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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEE COUNTY
Court of Common Pleas

Haigh Porter, Special Referee

Case No. 2010-CP-31-195

RECEIVED
AUG 18 2011
SC Court of Appeals

Stanley D. Josey Appellant,

v.

Cecil L. Josey, Courtney Gamble, Spencer Josey, Elizabeth Ann Geddings, Cecil L. Josey, Jr., as Trustee of the Josey Family Trust. . . Respondents.

NOTICE OF APPEAL

Stanley D. Josey appeals the Amended Order dated August 9, 2011 Appellant received written notice of entry of this order on August 15, 2011.

DATED: 8/16/11

Patrick M Killen

Patrick M. Killen
28 North Main Street
Sumter, South Carolina 29150
(803) 774-5026
Attorney for Appellant

RECEIVED

AUG 18 2011

SC Court of Appeals

Other Counsel of Record:

S. Bryan Doby
Jennings & Jennings, P.A.
P.O. Box 106
Bishopville, SC 29010
(803) 484-6044
Attorney for Respondents,
Cecil L. Josey, Jr.

Daniel W. Stacy, Jr.
Oxner & Stacy, P.A.
90 Wall Street, Unit B
Pawleys Island, SC29585
(843) 235-6747
Attorney for Respondents,
Courtney Gamble, Spencer Josey, and
Elizabeth Ann Geddings

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEE COUNTY
Court of Common Pleas

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Stanley D. Josey Appellant,

v.

Cecil L. Josey, Courtney Gamble, Spencer Josey, Elizabeth Ann Geddings, Cecil L.
Josey, Jr., as Trustee of the Josey Family Trust. . . Respondents.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on all Defendants by depositing copies of it in the United States Mail, postage prepaid, on August 16, 2011, addressed to their attorneys of record, S. Bryan Doby, Post Office Box 106, Bishopville, South Carolina 29010 and Daniel W. Stacy, Jr., 90 Wall Street, Unit B, Pawleys Island, SC 29585.

DATED: 8/16/11

RECEIVED
AUG 18 2011
SC Court of Appeals

Patrick M Killen
Patrick M. Killen
28 North Main Street
Sumter, South Carolina 29150
(803) 744-5026
Attorney for Appellant

McGowan, Hood & Felder, LLC

Chad A. McGowan (SC, GA, NC)
S. Randall Hood
John G. Felder, Jr.
W. Jones Andrews, Jr.
Jordan C. Calloway
Susan F. Campbell
Lara Pettiss Harrill
Patrick M. Killen
T. Travis Medlock



William A. McKinnon (SC, DC)
Daniel "Ernie" Peagler
Robert V. Phillips
Seth Rose
James Stephen Welch*(SC, OK)
Jay F. Wright
Joseph G. Wright, III*
Of Counsel*

Writer's Email: pkillen@mcgowanhood.com

August 16, 2011

The Honorable Tanya Gee
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Stanley D. Josey, Appellant v. Cecil L. Josey, et al. Respondents
Case No.: 2010-CP-31-195

Dear Clerk Gee:

Enclosed for filing is the following:

1. Notice of Appeal (original and one copy);
2. Proof of Service (original and one copy);
3. Copy of Amended Order;
4. Check in the amount of \$100.00;
5. Return Envelope.

RECEIVED

AUG 18 2011

SC Court of Appeals

Would you kindly file the above documents and return the stamped filed copies to me in the enclosed return envelope? Thank you for your kind cooperation in this matter, and I hope you will contact me should you have any questions, comments or instructions.

Sincerely,

Patrick M. Killen
Attorney at Law

PMK/brf
Enclosures

cc: Stanley D. Josey (w/ enclosures)
Hon. Haigh Porter (w/ enclosures)
S. Bryan Doby, Esquire (w/ enclosures)
Daniel W. Stacy, Jr., Esquire (w/ enclosures)

RECEIVED
AUG 18 2011
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEE)

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO. 2010-CP-31-195

Cecil L. Josey, Jr.,)
)
Plaintiff,)

vs.)

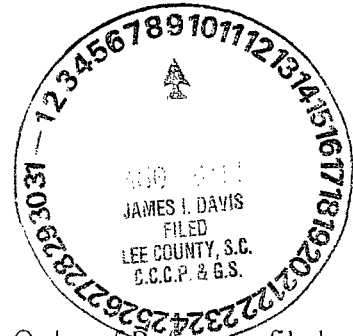
Stanley D. Josey, Courtney Gamble,)
Spencer Josey, Elizabeth Ann)
Geddings, Cecil L. Josey, Jr., as)
Trustee of the Josey Family Trust,)
)
Defendants.)

RECEIVED

AUG 18 2011

SC Court of Appeals

AMENDED ORDER



This matter was referred to me as Special Referee pursuant to an Order of Reference filed with the Clerk of Court for Lee County.

A hearing on the merits was held on April 26, 2011. The Plaintiff was present with his attorney, S. Byran Doby. The Defendant, Stanley D. Josey was present with his attorney, Patrick M. Killen. The remaining Defendants were present with their attorney Daniel W. Stacy, Jr., It is noted that these Defendants are the siblings of the Plaintiff. The Defendant, Stanley D. Josey, is the uncle of the Plaintiff and remaining Defendants.

An Order was issued by me on July 5, 2011 and filed with the Office of the Clerk of Court for Lee County on July 7, 2011. By and through his attorney the defendant Stanley D. Josey filed a Motion for New Trial pursuant to Rule 59, SCRPC or, in the alternative, Motion for Reconsideration of Order with an Addendum to the Motion submitted on July 19, 2011. A hearing was held on the Motions on Tuesday, August 2, 2011. The original Order of July 5th is hereby amended and or modified as set forth hereinbelow.

Handwritten initials "SD" and a date "8/18".

FACTS

The late C. W. Josey, Jr., a/k/a C. Wofford Josey, hereinafter "Wofford", died in November 1998. Prior to his death he accumulated holdings of farm land, commercial real estate and personal property. From the testimony, one can conclude that he was not only a successful farmer and businessman but also a talented restorer of vintage automobiles.

Wofford had two sons, Cecil L. Josey, hereinafter "Cecil", and Stanley D. Josey, hereinafter "Stanley".

From the testimony, one can conclude that Cecil, like his father, was successful as a farmer, businessman, and was known as a restorer of vintage vehicles.

Stanley worked with the Honda Corporation Motorcycle division for a few years and worked for his father and later his brother, Cecil. He stated that he "retired" upon the death of Cecil, but liked to work on old furniture.

After the death of Wofford, Cecil conveyed his interest in the subject assets, set out herein below, to the Josey Family Trust, hereinafter "Trust". The beneficiaries of the Trust being Cecil L. Josey, Jr., Courtney Gamble, Spencer Josey, and Elizabeth Ann Geddings, all being Cecil's children. Later the Trust conveyed a 1% interest to each of the four (4) beneficiaries.

There is no dispute as to the ownership being Fifty (50%) in Stanley, Forty-six (46%) in the Trust, and the remaining Four (4%) percent with the children of Cecil.

The property, real and personal, subject to this action consists of the following:

1. Note and Mortgage due Josey Marital Trust with outstanding principal and accumulated payments:
2. Britton Farm 30 acres more or less
(Plaintiff's Exhibit 1 - appraisal)
3. Fertilizer Plant 4.6 acres more or less
(Plaintiff's Exhibit 2 - appraisal)
4. 32.98 acres more or less with nine (9) buildings/sheds
(Plaintiff's Exhibit 3 - appraisal) and
(Plaintiff's Exhibit 9- plat)
5. Vintage Automobiles
6. Parts and Tools

The unique assets consist of Items 5 and 6 in the schedule above. Reference is hereby made to the various photographs in evidence as Exhibit 29. Subsequent to the merits hearing, the undersigned, along with Mr. Killen and Mr. Doby viewed the property in person, examining the proximity to other properties owned by Josey Family Trust, the children of Cecil, and Cecil L. Josey, Jr.

In addition to the professional appraisals set out in Plaintiff's Exhibits 1, 2, and 3, the Plaintiff introduced Exhibit 28 prepared by Plaintiff with assistance of Spencer Josey.

(Copy Attached.) The Defendant, Stanley, did not introduce any appraisals of such items and the Plaintiff's appraisal and estimate of value was unchallenged. After viewing the personal property the undersigned was awestruck by the magnitude of trying to appraise the personality by item and in particular as to the great quantity of old parts acquired by Wofford and Cecil over a long career in the restoration business.

Plaintiff's Exhibit 29 (copy attached) sets out the ownership of various items. Again, this listing was not challenged

Plaintiff's Exhibit 30 (copy attached) was a proposal for allocation of assets between the parties.

In reviewing Exhibits 28, 29 and 30, an error in arithmetic was noted. The total of \$34,000.00 in the estimated value column should be \$45,900.00

Pursuant to Section 15-61-25. (Code of Laws of South Carolina, 1976, as amended), each of the non-petitioning parties in this matter was notified of their right to purchase all or part of the real property subject to this litigation. Each of the non-petitioning parties, in this case, all of the Defendants, notified this Court through their Answers and Counter-claims of their interest in purchasing all or part of the real and/or personal property at issue.

PRIMARY ISSUE

The real bone of contention is whether the 32.8 acre parcel should be partitioned, allotted or sold.

DISCUSSION

Partition actions so often involve sentimental or emotional interests of some or all of the parties to the action. Prior to the merits hearing, the parties were advised that family relationships should be preserved if at all possible, and that a division by the court may not be the more digestible resolution. The parties were given a further opportunity to mutually resolve this dispute and after a lengthy discussion, they could not agree.

To some extent Zimmerman vs. Marsh, 365 SC 383; 618 SE 2nd 898 (2005) raises matters parallel to the instant case.

Citing Pruitt vs. Pruitt, 298 SC 411; 380 SE 2nd 862 (1989), the Court of Appeals stated:

“The partition procedure must be fair and equitable to all parties of the action...when the Court determines a partition cannot be fairly and equally made, the court may order a sale of the property...SC Code Ann. Section 15-61-100 (2005)”.

The Court of Appeals further stated:

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“while we find that equitable considerations such as the length and ownership and sentimental attachment to the property may be considered, the pecuniary interests of the parties is the determining factor in deciding whether to require a judicial sale or allow a partition by allotment citing Ark Land Co. vs. Harper, 599 SE 2nd (W. Va. 2004).

From the testimony, exhibits and an on-site viewing of the 32.98 acre tract, it appears that when taken as a whole, the assets could be fairly and equitably divided and that even if partitioning does not satisfy all of the parties, a public sale could create further chaos. It is indeed unfortunate that this court must reach a decision for them.

CONCLUSIONS

The court declines to grant to any of the non-petitioning parties the right to purchase the petitioning parties' interest in the subject real estate for the following reasons: First, the Court cannot grant to more than one party the same right. If the Court were to grant to one of the non-petitioning parties the right of first refusal, the remaining defendants in this matter would by default be deprived of the same right. Second, the Court would be forced to arbitrarily award one of the non-petitioning parties the right of purchase under the circumstances of this case. The Court does not desire to, nor should it be forced to, arbitrarily award the right of purchase to one party among the 5 possible selections in this case. Third, the grant to one party of the right of purchase the petitioning party's interest will not resolve the problem which exists among the Plaintiff and other Defendants and Defendant Stanley Josey. The parties in this matter deserve a final resolution of this matter and a purchase by one of the non-petitioning parties will leave the parties in essentially the same situation that currently exists. For instance, if Stanley is allowed to purchase the 1% interest owned by the Plaintiff, the parties will still own an interest in contiguous tracts of land and the problems which have brought the parties to this litigation will continue. Fourth, the proposal submitted by Plaintiff in this matter provides for a reasonable financial resolution to this matter consistent with the equitable principles to be imposed by this Court that an award of the right of purchase would not adequately address.

Therefore, when the Court considers all of the equities in this matter, it declines to grant to any Defendant as a non-petitioning party the right to purchase any of the petitioning party's interest in the subject real estate or personality.

ORDER

NOW, THEREFORE, I find and Order that the jointly held assets shall be divided and allotted as follows:

To Stanley D. Josey:

1. Note and Mortgage due Josey Marital Trust with all accrued principal and interest up to date of turnover.
2. Britton Farm.
3. Fertilizer Plant.
4. 1922 Velie.
5. 1926 Essix.
6. 1966 Ford.
7. 1924 Nash.
8. 1919 Model T Truck.
9. 1960 MGA (burgundy).
10. 1928 Studebaker.
11. 1922 Jewett.
12. Parts and tools as set out in Exhibit 28 consisting of the following:

Building 1 – Item 2.

Building 3 – Item 1 Misc. car parts North side; Item 2-Misc car parts in center shed.

Building 4 – Item 1 Air Compressor. Item 2. 2 Milling machines. Item 3, 16 South Bend long lathe. Item 4. Bead Blaster. Item 5. South Bend lathe. Item 6. Logan Lathe thread maker. Item 7. OTC Hyd press. Item 8 Frejoth lathe. Item 9. West side misc. tools & toolbox, etc. Item 10, East side misc. tools. motors, etc.

Building 7 – Item 2, Model T brass radiator, Item 3, Flatbed trailer, Item 4. electric organ.

Building 8 Item 2, West side new rollup doors/hardware. Item 3. West side misc.

Rainey's Barn, Item 2, Car Parts in Center.

To the Josey Family Trust and the four beneficiaries:

1. 32.98 acres with improvements thereon consisting of 9 buildings.
2. All parts and tools not allocated to Stanley D. Josey.

Under the above division. Stanley D. Josey receives the note and mortgage due the Josey Marital Trust. The note and mortgage being the remaining asset of said trust, the remaining beneficiaries of that trust would have no further interest in the Josey Marital Trust, and Stanley D. Josey becomes sole beneficiary and can elect himself as Trustee.

I acknowledge that logistical problems will be inherent in accomplishing the removal of the items of personal property allotted to Stanley. The parties are urged to keep cool heads and remain civil.

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I further Order that deeds and appropriate Bills of Sale to be executed by the Court shall be prepared by Plaintiff attorney to complete the transfers of ownership. Pending the division and removal of personal property by Stanley, each party shall be responsible for any fire and casualty insurance to protect his or her interest. Any deeds and Bills of Sale required to carry out this Order will be prepared and submitted to the attorneys of record for review, And.

I further Order that Stanley shall have up to One Hundred Eighty (180) days from the filing of this Order to remove the personal property as designated to him hereinabove. Any removal shall be between the hours of 8:00 AM and 8:00 PM, if before October 16, 2011, and if after October 15, 2011 between 8 AM and 4 PM, and notice shall be given to Plaintiff seventy-two (72) hours prior to any days designated for removal. Such notices shall be given thru their respective attorneys. Stanley shall not enter the property except on those dates and times designated for removal of the items of personal property. In removing the items, the use of the dirt lane as referred to as Atkinson Road will be utilized to the extent possible. The Plaintiff shall make reasonable effort to facilitate the removal. AND.

I further Order as to the Counterclaims and Cross-Claims set forth in the Amended pleadings of Stanley as the fourth, fifth and sixth defenses counterclaims and cross-claims. I find that the allegations are premature and not ripe for this courts consideration. Therefore these counterclaims and cross-claims are hereby dismissed without prejudice as they are not properly before this court. And.

IT IS SO ORDERED.

HB

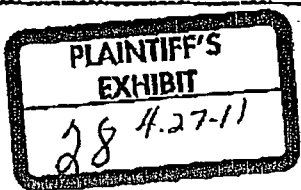

HAIGH PORTER, SPECIAL REFEREE

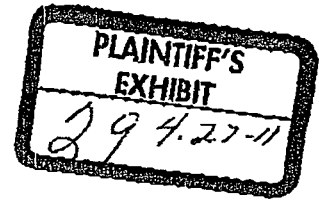
August 5, 2011

Florence, South Carolina

		NET	VE	EST VALUE	
Building #1	Farm Tractor Shop	\$	3,000.00		
	Item 1 Misc wood / seed cleaners	\$		500.00	\$ 500.00
	Item 2 Enclosed trailer	\$		750.00	
	**Less Rainey's boat & Farm equip. (tractors, mowers, drills, etc)				
Building #2	Tractor / Wood Shed	\$	500.00		
	Item 1 Misc wood	\$		500.00	\$ 500.00
	**Less Rainey's Farm equip. (sprayer & applicator)				
Building #3	Wood Working shop	\$	2,000.00		
	Item 1 Misc car parts North side	\$		2,500.00	
	Item 2 Misc car parts in center shed	\$		1,000.00	
	Item 3 Wood working tools; south side	\$		1,500.00	\$ 1,500.00
Building #4	Machine Shop	\$	5,000.00		
	Item 1 Air Compressor	\$		500.00	
	Item 2 2 Milling machines	\$		750.00	
	Item 3 16 South Bend long lathe	\$		800.00	
	Item 4 Bead Blaster	\$		500.00	
	Item 5 South Bend Lathe	\$		500.00	
	Item 6 Logan Lathe thread maker	\$		500.00	
	Item 7 OTC Hyd press	\$		500.00	
	Item 8 Frejoth lathe	\$		800.00	
	Item 9 West side misc tools & toolbox etc	\$		2,500.00	
	Item 10 East side misc tools, motors, etc	\$		3,500.00	
Building #5	10 Bay Car storage	\$	7,500.00		
	Item 1 2 John Deere Bicycles & safety cycle	\$		1,200.00	\$ 1,200.00
	**Less Individual cars owned by diff. parties				
Building #6	Farm Shop	\$	12,000.00		
	Item 1 1/2 drive sockets	\$		500.00	\$ 500.00
	**Less Rainey's farm tools, equipment				
Building #7	Cecil's Main Shop	\$	10,000.00		
	Item 1 Misc Hand Tools / parts	\$		2,000.00	\$ 2,000.00
	Item 2 Model T brass radiator	\$		800.00	
	Item 3 Flatbed trailer	\$		500.00	
	Item 4 Electric organ	\$		500.00	
	**Less Stan's boat, pine wood, individual's cars				
Building #8	Cecil's Hoover Building	\$	6,000.00		
	Item 1 East / front side sewing tools / leather / misc	\$		800.00	\$ 800.00
	Item 2 West side new rollup doors / hardware	\$		1,000.00	
	Item 3 West side Misc	\$		500.00	
	**Less Individual cars owned by diff. parties				
Building #9	Cabin	\$	15,000.00		
	Item 1 Electric Organ	\$		500.00	\$ 500.00
	Item 2 Tables / Furniture	\$		500.00	\$ 500.00
	**Less individual owned pool table, pinball, beds, deer mounts				
Rainey's Office	Item 1 Car Parts	\$		5,000.00	\$ 5,000.00
Rainey's Barn	Item 1 Car Parts South side	\$		3,000.00	\$ 3,000.00
	Item 2 Car Parts in Center	\$		5,000.00	
	Item 3 John Deere tractor	\$		1,500.00	\$ 1,500.00

13





Building 1:	Rainey Josey:	Item 1	Reddick Nitrogen Appl
		Item 2	Reddick Sprayer
Building 2:	Rainey Josey:	Item 1	Case IH Drill / Reddick ditcher
		Item 2	JD Corn header
		Item 3	Scout boat
		Item 4	JD 997 lawnmower
		Item 5	Fuel tank (green)
		Item 6	Fuel tank trailer (red)
		Item 7	JD tractor 7410
		Item 8	JD MX7 Bush hog
Building 3:	All 50/50		
Building 4:	All 50/50		
Building 5:	Stan Josey:	Item 1	Jaguar E-type grey
		Item 2	Jaguar E-type blue
		Item 3	Winton
		Item 4	Morman
		Item 5	Overland
		Item 6	Model T
	Elizabeth Ann G:	Item 7	Paige Detroit
	Courtney Gamble:	Item 8	Franklin
	Rainey Josey:	Item 9	Willys Knight
		Item 10	Roamer
Building 6:	Stan Josey:	Item 1	Boat
	Rainey Josey:	Item 2	JD tractor 7810
		Item 3	JD Planters
		Item 4	Tools/welder/air comp/parts/farm supplies
Building 7:	Spencer Josey:	Item 1	Pierce Arrow
		Item 2	Hupmobile
		Item 3	Model T
		Item 4	(3) Surveillance cameras
	Stan Josey:	Item 5	4 Wheeler
		Item 6	Model T
		Item 7	Misc wood on 50/50 owned trailer
Building 8:	Courtney Gamble:	Item 1	Model T
		Item 2	Studebaker
	Elizabeth Ann G:	Item 3	MG Replica
		Item 4	Model T
	Rainey Josey:	Item 5	Model T
	Stan Josey:	Item 6	Chalmers
Building 9:	Rainey Josey:	Item 1	2 Window unit A/C
		Item 2	1 Bunk bed
		Item 3	Double bed
		Item 4	Skeet thrower
		Item 5	Pool table & balls/ques
		Item 6	TV
		Item 7	Fire wood rack
	Spencer Josey:	Item 8	Electronics / radio / speaker / cd player
		Item 9	Gun cabinet
	Courtney Gamble:	Item 10	Butcher block
		Item 11	Microwave
	Elizabeth Ann G:	Item 12	Pinball machine
	Stan Josey:	Item 13	Fishing rods
		Item 14	Deer mounts / skin / antlers on wall

48
60

30/50 Owned Property

Rainey Josey
Spencer Josey
Courtney Gamble
Elizabeth Ann Gr Stan Josey

	(Check acct+principal)		Appraised value		
Josey Marital Trust (\$482.67/mnth)	(\$3371.00+\$16005.00)	10% int	\$ 19,376.00		\$ 19,376.00
Britton Farm	30 acres		\$ 38,000.00		\$ 38,000.00
Fertilizer Plant	4.6 acres		\$ 30,000.00		\$ 30,000.00
Buildings			\$ 61,000.00	\$ 61,000.00	
2.98 Acres			\$ 65,960.00	\$ 65,960.00	
922 Velie			\$ 20,000.00		\$ 20,000.00
926 Essix			\$ 2,500.00		\$ 2,500.00
966 Ford			\$ 1,500.00		\$ 1,500.00
924 Nash			\$ 2,500.00		\$ 2,500.00
919 Model T Truck			\$ 2,500.00		\$ 2,500.00
960 MGA (burgandy)			\$ 2,500.00		\$ 2,500.00
928 Studebaker			\$ 2,500.00		\$ 2,500.00
922 Jewett			\$ 3,500.00		\$ 3,500.00
Parts/Tools in Buildings			\$ 34,400.00	\$ 17,500.00	\$ 16,900.00
			\$ 286,236.00	\$ 144,460.00	\$ 141,776.00

19
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PLAINTIFF'S
EXHIBIT
30 4.27.11

McGowan, Hood & Felder, LLC

Chad A. McGowan (SC, GA, NC)
S. Randall Hood
John G. Felder, Jr.
W. Jones Andrews, Jr.
Jordan C. Calloway
Susan F. Campbell
Lara Pettiss Harrill
Patrick M. Killen
T. Travis Medlock



William A. McKinnon (SC, DC)
Daniel "Ernie" Peagler
Robert V. Phillips
Seth Rose
James Stephen Welch*(SC, OK)
Jay F. Wright
Joseph G. Wright, III*
Of Counsel*

Writer's Email: pkillen@mcgowanhood.com

August 16, 2011

Doris Tompkins Brown, Certified Verbatim Reporter
P.O. Box 853
Sumter, SC 29150

RE: Cecil L. Josey v. Stanley D. Josey, et al
Case No.: 2010-CP-31-195

Dear Ms. Brown:

On August 2, 2011, the case referenced above was heard before the Honorable Haigh Porter, Special Referee, in his office in Florence, SC. My records indicate that you were the court reporter for that hearing.

I request that you provide me with a transcript of the proceeding. Please transcribe the entire record.

I agree to pay the per page charge for these transcripts, as provided by Rule 508, SCACR.

Sincerely,

A handwritten signature in cursive script that reads 'Patrick'.

Patrick M. Killen
Attorney at Law

PMK/brf

cc: Stanley D. Josey
S. Bryan Doby, Esquire
Daniel W. Stacy, Esquire
✓ S.C. Court of Appeals
S.C. Office of Court Administration



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

August 25, 2011.

Patrick M. Killen, Esquire
28 North Main Street
Sumter, SC 29150

Re: Josey, Cecil v. Josey, Stanley
2011197626
2010-CP-31-00195

Dear Counsel:

This office has received your Notice of Appeal in the above matter. It has been assigned the Case Tracking Number that appears above. Please use this number on all future correspondence relating to this matter.

I do wish to call the attention of the parties to the attached order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/laf

cc: Daniel W. Stacy, Jr, Esquire
S. Bryan Doby, Esquire



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
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1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE (803) 734-1890
FAX (803) 734-1839
www.sccourts.org

August 25, 2011

Patrick M. Killen, Esquire
28 North Main Street
Sumter, SC 29150

Re: Josey, Cecil v. Josey, Stanley
2011197626
2010-CP-31-00195

Dear Counsel:

We have received your Notice of Appeal in the case noted above. This case will be docketed in the Court of Appeals and all communications concerning this case, including motions and petitions, initial and final briefs, and the Record on Appeal, should be directed to and filed in this Court. For all filings, please note the requirements of Rule 267(a) of the South Carolina Appellate Court Rules, and be further advised that Court of Appeals policy requires the firm name of any counsel shown must be included in his or her address.

Upon review, the caption should read as follows:

Cecil L. Josey, Jr.,

Respondent,

v.

Stanley D. Josey, Courtney Gamble, Spencer
Josey, Elizabeth Ann Geddings, Cecil. L.
Josey, Jr., as Trustee of the Josey Family Trust,

Defendants,

Of Whom Stanley D. Josey is the,

Appellant,

and Of Whom Courtney Gamble, Spencer
Josey, Elizabeth Ann Geddings, Cecil. L.
Josey, Jr., as Trustee of the Josey Family Trust, are,

Respondents.

Any future filings by any party to this appeal must feature the above caption.

We suggest that large parcels such as copies of final briefs and the Record On Appeal be sent directly to the Court via the street address: 1205 Pendleton Street, Columbia, S.C. 29201. Thank you for your attention to this. Failure to file in the proper court may result in the dismissal of your appeal.

PLEASE BE ADVISED that, pursuant to Rule 207 of the South Carolina Appellate Court Rules, the transcript must be ordered within ten days of the proof of service of the Notice of Appeal and you must provide this Court, opposing counsel, and the Office of Court Administration with all correspondence regarding the transcript. It is also Appellant's responsibility to make satisfactory arrangements (including agreement regarding payment for the transcript) with the Court Reporter for furnishing the transcript. You are reminded of the notification requirements of Rule 207(a)(5), SCACR, also, please advise the Court in writing upon receipt of the transcript.

NOTE: If you believe this case has been improperly filed in the Court of Appeals, by reason of the limitations set forth in S.C. Code Ann. Section 14-8-200(b)(1998), as amended June 1, 1999, notify the Clerk's office of the Court of Appeals immediately. The cited Code Section prohibits the Court of Appeals from hearing appeals in seven classes of cases:

- 1) any final judgment from the circuit court which includes a sentence of death;
- 2) any final judgment from the circuit court setting public utility rates pursuant to Title 58;
- 3) any final judgment involving a challenge on state or federal grounds to the constitutionality of a state law or county or municipal ordinance where the principal issue is the constitutionality of the law or ordinance;
- 4) any final judgment from the circuit court involving the authorization, issuance, or proposed issuance of general obligation debt, revenue, institutional, industrial, or hospital bonds of the state, its agencies, political subdivisions, public service districts, counties, and municipalities or any other indebtedness now or hereafter authorized by Article X of the Constitution of this state;
- 5) any final judgment from the circuit court pertaining to elections and election procedure;
- 6) any order limiting an investigation by a State Grand Jury under S.C. Code Ann. Section 14-7-1630;
- 7) any order of the family court relating to an abortion by a minor under S.C. Code Ann. Section 44-41-33.

Very truly yours,

V. Claire Aleson, Deputy
Tanya A. Gee
CLERK

TAG/laf

cc: Daniel W. Stacy, Jr, Esquire
S. Bryan Doby, Esquire
The Honorable James I. Davis



BLUESTEIN · NICHOLS · THOMPSON · DELGADO LLC
ATTORNEYS AT LAW

Margaret Miles Bluestein
John Shannon Nichols
Stacy Elizabeth Thompson
John Dennis Delgado
Allison Paige Sullivan
Ashley Trout Thompson

September 8, 2011

Honorable Tanya Gee, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Josey v. Josey
Case Tracking No: 2011197626

Dear Ms. Gee:

Blake Hewitt and I have been retained to represent the Appellant, Stanley D. Josey, in this appeal. Please note our appearance for the Court's records.

Thank you for your attention to this matter. If you need any additional information, please do not hesitate to contact me.

Yours sincerely,

John S. Nichols
BLUESTEIN, NICHOLS, THOMPSON &
DELGADO, LLC

JSN/awh

cc: Patrick M. Killen, Esquire
Daniel W. Stacy, Jr., Esquire
S. Bryan Doby, Esquire
Mr. & Mrs. Stanley Josey

RECEIVED

SEP 09 2011

SC Court of Appeals



Margaret Miles Bluestein
John Shannon Nichols
Stacy Elizabeth Thompson
John Dennis Delgado
Allison Paige Sullivan
Ashley Trout Thompson

October 14, 2011

VIA HAND DELIVERY

Honorable Tanya Gee, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
OCT 14 2011
SC Court of Appeals

Re: Josey v. Josey
Case Tracking No: 2011197626

Dear Ms. Gee:

Please find enclosed for filing the original and seven (7) copies of a *Motion for Extension* in regards to this case. I have also enclosed a proof of service of this document on counsel for the Respondents and a check in the amount of \$25.00 for filing this motion. Please return the additional filed copies to me via our courier.

Thank you for your attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

Ashleigh W. Hair
Paralegal to Blake A. Hewitt
BLUESTEIN, NICHOLS, THOMPSON &
DELGADO, LLC

/awh

Enclosures

cc: Patrick M. Killen, Esquire
Daniel W. Stacy, Jr., Esquire
S. Bryan Doby, Esquire
Mr. & Mrs. Stanley Josey

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEE COUNTY
Court of Common Pleas

Haigh Porter, Special Referee

Case No. 2010-CP-31-195

RECEIVED

OCT 14 2011

SC Court of Appeals

Cecil L. Josey, Jr., Respondent,

v.

Stanley D. Josey, Courtney Gamble,
Spencer Josey, Elizabeth Ann Geddings,
Cecil L. Josey, Jr., as Trustee of the Josey
Family Trust Defendants,

Of Whom Stanley D. Josey is the, Appellant,

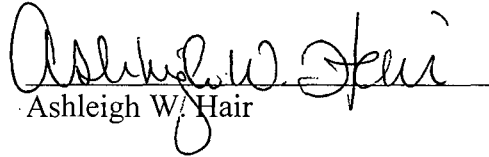
and Of Whom Courtney Gamble, Spencer
Josey, Elizabeth Ann Geddings, Cecil L. Josey,
Jr., as Trustee of the Josey Family Trust, are, Respondents.

PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below she served
counsel for the Respondents with a copy of the *Motion for Extension* by mailing a copy of
the same by United States Mail with first class postage prepaid to the following
addresses:

S. Bryan Doby, Esquire
Jennings & Jennings, P.A.
Post Office Box 106
Bishopville, SC 29010-0106
(Attorney for Respondent Cecil L. Josey, Jr.)

Daniel W. Stacy, Jr., Esquire
Oxner & Stacy, P.A.
90 Wall Street, Unit B
Pawleys Island, SC 29585
(Attorney for Respondents Courtney Gamble,
Spencer Josey, and Elizabeth Ann Geddings)


Ashleigh W. Hair

October 14, 2011

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

OCT 14 2011

SC Court of Appeals

APPEAL FROM LEE COUNTY
Court of Common Pleas

Haigh Porter, Special Referee

Case No. 2010-CP-31-195

Cecil L. Josey, Jr., Respondent,

v.

Stanley D. Josey, Courtney Gamble,
Spencer Josey, Elizabeth Ann Geddings,
Cecil L. Josey, Jr., as Trustee of the Josey
Family Trust Defendants,

Of Whom Stanley D. Josey is the, Appellant,

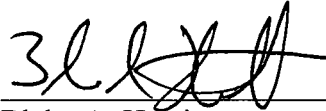
and Of Whom Courtney Gamble, Spencer
Josey, Elizabeth Ann Geddings, Cecil L. Josey,
Jr., as Trustee of the Josey Family Trust, are, Respondents.

MOTION FOR EXTENSION

Pursuant to Rule 240, SCACR, Appellant requests a thirty day extension of the
deadline for filing and serving the initial brief and designation of matter in this case. The
current deadline is October 19, 2011. This is Appellant's first extension request.

10/19/11 1st motion
11/18/11

Respectfully submitted,



Blake A. Hewitt

John S. Nichols

BLUESTEIN, NICHOLS,

THOMPSON & DELGADO

Post Office Box 7965

Columbia, South Carolina 29202

(803) 779-7599

(803) 779-8995 (facsimile)

Patrick M. Killen

MCGOWAN, HOOD & FELDER

28 North Main Street

Sumter, South Carolina 29150

803-774-5026

Attorneys for Appellant

October 14, 2011

The South Carolina Court of Appeals

Cecil L. Josey, Jr.,

Respondent,

v.

Stanley D. Josey, Courtney Gamble,
Spencer Josey, Elizabeth Ann
Geddings, Cecil. L. Josey, Jr., as
Trustee of the Josey Family Trust,

Defendants,

Of Whom Stanley D. Josey is the,

Appellant,

and Of Whom Courtney Gamble,
Spencer Josey, Elizabeth Ann
Geddings, Cecil. L. Josey, Jr., as
Trustee of the Josey Family Trust, are,

Respondents.

Haigh Porter, Special Referee
Lee County
Trial Court Case No. 2010-CP-31-00195

ORDER

For good cause having been shown, the time for the Appellant's Initial Brief and Designation of Matter to be served and filed in the above entitled matter is hereby extended until November 18, 2011.

IT IS SO ORDERED.

JOHN CANNON FEW, CHIEF JUDGE
For the Court

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc: John S. Nichols, Esquire
Blake Hewitt, Esquire
Patrick M. Killen, Esquire
Daniel W. Stacy, Jr, Esquire
S. Bryan Doby, Esquire

FILED

Porter 11/1/11



Margaret Miles Bluestein
John Shannon Nichols
Stacy Elizabeth Thompson
John Dennis Delgado
Allison Paige Sullivan
Ashley Trout Thompson

September 21, 2011

RECEIVED
SEP 22 2011
SC Court of Appeals

Honorable Tanya Gee, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Josey v. Josey
Case Tracking No: 2011197626

Dear Ms. Gee:

Please be advised the transcript of the hearing held August 2, 2011, was received by my co-counsel, Patrick M. Killen, Esquire, on September 19, 2011. The appellant has received all of the transcripts ordered in this case.

If you have any questions or need any additional information, please do not hesitate to contact me.

Yours sincerely,

Blake A. Hewitt
BLUESTEIN, NICHOLS, THOMPSON &
DELGADO, LLC

BAH/awh

cc: S.C. Court Administration
Patrick M. Killen, Esquire
Daniel W. Stacy, Jr., Esquire
S. Bryan Doby, Esquire
Mr. & Mrs. Stanley Josey



Margaret Miles Bluestein
John Shannon Nichols
Stacy Elizabeth Thompson
John Dennis Delgado
Allison Paige Sullivan
Ashley Trout Thompson

November 14, 2011

RECEIVED
NOV 14 2011
SC Court of Appeals

VIA HAND DELIVERY

Honorable Tanya Gee, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Josey v. Josey
Case Tracking No: 2011197626

Dear Ms. Gee:

Please find enclosed for filing the original and seven (7) copies of a *Motion to Stay Appeal* in regards to this case. I have also enclosed a proof of service of this document on counsel for the Respondents and a check in the amount of \$25.00 for filing this motion. Please return the additional filed copy to me via our courier.

Thank you for your attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

Ashleigh W. Hair
Paralegal to Blake A. Hewitt
BLUESTEIN, NICHOLS, THOMPSON &
DELGADO, LLC

/awh

Enclosures

cc: Patrick M. Killen, Esquire
Daniel W. Stacy, Jr., Esquire
S. Bryan Doby, Esquire
Mr. & Mrs. Stanley Josey

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED
NOV 14 2011
SC Court of Appeals

APPEAL FROM LEE COUNTY
Court of Common Pleas

Haigh Porter, Special Referee

Case No. 2010-CP-31-195

Cecil L. Josey, Jr., Respondent,

v.

Stanley D. Josey, Courtney Gamble,
Spencer Josey, Elizabeth Ann Geddings,
Cecil L. Josey, Jr., as Trustee of the Josey
Family Trust Defendants,

Of Whom Stanley D. Josey is the, Appellant,

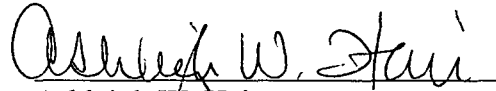
and Of Whom Courtney Gamble, Spencer
Josey, Elizabeth Ann Geddings, Cecil L. Josey,
Jr., as Trustee of the Josey Family Trust, are, Respondents.

PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below she served
counsel for the Respondents with a copy of the *Motion to Stay Appeal* by mailing a copy
of the same by United States Mail with first class postage prepaid to the following
addresses:

S. Bryan Doby, Esquire
Jennings & Jennings, P.A.
Post Office Box 106
Bishopville, SC 29010-0106
(Attorney for Respondent Cecil L. Josey, Jr.)

Daniel W. Stacy, Jr., Esquire
Oxner & Stacy, P.A.
90 Wall Street, Unit B
Pawleys Island, SC 29585
(Attorney for Respondents Courtney Gamble,
Spencer Josey, and Elizabeth Ann Geddings)



Ashleigh W. Nair
Paralegal

BLUESTEIN, NICHOLS, THOMPSON
& DELGADO, LLC

November 14, 2011

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEE COUNTY
Court of Common Pleas

Haigh Porter, Special Referee

Case No. 2010-CP-31-195

RECEIVED
NOV 14 2011
SC Court of Appeals

Cecil L. Josey, Jr., Respondent,

v.

Stanley D. Josey, Courtney Gamble,
Spencer Josey, Elizabeth Ann Geddings,
and Cecil L. Josey, Jr., as Trustee of
the Josey Family Trust Defendants,

of whom Stanley D. Josey is the Appellant,

and Courtney Gamble, Spencer
Josey, Elizabeth Ann Geddings, and
Cecil L. Josey, Jr., as Trustee of
the Josey Family Trust, are Respondents.

MOTION TO STAY APPEAL

Pursuant to Rule 240 (motions and petitions generally) of the South Carolina Appellate Court Rules, the Appellant asks this Court to stay the briefing deadlines in this appeal until such time as the lower court rules on the two motions that are currently pending before it. Under the current briefing schedule, the Appellant's initial brief is due in this court on November 18, 2011.

This is an appeal of a special referee's order in an action for partition of property owned by a trust. The order directs the distribution of both personal and real property. The Appellant received written notice of the entry of the referee's order on August 15, 2011. He served a notice of appeal on August 16, 2011.

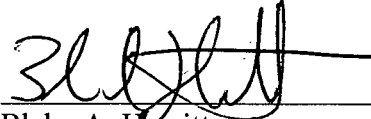
This case involves a fairly large amount of personal property; among other things, the trust owns several vintage automobiles as well as scores of tools, machines, and automobile parts. This is described in the special referee's order, which is attached to this motion. The special referee's order directs the parties to take several actions. These actions include requiring the Appellant to move several automobiles and pieces of machinery off the real property that was awarded to other parties in the case. Because of the effort and expense involved in immediate compliance with the order's instruction to remove these objects (and presumably store them somewhere else), the Appellant has requested that the special referee stay his order during the pendency of this appeal.¹ The special referee issued an oral ruling denying this request, but a written order is to follow. This written order may also address a pending motion which asks the special referee to modify the order on appeal.

The Appellant respectfully submits that staying the briefing deadlines in this appeal until such time as the special referee has ruled on these motions would serve the interest of judicial economy by ensuring that the parties will be able to prepare initial briefs that cover all of the issues in the case. For example, if the special referee goes beyond ruling on the

¹Much of the special referee's order is not subject to the automatic stay provided in section 18-9-220 of the South Carolina Code. See S.C. Code Ann. §§18-9-160 and -170 (describing that judgments to execute a conveyance and judgments for the delivery of land are not automatically stayed by an appeal).

request for a stay and *amends* the terms of his order, the Appellant may have to brief whether the referee had the power to do so given that the service of notice of appeal divests a lower court of jurisdiction over matters affected by the appeal. See Rule 205, SCACR. The Appellant would also inform the Court that the parties are attempting to reach an agreement that would provide the Appellant with limited access to this property during this appeal. This agreement would eliminate the need for the Appellant to petition the Court for a writ of supersedeas under Rule 241, SCACR.

Respectfully submitted,



Blake A. Hewitt
John S. Nichols
BLUESTEIN, NICHOLS,
THOMPSON & DELGADO
Post Office Box 7965
Columbia, South Carolina 29202
(803) 779-7599
(803) 779-8995 (facsimile)

Patrick M. Killen
MCGOWAN, HOOD & FELDER
28 North Main Street
Sumter, South Carolina 29150
803-774-5026

Attorneys for Appellant

November 14, 2011

Other Counsel of Record:

S. Bryan Doby
JENNINGS & JENNINGS
Post Office Box 106
Bishopville, SC 29010

Daniel W. Stacy, Jr.
OXNER & STACY
90 Wall Street, Unit B
Pawleys Island, SC 29585

(Attorney for Respondent Cecil L. Josey, Jr.)

(Attorney for the other Respondents)

STATE OF SOUTH CAROLINA)
COUNTY OF LEE)

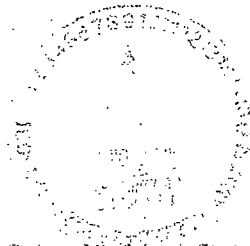
IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO. 2010-CP-31-198

Cecil L. Josey, Jr.)
Plaintiff.)

vs.)

Stanley D. Josey, Courtney Gamble,)
Spencer Josey, Elizabeth Ann)
Geddings, Cecil L. Josey, Jr., as)
Trustee of the Josey Family Trust.)
Defendants.)

AMENDED ORDER



This matter was referred to me as Special Referee pursuant to an Order of Reference filed with the Clerk of Court for Lee County.

A hearing on the merits was held on April 26, 2011. The Plaintiff was present with his attorney, S. Byran Doby. The Defendant, Stanley D. Josey was present with his attorney, Patrick M. Killen. The remaining Defendants were present with their attorney Daniel W. Stacy, Jr. It is noted that these Defendants are the siblings of the Plaintiff. The Defendant, Stanley D. Josey, is the uncle of the Plaintiff and remaining Defendants.

An Order was issued by me on July 5, 2011 and filed with the Office of the Clerk of Court for Lee County on July 7, 2011. By and through his attorney the defendant Stanley D. Josey filed a Motion for New Trial pursuant to Rule 59, SCRPC or in the alternative, Motion for Reconsideration of Order with an Addendum to the Motion submitted on July 19, 2011. A hearing was held on the Motions on Tuesday, August 2, 2011. The original Order of July 5th is hereby amended and or modified as set forth hereinbelow.

FACTS

The late C. W. Josey, Jr. a/k/a C. Wofford Josey, hereinafter "Wofford", died in November 1998. Prior to his death he accumulated holdings of farmland, commercial real estate and personal property. From the testimony, one can conclude that he was not only a successful farmer and businessman but also a talented collector of vintage automobiles.

Wofford had two sons, Cecil L. Josey, hereinafter "Cecil", and Stanley D. Josey, hereinafter "Stanley".

Handwritten initials "BR" and "TD" in the left margin.

From the testimony, one can conclude that Cecil, like his father, was successful as a farmer, businessman, and was known as a restorer of vintage vehicles.

Stanley worked with the Honda Corporation Motorcycle division for a few years and worked for his father and later his brother, Cecil. He stated that he "retired" upon the death of Cecil, but liked to work on old furniture.

After the death of Wolford, Cecil conveyed his interest in the subject assets, set out herein below, to the Josey Family Trust, hereinafter "Trust". The beneficiaries of the Trust being Cecil L. Josey, Jr., Courtney Gamble, Spencer Josey, and Elizabeth Ann Geddings, all being Cecil's children. Later the Trust conveyed a 1% interest to each of the four (4) beneficiaries.

There is no dispute as to the ownership being Fifty (50%) in Stanley, Forty-six (46%) in the Trust, and the remaining Four (4%) percent with the children of Cecil.

The property, real and personal, subject to this action consists of the following:

1. Note and Mortgage due Josey Marital Trust with outstanding principal and accumulated payments;
2. Britton Farm 30 acres more or less (Plaintiff's Exhibit 1 - appraisal)
3. Fertilizer Plant 4.6 acres more or less (Plaintiff's Exhibit 2 - appraisal)
4. 32.98 acres more or less with nine (9) buildings/sheds (Plaintiff's Exhibit 3 - appraisal) and (Plaintiff's Exhibit 9- plat)
5. Vintage Automobiles
6. Parts and Tools

The unique assets consist of Items 5 and 6 in the schedule above. Reference is hereby made to the various photographs in evidence as Exhibit 29. Subsequent to the merits hearing, the undersigned, along with Mr. Killen and Mr. Doby viewed the property in person, examining the proximity to other properties owned by Josey Family Trust, the children of Cecil, and Cecil L. Josey, Jr.

In addition to the professional appraisals set out in Plaintiff's Exhibits 1, 2, and 3, the Plaintiff introduced Exhibit 28 prepared by Plaintiff with assistance of Spencer Josey.

(Copy Attached.) The Defendant, Stanley, did not introduce any appraisals of such items and the Plaintiff's appraisal and estimate of value was unchallenged. After viewing the personal property the undersigned was awestruck by the magnitude of trying to appraise the personality by item and in particular as to the great quantity of old parts acquired by Wofford and Cecil over a long career in the restoration business.

Plaintiff's Exhibit 29 (copy attached) sets out the ownership of various items. Again, this listing was not challenged.

Plaintiff's Exhibit 30 (copy attached) was a proposal for allocation of assets between the parties.

In reviewing Exhibits 28, 29 and 30, an error in arithmetic was noted. The total of \$34,000.00 in the estimated value column should be \$45,900.00.

Pursuant to Section 15-61-25, (Code of Laws of South Carolina, 1976, as amended), each of the non-petitioning parties in this matter was notified of their right to purchase all or part of the real property subject to this litigation. Each of the non-petitioning parties, in this case, all of the Defendants, notified this Court through their Answers and Counter-claims of their interest in purchasing all or part of the real and/or personal property at issue.

PRIMARY ISSUE

The real bone of contention is whether the 32.8 acre parcel should be partitioned, allotted or sold.

DISCUSSION

Partition actions so often involve sentimental or emotional interests of some or all of the parties to the action. Prior to the merits hearing, the parties were advised that family relationships should be preserved if at all possible, and that a division by the court may not be the more digestible resolution. The parties were given a further opportunity to mutually resolve this dispute and after a lengthy discussion, they could not agree.

To some extent Zimmerman vs. Marsh, 365 SC 383; 618 SE 2nd 898 (2005) raises matters parallel to the instant case.

Citing Pruitt vs. Pruitt, 298 SC 411; 380 SE 2nd 362 (1984), the Court of Appeals stated:

"The partition procedure must be fair and equitable to all parties of the action...when the Court determines a partition cannot be fairly and equally made, the court may order a sale of the property...SC Code Ann. Section 15-61-100 (2005)".

The Court of Appeals further stated:

While we find that equitable considerations such as the length and ownership and sentimental attachment to the property may be considered, the pecuniary interests of the parties is the determining factor in deciding whether to require a judicial sale or allow a partition by allotment citing Ark. Land Co. vs. Harter, 509 SE 2nd (W. Va. 2004).

From the testimony, exhibits and an on-site viewing of the 32.98 acre tract, it appears that when taken as a whole, the assets could be fairly and equitably divided and that even if partitioning does not satisfy all of the parties, a public sale could create further chaos. It is indeed unfortunate that this court must reach a decision for them.

CONCLUSIONS

The court declines to grant to any of the non-petitioning parties the right to purchase the petitioning parties' interest in the subject real estate for the following reasons. First, the Court cannot grant to more than one party the same right. If the Court were to grant to one of the non-petitioning parties the right of first refusal, the remaining defendants in this matter would by default be deprived of the same right. Second, the Court would be forced to arbitrarily award one of the non-petitioning parties the right of purchase under the circumstances of this case. The Court does not desire to, nor should it be forced to, arbitrarily award the right of purchase to one party among the 5 possible selections in this case. Third, the grant to one party of the right of purchase the petitioning party's interest will not resolve the problem which exists among the Plaintiff and other Defendants and Defendant Stanley Josey. The parties in this matter deserve a final resolution of this matter and a purchase by one of the non-petitioning parties will leave the parties in essentially the same situation that currently exists. For instance, if Stanley is allowed to purchase the 1% interest owned by the Plaintiff, the parties will still own an interest in contiguous tracts of land and the problems which have brought the parties to this litigation will continue. Fourth, the proposal submitted by Plaintiff in this matter provides for a reasonable financial resolution to this matter consistent with the equitable principles to be imposed by this Court first-an award of the right of purchase would not adequately address

Therefore, when the Court considers all of the equities in this matter, it declines to grant to any Defendant as a non-petitioning party the right to purchase any of the petitioning party's interest in the subject real estate or personalty.

ORDER

NOW, THEREFORE, I find and Order that the jointly held assets shall be divided and allotted as follows:

To Stanley D. Josey:

1. Note and Mortgage due Josey Marital Trust with all accrued principal and interest up to date of turnover
2. Binton Farm.
3. Fertilizer Plant.
4. 1922 Vehe.
5. 1926 Essix.
6. 1966 Ford
7. 1924 Nash
8. 1919 Model T Truck.
9. 1960 MGA (burgundy).
10. 1928 Studebaker.
11. 1922 Jewett.
12. Parts and tools as set out in Exhibit 28 consisting of the following:

Building 1 - Item 2

Building 3 - Item 1 Misc. car parts North side; Item 2-Misc car parts in center shed.
 Building 4 - Item 1 Air Compressor, Item 2, 2 Milling machines, Item 3, 16 South Bend lathe, Item 4, Bead Blaster, Item 5, South Bend lathe, Item 6, Logan Lathe thread maker, Item 7, OTC Hyd press, Item 8 Frejoth lathe, Item 9, West side misc. tools & toolbox, etc, Item 10, East side misc. tools, motors, etc.

Building 7 - Item 2, Model T brass radiator, Item 3, Flatbed trailer, Item 4, electric organ

Building 8 Item 2, West side new rollup doors/hardware, Item 3, West side misc.

Rainey's Barn, Item 2, Car Parts in Center.

To the Josey Family Trust and the four beneficiaries

1. 32.98 acres with improvements thereon consisting of 9 buildings
2. All parts and tools not allocated to Stanley D. Josey.

Under the above division, Stanley D. Josey receives the note and mortgage due the Josey Marital Trust. The note and mortgage being the remaining asset of said trust, the remaining beneficiaries of that trust would have no further interest in the Josey Marital Trust, and Stanley D. Josey becomes sole beneficiary and can elect himself as Trustee.

I acknowledge that logistical problems will be inherent in accomplishing the removal of the items of personal property allotted to Stanley. The parties are urged to keep cool heads and remain civil.

Handwritten initials/signature

I further Order that deeds and appropriate Bills of Sale to be executed by the Court shall be prepared by Plaintiff attorney to complete the transfers of ownership. Pending the division and removal of personal property by Stanley, each party shall be responsible for any fire and casualty insurance to protect his or her interest. Any deeds and Bills of Sale required to carry out this Order will be prepared and submitted to the attorneys of record for review. And,

I further Order that Stanley shall have up to One Hundred Eighty (180) days from the filing of this Order to remove the personal property as designated to him hereinabove. Any removal shall be between the hours of 8:00 AM and 8:00 PM, if before October 16, 2011, and if after October 15, 2011, between 8 AM and 4 PM, and notice shall be given to Plaintiff seventy-two (72) hours prior to any days designated for removal. Such notices shall be given thru their respective attorneys. Stanley shall not enter the property except on those dates and times designated for removal of the items of personal property. In removing the items, the use of the dirt lane as referred to as Atkinson Road will be utilized to the extent possible. The Plaintiff shall make reasonable effort to facilitate the removal. AND,

I further Order as to the Counterclaims and Cross-Claims set forth in the Amended pleadings of Stanley as the fourth, fifth and sixth defenses counterclaims and cross-claims. I find that the allegations are premature and not ripe for this courts consideration. Therefore these counterclaims and cross-claims are hereby dismissed without prejudice as they are not properly before this court. And

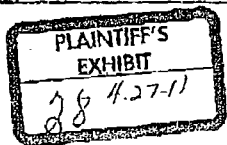
IT IS SO ORDERED.

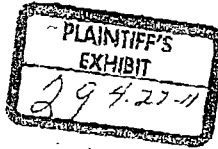

HAIGH PORTER, SPECIAL REFEREE

August 5, 2011

Florence, South Carolina

Building #	Description	EST VALUE	EST VALUE	EST VALUE
Building #1	Farm Tractor Shop	\$ 3,000.00		
	Item 1 Misc wood / seed cleaners	\$ 500.00	\$ 500.00	
	Item 2 Enclosed trailer	\$ 750.00	\$ 750.00	
**Less Rainey's boat & Farm equip. (tractors, mowers, drills, etc)				
Building #2	Tractor / Wood Shed	\$ 500.00		
	Item 1 Misc wood	\$ 500.00	\$ 500.00	\$ 500.00
**Less Rainey's Farm equip. (sprayer & applicator)				
Building #3	Wood Working shop	\$ 2,000.00		
	Item 1 Misc car parts North side	\$ 2,500.00	\$ 2,500.00	
	Item 2 Misc car parts in center shed	\$ 1,000.00	\$ 1,000.00	
Item 3 Wood working tools; south side	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	
Building #4	Machine Shop	\$ 5,000.00		
	Item 1 Air Compressor	\$ 500.00	\$ 500.00	
	Item 2 2 Milling machines	\$ 750.00	\$ 750.00	
	Item 3 16 South Bend long lathe	\$ 800.00	\$ 800.00	
	Item 4 Bead Blaster	\$ 500.00	\$ 500.00	
	Item 5 South Bend Lathe	\$ 500.00	\$ 500.00	
	Item 6 Logan Lathe thread maker	\$ 500.00	\$ 500.00	
	Item 7 OTC Hyd press	\$ 500.00	\$ 500.00	
	Item 8 Frejoth lathe	\$ 800.00	\$ 800.00	
	Item 9 West side misc tools & toolbox etc	\$ 2,500.00	\$ 2,500.00	
Item 10 East side misc tools, motors, etc	\$ 3,500.00	\$ 3,500.00		
Building #5	10 Bay Car storage	\$ 7,500.00		
	Item 1 2 John Deere Bicycles & safety cycle	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
**Less Individual cars owned by diff. parties				
Building #6	Farm Shop	\$ 12,000.00		
	Item 1 1/2 drive sockets	\$ 500.00	\$ 500.00	\$ 500.00
**Less Rainey's farm tools, equipment				
Building #7	Cecil's Main Shop	\$ 10,000.00		
	Item 1 Misc Hand Tools / parts	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
	Item 2 Model T brass radiator	\$ 800.00	\$ 800.00	
	Item 3 Flatbed trailer	\$ 500.00	\$ 500.00	
Item 4 Electric organ	\$ 500.00	\$ 500.00		
**Less Stan's boat, pine wood, individual's cars				
Building #8	Cecil's Hoover Building	\$ 6,000.00		
	Item 1 East / front side sawing tools / leather / misc	\$ 800.00	\$ 800.00	\$ 800.00
	Item 2 West side new rollup doors / hardware	\$ 1,000.00	\$ 1,000.00	
Item 3 West side Misc	\$ 500.00	\$ 500.00		
**Less Individual cars owned by diff. parties				
Building #9	Cabin	\$ 15,000.00		
	Item 1 Electric Organ	\$ 500.00	\$ 500.00	\$ 500.00
	Item 2 Tables / Furniture	\$ 500.00	\$ 500.00	\$ 500.00
**Less individual owned pool table, pinball, beds, deer mounts				
Rainey's Office	Item 1 Car Parts	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
Rainey's Barn	Item 1 Car Parts South side	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
	Item 2 Car Parts in Center	\$ 5,000.00	\$ 5,000.00	
	Item 3 John Deere tractor	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00





- Building 1: Rainey Josey:
 - Item 1: Reddick Nitrogen Appl
 - Item 2: Reddick Sprayer

- Building 2: Rainey Josey:
 - Item 1: Case IH Drill / Reddick ditcher
 - Item 2: JD Corn header
 - Item 3: Scout boat
 - Item 4: JD 997 lawnmower
 - Item 5: Fuel tank (green)
 - Item 6: Fuel tank trailer (red)
 - Item 7: JD tractor 7410
 - Item 8: JD MX7 Bush hog

- Building 3: All 50/50
- Building 4: All 50/50
- Building 5: Stan Josey:
 - Item 1: Jaguar E-type grey
 - Item 2: Jaguar E-type blue
 - Item 3: Winton
 - Item 4: Morman
 - Item 5: Overland
 - Item 6: Model T
 Elizabeth Ann G:
 - Item 7: Paige Detroit
 Courtney Gamble:
 - Item 8: Franklin
 Rainey Josey:
 - Item 9: Willys Knight
 - Item 10: Roamer

- Building 6: Stan Josey:
 - Item 1: Boat
 Rainey Josey:
 - Item 2: JD tractor 7810
 - Item 3: JD Planters
 - Item 4: Tools/welder/air comp/parts/farm supplies

- Building 7: Spencer Josey:
 - Item 1: Pierce Arrow
 - Item 2: Hupmobile
 - Item 3: Model T
 - Item 4: (3) Surveillance cameras
 Stan Josey:
 - Item 5: 4 Wheeler
 - Item 6: Model T
 - Item 7: Misc wood on 50/50 owned trailer

- Building 8: Courtney Gamble:
 - Item 1: Model T
 - Item 2: Studebaker
 Elizabeth Ann G:
 - Item 3: MG Replica
 - Item 4: Model T
 Rainey Josey:
 - Item 5: Model T
 Stan Josey:
 - Item 6: Chalmers

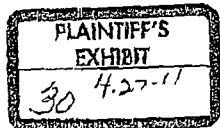
- Building 9: Rainey Josey:
 - Item 1: 2 Window unit A/C
 - Item 2: 1 Bunk bed
 - Item 3: Double bed
 - Item 4: Skeet thrower
 - Item 5: Pool table & balls/ques
 - Item 6: TV
 - Item 7: Fire wood rack
 Spencer Josey:
 - Item 8: Electronics / radio / speaker / cd player
 - Item 9: Gun cabinet
 Courtney Gamble:
 - Item 10: Butcher block
 - Item 11: Microwave
 Elizabeth Ann G:
 - Item 12: Pinball machine
 Stan Josey:
 - Item 13: Fishing rods
 - Item 14: Deer mounts / skin / antlers on wall

10/50 Owned Property

Rainey Josey
Spencer Josey
Courtney Gamble
Elizabeth Ann Gi Stan Josey

	(Check acct+principal)		<u>Appraised value</u>	
Josey Marital Trust (\$482.67/mnth)	(\$3371.00+\$16005.00)	10% int	\$ 19,376.00	\$ 19,376.00
Winton Farm	30 acres		\$ 38,000.00	\$ 38,000.00
Fertilizer Plant	4.6 acres		\$ 30,000.00	\$ 30,000.00
Buildings			\$ 81,000.00	\$ 61,000.00
2.98 Acres			\$ 65,960.00	\$ 65,960.00
322 Velje			\$ 20,000.00	\$ 20,000.00
326 Essix			\$ 2,500.00	\$ 2,500.00
368 Ford			\$ 1,500.00	\$ 1,500.00
324 Nash			\$ 2,500.00	\$ 2,500.00
319 Model T Truck			\$ 2,500.00	\$ 2,500.00
360 MGA (burgandy)			\$ 2,500.00	\$ 2,500.00
328 Studebaker			\$ 2,500.00	\$ 2,500.00
322 Jewett			\$ 3,500.00	\$ 3,500.00
Parts/Tools in Buildings			\$ 34,400.00	\$ 17,500.00
				\$ 16,900.00
			\$ 286,236.00	\$ 144,460.00
				\$ 141,776.00

Page 10 of 11 11/14/2011 5:00
To: +18037341496
Fax: +18037341496



STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
 COUNTY OF LEE) Case No. 2010-CP-31-195

Cecil L. Josey, Jr.,
 Plaintiff,

Verstus

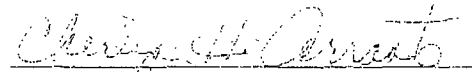
CERTIFICATE OF SERVICE
 BY MAIL

Stanley D. Josey, Courtney
 Garble, Spencer Josey, Elizabeth)
 Ann Geddings, Cecil L. Josey, Jr.)
 As Trustee of the Josey Family)
 Trust,)
 Defendant

The undersigned hereby certifies that she is a secretary with the law firm of Jennings & Jennings, P. A.; that a certified copy of the AMENDED ORDER was served in the foregoing action by depositing the same in the United States mail with sufficient postage affixed thereto and return address clearly visible on the 12th day of August, 2011, addressed to the following:

Patrick M. Killen
 McGowan, Hood & Felder, LLC
 28 N. Main Street
 Sumter, SC 29150

Daniel W. Stacy, Jr.
 Oxner & Stacy, PA
 90 Wall Street, Unit B
 Fawleys Island, SC 29535


 Cheryl H. Arrants



BLUESTEIN · NICHOLS · THOMPSON · DELGADO LLC
ATTORNEYS AT LAW

Margarat Miles Bluestein
John Shannon Nichols
Stacy Elizabeth Thompson
John Dennis Delgado
Allison Paige Sullivan
Ashley Trout Thompson
Blake A. Hewitt

FACSIMILE COVER SHEET

Please Respond to Columbia Office

TO: Court of Appeals - Laurie

FAX NO: (803) 734-1496

FROM: Ashleigh Hair

DATE: November 14, 2011

RE: Josey v. Josey
2011197626

NUMBER OF PAGES: 12 including cover sheet.

COPIES: WILL FOLLOW X WILL NOT FOLLOW

Comments:

Please see attached.

CONFIDENTIALITY NOTICE: The items contained in this facsimile transmission may contain information which is confidential and protected by the attorney-client privilege. It is intended solely for the use of the addressee named above. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the transmission to the recipient, you are hereby notified that any dissemination, distribution or other publication of the contents of this communication is strictly prohibited. If you have received this transmission in error, please contact the sender at once at (803) 779-7599 and return the document to sender by U. S. Mail. The sender will reimburse you for your costs.

Thank you.
COLUMBIA 1614 Taylor Street
PO Box 7965 | Columbia, SC 29202
P. 803 779 . 7599 F. 803 779 . 8995

FLORENCE 248 South Irby Street
Florence, SC 29501
P. 843 665.9779

TOLL FREE 877 524.4675

BNTDLAW.COM

The South Carolina Court of Appeals

Cecil L. Josey, Jr.,

Respondent,

v.

Stanley D. Josey, Courtney Gamble,
Spencer Josey, Elizabeth Ann
Geddings, Cecil L. Josey, Jr., as
Trustee of the Josey Family Trust,

Defendants,

Of Whom Stanley D. Josey is the,

Appellant,

and Of Whom Courtney Gamble,
Spencer Josey, Elizabeth Ann
Geddings, Cecil L. Josey, Jr., as
Trustee of the Josey Family Trust, are,

Respondents.

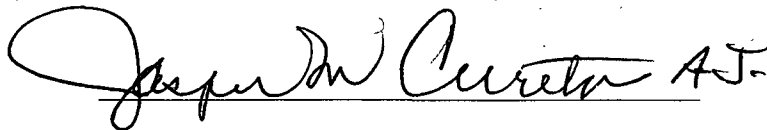
Haigh Porter, Special Referee
Lee County
Case No. 2010-CP-31-00195

ORDER

Appellant's moves to stay briefing deadlines pending the resolution of two motions that are currently before special referee. Respondent did not file a return.

Appellant's motion is hereby granted. Appellant shall provide this Court with a status update within sixty days.

IT IS SO ORDERED.



Columbia, South Carolina

cc: John S. Nichols, Esquire
Blake Hewitt, Esquire
Patrick M. Killen, Esquire
Daniel W. Stacy, Jr, Esquire
S. Bryan Doby, Esquire

FILED
12/28/11 *JE*



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

December 28, 2011

John S. Nichols, Esquire
Blake Hewitt, Esquire
Bluestein Nichols Thompson
Delgado LLC
PO Box 7965
Columbia, SC 29202

Patrick M. Killen, Esquire
28 North Main Street
Sumter, SC 29150

Re: Josey, Cecil v. Josey, Stanley
2011197626

Dear Counsel:

Enclosed is a copy of an Order of the Court regarding your Motion in the above case.

Please provide a status update within sixty days of the date of this letter.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/laf

cc: Daniel W. Stacy, Jr, Esquire
S. Bryan Doby, Esquire
The Honorable James I. Davis



Margaret Miles Bluestein
John Shannon Nichols
Stacy Elizabeth Thompson
John Dennis Delgado
Allison Paige Sullivan
Ashley Trout Thompson
Blake Alexander Hewitt

OF COUNSEL
O. Eugene Powell, Jr.
Rebecca Cagle Patrick

February 24, 2012

VIA HAND DELIVERY

Honorable Tanya Gee, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Josey v. Josey
Case Tracking No: 2011-197626

Dear Ms. Gee:

This letter is intended to serve as a status report on this case. This appeal is currently under a stay imposed by an order of your Court, issued in response to a motion I filed requesting a stay. Part of the basis for that motion was that two post-trial motions were, at the time of the motion, pending in the trial court.

Here is my current report on the status of this case: I expect the order resolving the post-trial motions to be issued in the very near future, and I would therefore request that the Court continue this stay until those motions have been ruled-upon. I would be glad to inform the court as soon as I receive written notice of the entry of that order, and would expect the appeal to be re-instated at that time.

Thank you for your attention to this letter, and if you have any questions or need any additional information from me, please do not hesitate to contact me.

Sincerely,

Blake A. Hewitt
BLUESTEIN, NICHOLS, THOMPSON &
DELGADO, LLC

cc: Patrick M. Killen, Esquire
Daniel W. Stacy, Jr., Esquire
S. Bryan Doby, Esquire
Mr. & Mrs. Stanley Josey

RECEIVED
FEB 24 2012
SC COURT OF APPEALS



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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1015 SUMTER STREET
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FAX: (803) 734-1839
www.sccourts.org

February 29, 2012

John S. Nichols, Esquire
Blake Hewitt, Esquire
Bluestein Nichols Thompson
Delgado LLC
PO Box 7965
Columbia, SC 29202

Re: Josey, Cecil v. Josey, Stanley
2011197626

Dear Counsel:

We have received your letter dated February 24, 2012 regarding the above case. Please advise the Court of the status of this matter every sixty (60) days.

Very truly yours,

V. Claire Allen, Deputy

CLERK

TAG/laf

cc: Daniel W. Stacy, Jr, Esquire
S. Bryan Doby, Esquire
Patrick M. Killen, Esquire



Margaret Miles Bluestein
John Shannon Nichols
Stacy Elizabeth Thompson
John Dennis Delgado
Allison Paige Sullivan
Ashley Trout Thompson
Blake Alexander Hewitt

OF COUNSEL
O. Eugene Powell, Jr.
Rebecca Cagle Patrick

March 27, 2012

Honorable Jenny Kitchings, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Josey v. Josey
Case Tracking No: 2011-197626

RECEIVED

MAR 28 2012

SC Court of Appeals
RECEIVED

MAR 28 2012

SC Court of Appeals

Dear Ms. Kitchings:

This appeal is currently under a stay imposed by an order of your Court, issued in response to a motion I filed requesting the same. Part of the basis for that motion was that two post-trial motions were, at the time of the motion, still pending in the trial court.

Those motions have been ruled upon, and a copy of the trial court's order is attached to this letter. The order was signed March 15th, filed March 21st, and I received written notice of the entry of the order on Friday, March 23rd.

All of the transcripts for this case have been ordered and received. I therefore expect the court will set a deadline of 30 days from March 23rd for the filing of the appellant's initial brief.

Thank you for your attention to this, and please do not hesitate to contact me if I need to provide further information or can be of some assistance to you.

Yours sincerely,

Blake A. Hewitt, SC Bar #73674

BLUESTEIN, NICHOLS, THOMPSON &
DELGADO, LLC

Enclosure

cc: Patrick M. Killen, Esquire

Daniel W. Stacy, Jr., Esquire

S. Bryan Doby, Esquire

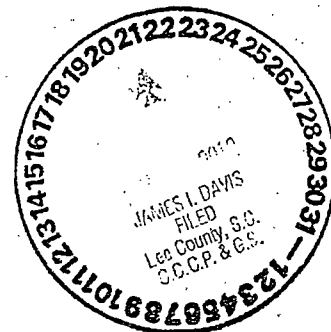
STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF LEE) Case No. 2010-CP-31-195

Cecil L. Josey, Jr.,)
) Plaintiffs,)

versus)

ORDER)

Stanley D. Josey, Courtney Gamble,)
Spencer Josey, Elizabeth Ann)
Geddings, Cecil L. Josey, Jr. as)
Trustee of the Josey Family Trust,)
)
) Defendants.)



JUDGE: HONORABLE W. HAIGH PORTER
DATE OF HEARING: OCTOBER 10, 2011
ATTORNEY FOR PLAINTIFF: S. BRYAN DOBY
ATTY FOR DEFENDANT, STANLEY JOSEY: PATRICK M. KILLEN
ATTY FOR GAMBLE, JOSEY, GEDDINGS & JOSEY FAMILY TRUST: DANIEL W. STACY, JR.
COURT REPORTER: DORIS TOMPKINS BROWN

This matter is pending before the Court based on two motions. The first motion is filed by the Defendant, Stanley D. Josey whereby he requests this Court to stay the Order of July 5, 2011 and Amended Order of August 5, 2011 pending any appeal in this matter, as a Notice of Intent to Appeal has been filed by this Defendant, Stanley D. Josey.

Mr. Doby, on behalf of the Plaintiff, Cecil L. Josey, Jr., filed a Motion concerning the ability of the Defendant, Stanley D. Josey to enter on the 32 acres property, which is subject to this partition action.

Certified as a True Copy

James I. Davis
Clerk, Court of Common Pleas
and General Sessions, Lee
County, South Carolina

Initially the Court finds that it has jurisdiction to decide these motions under Rule 205 and Rule 241, SCACR. The Court also notes that all parties in this matter agreed at the beginning of the hearing that the Court has jurisdiction over these Motions. The Court, therefore, finds that it has subject matter jurisdiction to hear these matters.

As to the Defendant, Stanley D. Josey's Motion for a stay of the Court's orders of July 5, 2011 and August 5, 2011, the Court denies this Motion and declines to grant a stay of the Orders pending any appeal. The Court provided for Mr. Stanley D. Josey to remove certain personal property that he owned from the property subject to this partition action and provided for certain time limits. The Court also provided an extensive list of the problems and friction between Stanley Josey and the remaining parties. The Court does not believe that a stay of orders issued on July 5, 2011 and August 5, 2011 is appropriate and declines to grant such a stay.

As to the request by the Plaintiff, Cecil L. Josey, Jr., to further restrict access by Defendant, Stanley D. Josey, to the 32 acre tract of land subject to this partition action, the Court would deny such motion. The intent of the wording on pages 5 and 6 of the Orders is clear. Stanley Josey is to have the right to remove items of personal property as designated at specific times and restrictions as set forth on page 6 of the

orders dated July 5, 2011 and August 5, 2011. The only purpose for this Defendant, Stanley D. Josey, to enter upon the 32 acres was for the removal of personal property awarded to him. His access to this property awarded to the remaining parties should be limited to such removal of personal property.

Therefore, the Motion of Defendant, Stanley D. Josey, seeking a stay of Orders of July 5, 2011 and August 5, 2011 is denied. The Motion of Plaintiff, Cecil L. Josey, Jr., seeking modification of Orders dated July 5, 2011 and August 5, 2011 is denied with the clarification that intent of the Order was for Mr. Stanley Josey to have the right to remove items of personal property as designated at specific times and the only purpose for him going on the 32 acres subject to this partition suit was for the removal of his personal property awarded to him pursuant to the above referenced Orders.

AND IT IS SO ORDERED.



HAIGH PORTER, SPECIAL REFEREE

March 15, 2012
Florence, SC



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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March 30, 2012

John S. Nichols, Esquire
Blake Hewitt, Esquire
Bluestein Nichols Thompson
Delgado LLC
PO Box 7965
Columbia, SC 29202

Re: Josey, Cecil v. Josey, Stanley
2011197626

Dear Counsel:

We have received your letter dated March 27, 2012 in the above case. Please be advised that the Appellant's Initial Brief and Designation of Matter must be served and filed within 30 days of the date of this letter.

Very truly yours,

Jenny A. Kitchings
CLERK

JAK/laf

cc: Patrick M. Killen, Esquire
Daniel W. Stacy, Jr, Esquire
S. Bryan Doby, Esquire