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December 03, 2020

VIA E-FILE

Jenny Abbott Kitchings, Clerk
S.C. Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RECEIVED

Dec 03 2020

SC Court of Appeals

Re: Henderson Gibbs, Jr. v. John Murray Gibbs
Appellate Case No.: 2020-001489

Dear Ms. Kitchings:

We have spoken with Special Referee Patrick Watts' office about the existence of a transcript for the hearings held in this case and have been informed that there was not a court reporter for these hearings, that no transcript exists, and that there are no video or audio recordings.

I have enclosed the email response from Mr. Watts' office as well as a copy of the notes that we received which were taken by him at the hearing which were provided. Please let me know if further documentation or information is needed in order to comply with the South Carolina Appellate Court Rules.

Sincerely,



John Kornegay

JTK/yf

cc: Client, Andrew Shephard, Esq. (via U.S. Mail and E-Mail w/Encls.)
Enclosures

EXHIBIT “A”

John Kornegay

Subject: FW: Notes from Hearing - Gibbs v. Gibbs
Attachments: SKM_C22720110213590.pdf

From: pat.watts@wattslawfirm.com <pat.watts@wattslawfirm.com>
Sent: Monday, November 2, 2020 11:57 AM
To: Yvonne Franklin <civlit@shelbournelaw.com>
Subject: Notes from Hearing - Gibbs v. Gibbs

Yvonne,

Here are Mr. Watts' notes from the hearing. There are no audio or video recordings.

Thank you,

Shelly F. Davis
Legal Assistant
Watts Law Firm, PA
P.O. Box 2046 (29484)
133 East 1st North Street, Suite 6
Summerville, South Carolina 29483
1.843.851.7050 (office)
1.843.851.7059 (fax)

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8/27/20

CT

Δ Mt to Set Aside

John Komegay Δ atty

Andrew Shepherd π atty

Henderson Hill fr
II

Komegay

12/2/19

12/3

emergency heart
surgery

Hill couldn't come to court

attempted to contact court

59
60(b)

on trial date

wants new hearing
absence negly

Hill would testify

~~to contradict~~

about rebar repair etc

2/

Shepherd

~~Andy~~

pending 5 yrs
scheduled several times

△

Dr Stuart doesn't say
"emergency?"
pre-planned says - M.A.

hearing 4th

no request to reconvene
until now ~~7 mos~~

refers receipts
large stack
produced by S
pursuant to discovery

reads profits derived
by TI investigation
into Maple

3/

went to property
interviews

Kornogay

new to case
bulk of continuances
were by "u"

MS & in hospital
disputed weekly rentals
over 10 years

no need to involve Spack
Audi file motion
he retained after

H & hired Spack to file
something
went file final order
issued.

Audy got message
from

Step wants denied

ENK

A

Motion denied

HA new of hearing
contacted court
contacted a lawyer
nothing happened
w/til order dropped
Stop to P order

EXHIBIT "B"

Yvonne Franklin

From: pat.watts@wattslawfirm.com
Sent: Wednesday, November 4, 2020 3:48 PM
To: Yvonne Franklin
Subject: Hearing Notes 4/22/19 and 12/4/19
Attachments: Hearing Notes 12.4.19.pdf; Hearing Notes 4.22.19.pdf

Yvonne,

Here are the hearing notes from the other two hearings. We do not have a transcript.

Thank you,

Shelly F. Davis
Legal Assistant
Watts Law Firm, PA
P.O. Box 2046 (29484)
133 East 1st North Street, Suite 6
Summerville, South Carolina 29483
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4/22/19

CT

15- 454 & 707

Andrew Shepherd IT atty
John Mary Gibbs IT
Betty Gibbs IT wife
Henderson & not here

Rai been notified
Samuel Gibbs ~~but~~ John's son
1998 deed to IT & A by father

Clemente Pricketney appraiser

Keen property

Bill Ford appraiser

Henderson prevented appraiser

Appoint Bill Ford by court

John M Gibbs under oath

Henderson his brother
sanitized deed from father
to him & his brother

OVER

2

205 Murray Maple

2000 is home

he born there

2 stories

he there last in 1999

before father died

about an acre

no no

Jason Kibal = Henderson's son

has a rental in there

"they" wouldn't allow him on property

Henderson & Jason

~~proper~~ They rent prop

don't give him money

can't be divided

No idea about tax status

~~can't~~ Doesn't know value

Town is condemning property
to widen Maple Street

—

1 acre piece 2d piece

1998

Pidgeon Bay Rd

1/4 acre with house

he paid taxes till 2004

Jason had it rented out

rent while John paid taxes

3/
reated as a residence
and at a bar / club
they wouldn't let him on the
property

He's got nothing
They've asked him for nothing
No idea about worth
No idea how what's going on
in property

identifer 3rd property collector
rental area

D/W trailer gone

② 2 years ago
he paid taxes after father died
Lady living there
wouldn't let him on property

③ 1 acre ±

D/W bot 1996-97

father used it as a getaway
stopped paying taxes 2006
received ~~no~~ rent

made no payments
doesn't believe it can be
subdivided

QV28

4

wants the home where
he was born

They can have Pigeon Forge
& Colleton Co

house in terrible condition
agent orange
heart disease
lung disease
diabetes

can

now lives in New York
came back monthly to visit
properties

Jason wouldn't talk to him
father had difficulties w/ brother
for a long time

Seems Henderson was jealous
Henderson wouldn't give John 1/2
father's estate
Henderson

wants house he was born in
~~for~~ All he wants is the
big house

5/

consider the income
H received
as offset in interest

deeds dated 1997

10

paid taxes till 2006
that's when H & J wouldn't
allow on property
~~for~~ wouldn't give him
money wouldn't ask for money

Answers are general denial
no counter claim

Shepherd to order

appraise land as appraiser
fig ure out rent
adjust value due each
award 205k mark to John 1st
then sell a piece

~~12~~ 12/4/19

CT

15 454 & 707

Andrew Shepherd III atty
Jeffrey John Murray Gibbs II son
Betsy Gibbs GPOA II spouse
Samuel ~~Gibbs~~ ~~II~~ son
Cooper III GPOA
Henderson Gibbs Δ no show

Nov 13 Notice of Hearing sent to
Henderson

Henderson called his office &
acknowledged receipt of notice

4/22/19 John testified

Samuel Daniel Cooper III
John is step father
by marriage to Betsy his mother
acknowledged per POA TTE 1
familiar with case
Re: Maple Street 205
identifies deed to John & Henderson
deed TTE 2

2/

house is occupied
he's spoken to residents
both past & present
about $\frac{1}{3}$ acre
3 structures

house - residence
mobile home - residence
garage - storage

father & Henderson do not occupy
occupants are renters

house - 3 people tenants

total of 9 living there

moHo - 2 tenants

rent = \$150 per week

John has never received any rent
since death of his father Sr

Since 2006 he under funds
property been rented

Jaron Henderson Gibbs manages
property

Jaron = son of Henderson

property leased like this for

18 or 20 years

at least 15 tenants

3/ $\$5 \times 150 / \text{week} \times 10 \text{ years} =$

① $\$390,000$
 $390 \div 2 = \$195,000$

John owed at least $\$195,000$

PE3 identifies appraisal of 205 Maple
11/22/2019 by William Ford
 $\$140,000 + 141,093$

identifies photo of house on appraisal
house needs extensive repairs

5 rooms 4 Ba

2000 sq

house is owned by both John & Henderson
cannot be divided in kind
doesn't want to sell

John wants to take title to whole
John's total share value = $\$70,000$

identifies appraisal deed of Pidgeon Bay Rd
familiar with map 187

has impeded house

main house

shed

type of shed for congregations

neither John nor Henderson occupy
occupied by tenants

4

rent = \$800/mo
rented 2 years

John gets nothing
Jason gets rent

doesn't know what he does with money

shed = 20 x 20 screened in
on all sides

used for "hang out" - gambling
John tried to visit - denied access

lot = 1/4 acre

can't be physically divided

can't be used for other than residential

John doesn't intend to do that

John objects to gambling

id appraisal dated 11/22/2009

140,000 + 143,841

agrees with this appraisal

no objection to value

John wants ~~it~~ to get full title

based upon denial of rezoning

wants 205 that way too

doesn't know exactly how much

rent collected

agrees John received none

5/
PE 6

10/1 spread sheet of expenses
tax receipts Dor City
tax receipts Dor City
tax receipts Colleton

separate records of expenses
all these provided by Henderson
based upon TT requests for production
total expenses = 107,305.26
is what Hend alleged he spent
= 1/2 of 107 = 53,652.63
= John's share of expenses

PE 6 relates to all expenses for
all three properties
gross rent - expenses = net to John \$141,347.71
at least
John wants judgment of 141,347.71
will stick w/only 10 years of
records

PE 8

Re Colleton Cnty - 119 Camp Backy
all dead
2 acres
no house now
just shed garage

6/

no was used @ rental
by Henderson & Jara
who did appeared
John received no rental
John attempted to enter
denied access

cdi appraisal 11/23/2019
\$25,650

*
→

agree & approved this ^{value} amount
John wants Henderson to have
full title to this property
John wants full title to both
Dor Culy property

we net to John =	141		
1/2	205	70	} 140
1/2	118	70	

satisfaction of judgment :
give all of Dor Culy prop
to John
give Henderson Coll Culy prop

7
need injunction against
Ken & Jason from
entering Dorcas property

give Ken & Jason ¹⁴ 30 days
to remove their personal property
not affected

Shepherd to prep order
& docs