit# C)

Fourth: That at the time that the Appellant was preparing the Record on Appeal he travelled from his home in Fayetteville, Georgia to Beaufort, to obtain a certified copy of the notes placed into the Circuit Court's file by Dean B. Bell and provided a courtesy copy, as Appellant was not under any legal obligation otherwise do so and the Respondent has not cited any authority to the contrary. A copy of the notes was furnished to Counsel for the Respondents the following day; this also being a lengthy time prior to the filing of the Record on Appeal.

Fifth: The notes inserted into the Circuit Court's file by Dean B. Bell, Esquire speaks for itself and the Respondent's counsel has not alleged any unjustifiable specific manner by which his client has been prejudice by this document being included as an exhibit in the Record; especially where its' inclusion in the record was not objected to by the former Respondent -Defendant, Dean B. Bell, who placed it into the Circuit Court's file.

Sixth: This document aids in establishing the Appellant's prima facial factual evidence supporting his cause of action for fraud upon the Court that supports his argument that summary judgment was awarded to the Respondents in error by the Circuit Court and in the further interest of justice should be reinstated in the Record on Appeal.

Respectfully submitted,



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

Pro Se

November 19, 2020
Summerville, SC 29483

EXHIBIT # A

We will use **October 1, 2010** as the beginning date for monies due:

1. Office Rent- Let's go with David Bachelder's lowest suggestion of **\$150.**
2. Tenant Rent-**\$300.**(He sleeps on a couch)
3. Charles' Rent-**\$350.**

Total through 5/31/2013=**\$25,600.**(\$800 X 32 months)

Beaufort County Taxes

2010-Paid from Dad's Account

2011-\$4300. Paid for by Dad's Educational Fund-We are each to pay back **\$1,075** before distribution. Charles will not do this unless court-ordered so please include as part of the package.

2012-\$2447.39/4=**\$611.85** Charles will not pay this unless forced to by court. It is overdue now and Annette, Jeanne and I will have to pay it soon to avoid sale. I will bring a copy of assessor's statement tomorrow showing that the tax exceeded what dad paid by \$2400 in 2011 and \$1000 in 2012 due to some homestead exemption paper work Charles still has not completed.

Allstate House Insurance

2010-Paid for by Dad's Account

January, 2011-May, 2013

Paid for by Mary Annette Houston-**10 months @\$71/month; 2 months @\$87.** Paid for by Cornelia Hall-**12 months-10 months@\$71/month;2 months @\$87.** Paid for by Jeanne Hampton-**5 months @\$71/month;**

Total Due thus far from Charles: **\$2123/4=\$537.24**

TOTAL OWED BY CHARLES TO BE PAID FROM HIS SHARE OF CLOSING PROCEEDS: \$27,824.09

Certified - A True Copy

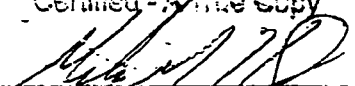

Jean Ann Rosemeau - Clerk of Court
Beaufort County, SC - Melissa Kilby

EXHIBIT # B

Plaintiff is informed and believes that the Master in Equity being prohibited from overruling the prior Order of the Court of Common Pleas providing for a public sale lacked jurisdiction to order the property sold by private sale.

FOR A THIRD CAUSE OF ACTION

(Due Process Violations)

21

For a third cause of action plaintiff realleges Paragraphs 1 through 20 of the Complaint as if fully set forth herein.

22

The plaintiff was denied due process of law by relying upon the Order of the Court of Common Pleas ordering a public sale of the property and the Master in Equity disavowing that Order and addressing issues beyond the context of the plaintiff's amended complaint. This was prejudicial to the plaintiff as he came to the hearing not prepared to properly respond to those issues; especially to have the property sold by private sale.

23

The plaintiffs due process rights were abridged by the Plaintiff's attorney, Dean B. Bell, who placed in the court's official file materials consisting of his notes, argumentative memorandums and calculations not received into evidence. Plaintiff alleges that this was done to improperly influence the decision of the fact finder; the Master in Equity. Upon the Master in Equity reviewing and considering the case in chambers he would review the contents of the file. This practice is a blatant way of having an exparte communication with the court to improperly and impermissively influence the Master in Equity.

24

The Plaintiff's due process rights were also abridged by attorney Bell, by his submitting a proposed order to the Master in Equity who had stated at the end of the hearing that he would take the case under advisement and issue his ruling. There was no copy of any communication

EXHIBIT # C

1 state recognizes non-mutual collateral estoppel. I filed
2 a memorandum with the Court last Tuesday that outlines
3 all that and has that authority for the collateral
4 estoppel position. I will also tell the Court, I made
5 reference in that memo to the deposition of Mr. Houston
6 and I brought the original with me today. They would not
7 let us file a copy electronically, so I don't know if the
8 Court, I'll hand it up.

9 The Court: Yeah, we'll make that defense Exhibit
10 One.

11 Mr. Houston: Your Honor, I don't have any
12 objections.

13 The Court: Okay.

14 Mr. Houston: Matter of fact, all the exhibits
15 attached to the affidavits and so forth, I consent to
16 having everything moved to make part of the record.

17 The Court: Alright. Well, so far the only thing
18 they've asked to make part of the record is this, Mr.
19 Houston, but I appreciate that and we'll ...

20 Mr. Houston: Well, I have some exhibits of mine and
21 they have some exhibits of them, so if everybody consent,
22 we'll just say anything that is attached to the
23 affidavits and so forth, we all consent to have it made
24 part of the record.

25 The Court: Any objection to that Gentlemen? How do

1 y'all want to handle it?

2 Mr. Moore: My only concern, Your Honor, is I don't
3 recall any exhibits that were attached to Mr. Houston's
4 filings. He had two filings. He had an affidavit and he
5 had a memorandum. And I don't remember there being any
6 attachments to either of those. He's correct. I had
7 several attachments that were attached to my memorandum.
8 They were mostly copies of documents that the Court would
9 take judicial notice of because they're pleadings and
10 were filed in this action. We were just providing them
11 for the Court's convenience as an attachment.

12 The Court: Mr. Houston, are you aware of any
13 exhibits that were attached to your ...

14 Mr. Houston: No, I don't think. I might have
15 referred to them like the Court Order, without attaching
16 the Court Order, because most of these exhibits
17 pertaining to these affidavits are Court records anyway.

18 The Court: Okay, then what we're actually talking
19 about is stuff that's already in the Court file?

20 Mr. Houston: Yes sir, Your Honor.

21 The Court: Okay, alright. Go ahead. Anything else?

22 Mr. Moore: Yes sir, that was the first. We've got
23 several reasons that we think that we're entitled to
24 summary judgement on this.

25 The Court: Well, don't let me stop you.

THE STATE OF SOUTH CAROLINA **RECEIVED**

IN THE COURT OF APPEALS NOV 23 2020

SC Court of Appeals

CERTIFICATE OF SERVICE

The undersigned, Charles E. Houston, Jr., hereby avers that he is the Appellant in the action herein and that a true and accurate copy of **the Appellant's Motion For Extension of Time and/or Out of Time to File the Amended Record on Appeal** and the Appellant's **Motion for Reconsideration** in the above entitled action has been served upon all counsels of record by placing same in the United States Mail with sufficient first class postage affixed thereto and addressed as follows:

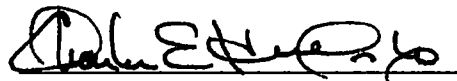
W. Cliff Moore, III
Adams and Reese, LLP
PO Box 2285
Columbia, SC 29202
Cliff.Moore@arlaw.com
And

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

And

Marc P Henry, Esq.
Offerman & King, LLC
6420 Wellington Pl
Beaumont, TX 77706
mph@offermanking.com
Attorney for Shirley J. Boone
As the Administrator of the
Estate of Dean B. Bell

This 20th Day of November 2018.



By: Charles E. Houston Jr.

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

843-684-0211

emailcharlesehouston@icloud.com

November 20, 2020
Fax: 803-734-1839

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

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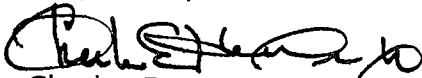
Charles E. Houston Jr. V. Shirley J. Boone, et. al
Appellate Case No. 2019-001676
Appellant's Motion to File Amended or
Supplemental Reply

Dear Ms. Kitchings:

I am submitting for filing with the Court the Appellant's Motion for an Extension of Time /or Out of Time to File the Amended Record on Appeal and a Motion for Reconsideration along with the Proof of Service upon all counsels of record. Additionally, a check for Fifty (\$50.00) is enclosed to cover the filing fee.

By copy of this letter via U. S. Mail and email, I have furnished and served a copy of the same upon the Respondents' counsels as indicated on the enclosed Proof of Service.

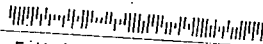
With kind regards, I remain
Respectfully


Charles E. Houston, Jr.

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

Encls: as stated

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



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