

FORM 13

**MOTION TO FILE REPLY BRIEF TO RESPONDANTS  
INITIAL BRIEF DATED OCTOBER 21, 2020 OUTSIDE OF FILING  
DEADLINE**

**RECEIVED**

**Dec 22 2020**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

[In The Supreme Court]

---

APPEAL FROM COLLETON COUNTY

Court of Common Pleas

Kenneth A. Campbell, Jr., Special Referee

---

Appellate Case No. 2019-001886

---

Patricia E. Campbell

Respondent

V.

Joanne Ahearn and Robert J. Plum

Appellant's

---

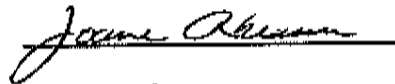
**MOTION TO FILE REPLY BRIEF TO RESPONDANTS  
INITIAL BRIEF DATED OCTOBER 21, 2020 OUTSIDE  
OF FILING DEADLINE**

---

In response to the Respondent's initial brief, the Appellant's Joanne Ahearn and Robert J. Plum are requesting permission from the South Carolina Court of

Appeals to serve and file a reply brief outside the filing deadline.

December 2, 2020.



**Joanne Ahearn**

**504 Forest Circle, Apt 123**

**Walterboro, SC. 29488**

**843-603-0566**

**Pro See**



**Robert J. Plum**

**504 Forest Circle, Apt 123**

**Walterboro, SC. 29488**

**843-603-0566**

**Pro See**

TABLE OF CONTENTS

Table of Authorities.....iii  
Statement Of Issues on Appeal.....1,2  
Statement of the Case.....2,3  
Standard of Review.....3  
Conclusion.....10

Arguments

1. WERE THE APPELLANTS PROPERLY SERVED CONCERNING THE ACTIONS TAKEN BY THE RESPONDENT REMOVING THE APPELLANTS FROM THE RESPONDENT’S DEEDED PROPERTY IN COLLETON COUNTY, SOUTH CAROLINA?
2. DID THE RESPONDENT DIVULGE ANY INFORMATION TO THE RESPONDENT’S ATTORNEY ON RECORD OR KENNETH A. CAMPBELL THE WHEREABOUTS OF APPELLANTS, INCLUDING ANY CONTACT PHONE NUMBERS, ANY VOICEMAIL MESSAGES LEFT BY RESPONDANT, OR THE APPELLANT’S FLORIDA ADDRESS PRIOR TO, DURING OR AFTER THE RESPONDENT TAKING THE ACTION IN REMOVING APPELLANTS FROM THE RESPONDENT’S DEEDED PROPERTY IN COLLETON COUNTY, SOUTH CAROLINA?
3. DID RESPONDENT OFFER ANY PROOF CLAIMING ALLEDGED LACK OF MENTAL INCAPACITY DURING THE SIGNING OF THE APPELLANTS TO RESPONDENT’S DEEDED

PROPERTY?

4. WHY DID RESPONDENT LIST ROBERT J. PLUM AS SUCCESSOR AGENT FOR  
RESPONDENT'S HEALTH CARE POWER OF ATTORNEY?
5. WAS THE REpondant UNDER ANY KIND OF ALLEDED DURESS?
6. COULD DEBORAH B. KANE HAVE KNOWN OF THE MENTAL INCAPACITY OF RESPONDENT  
ON DECEMBER 18, 2018, DURING THE SIGNING OF THE LEGAL DOCUMENT PLACING THE  
APPELLANTS ON THE RESPONDENT'S DEEDED PROPERTY?
7. DID THE RESPONDENT MEET THE BURDEN OF PROOF DURING THE FINAL JUDGEMENT TO  
HAVE THE DEED IN QUESTION SET ASIDE?

**CASES**

Vereen v. Bell, 256 S.C. 249, 251-252, 182 S.E. 2d 296, 297 (1971).....3  
Verdery v. Daniels, 544 S.C. 564, 344 S.E. 2d 854 (2001).....3

**STATUTES**

S.C. Code Ann. 44-23-410 (2012).....2  
S.C. Code Ann. 44-23-410(A) (2011).....2  
S.C. Code Ann. 44-23-410(1) (2011).....2  
S.C. Code Ann. 16-9-1 (1993).....2

**STATEMENT OF ISSUES OF APPEAL**

1. WERE THE APPELLANTS PROPERLY SERVED CONCERNING THE ACTIONS TAKEN BY THE RESPONDENT REMOVING THE APPELLANTS FROM THE RESPONDANT'S DEEDED PROPERTY IN COLLETON COUNTY, SOUTH CAROLINA?
2. DID THE RESPONDENT DIVULGE ANY INFORMATION TO THE RESPONDENT'S ATTORNEY ON RECORD OR KENNETH A. CAMPBELL THE WHEREABOUTS OF APPELLANTS, INCLUDING ANY CONTACT PHONE NUMBERS, ANY VOICEMAIL MESSAGES LEFT BY RESPONDENT, OR THE APPELLANT'S FLORIDA ADDRESS PRIOR TO, DURING OR AFTER THE RESPONDENT TAKING THE ACTION IN REMOVING APPELLANTS FROM THE RESPONDENT'S DEEDED PROPERTY IN COLLETON COUNTY, SOUTH CAROLINA?
3. DID RESPONDENT OFFER ANY PROOF CLAIMING ALLEDGED LACK OF MENTAL INCAPACITY DURING THE SIGNING OF THE APPELLANTS TO RESPONDENT'S DEEDED PROPERTY?
4. WHY DID RESPONDENT LIST ROBERT J. PLUM AS SUCCESSOR AGENT FOR RESONDENT'S HEALTH CARE POWER OF ATTORNEY?
5. WAS THE REPONDENT UNDER ANY KIND OF ALLEDED DURESS?
6. COULD DEBORAH B. KANE HAVE KNOWN OF THE MENTAL INCAPACITY OF RESPONDENT ON DECEMBER 18, 2018, DURING THE SIGNING OF THE LEGAL DOCUMENT PLACING THE APPELLANTS ON THE RESPONDENT'S DEEDED PROPERTY?

7. DID THE RESPONDENT MEET THE BURDEN OF PROOF DURING THE FINAL JUDGEMENT TO HAVE THE DEED IN QUESTION SET ASIDE?

**STATEMENT OF THE CASE**

The previous contract was conveyed to the Respondent and Appellants by property deed dated December 18, 2018. On or about April 11, 2019 the Respondent brought this action in filing a complaint and alleging the unknown whereabouts of the Appellants (S.C. Ann. 16-9-10(A)(1), (1993), It is unlawful for a person to willfully give false, misleading or incomplete testimony under any oath in any Court of record, Judicial, Administrative, or Regulatory proceedings in this state ([www.scstatehouse.gov](http://www.scstatehouse.gov), 2020). The Respondent also alleged she lacked the mental capacity (S.C. Ann. 44-23-410), (2011), Determining fitness to stand trial; time for conducting examination; extension; independent examination; competency distinguished, (2012), (S.C. Ann. 44-23-410), (A), (2011), Whenever a judge of the circuit or family court has reason to believe that a person on trial before him, charged with the commission of a criminal offense or civil contempt, is not fit to stand trial because the person lacks the capacity to understand the proceedings against him or to assist in his own, the judge shall: ( S.C. Code Ann. 44-23-410(1), (2011). Order examination of the person by two examiners designated by the department of Mental Health if the person is suspected of having a mental illness or designated by the Department of Disabilities and Special Needs if the person is suspected of having intellectual disability or having a related disability or both sets of examiners if the person is suspected of having both mental illness or related disability.

The examination must be made within thirty days after the receipt of the court's order and maybe conducted in any suitable place unless otherwise designated by the court.

### STANDARD OF REVIEW

The case of Vereen V. Bell, (1971) is an action to rescind and cancel a deed to real estate on the grounds of alleged lack of mental capacity of the grantor. This case is one of equitable jurisdiction. The Respondent failed to carry the burden of proof as to mental incompetency in this case to execute a deed (Vereen V, Bell, (1971). In the case of ( Vererdy v. Daniels, 2001), on December 16, 1996, Vererdy, Appellant brought this action to set aside the power of attorney (Vererdy v. Daniels, 2001), both documents executed by her mother Doris W. Thames. Veredy alleges that on that date her mother Doris W. Thames lacked the mental capacity. The Probate Court dismissed Veredy's action, holding Thames was mentally competent at the time the documents were executed in favor of Daniels, the former power of attorney which appointed Vererdy her attorney in fact ( Vererdy v. Daniels, 2001). The Respondent in this case failed to carry the burden of proof as to lack of mental competency to execute power of Attorney and revoking the former power of attorney (Vererdy V. Daniels, 2001).

## ARGUMENT

### 1. WERE THE APPELLANTS PROPERLY SERVED CONCERNING THE ACTIONS TAKEN BY THE RESPONDENT REMOVING THE APPELLANTS FROM THE RESPONDANT'S DEEDED PROPERTY IN COLLETON COUNTY, SOUTH CAROLINA?

The Appellants elected to include the following in the Appellants reply Brief in response to Respondent's Brief which contain Actions taken against the Appellants which contain either the Appellants whereabouts are unknown or the verbiage contained in these documents lead in the direction of the Appellants whereabouts are unknown. Health Care POWER OF ATTORNEY (Exhibit 1), which list Appellant Joanne Ahearn as Primary Health Care Power of Attorney Lists Joanne Ahearn's phone number being (843) 603-0566, the phone number which she is still in possession today. Appellant Robert J. Plum was listed as Successor Health Care Power of Attorney (exhibit 1), listing Robert J. Plum's phone number and Robert J. Plum's Florida address. Respondent Patricia E. Campbell initialed each page and signed where required in the presence of two witnesses, Deborah B. Kane and Sarah Kinard. The Respondent's signature was also notarized, dated December 18, 2018. Title to real estate (exhibit 2). Respondent Patricia E. Campbell added Appellants Joanne Ahearn and Robert J. Plum as joint tenants with rights to survivorship. Once again Respondent Patricia E. Campbell signed the TITLE TO REAL ESTATE with two witnesses present, Deborah B. Kane and Sarah Kinard. The document was notarized on December 18, 2018. Last Will

And Testament of Patricia E. Campbell (exhibit 3), Number two, I will devise and bequeath all of my estate, whether real, personal or mixed, and where over situate, to my daughter, Joanne Ahearn and her fiancé Robert J. Plum, share and share alike, absolutely and in fee simple. Signed by Respondent Patricia E. Campbell and witnessed by Deborah B. Kane and Sarah Kinard, also notarized. IN THE COURT OF COMMON PLEAS, COMPLAINT (exhibit 4), number two, that the Defendants whereabouts are unknown, dated April 10, 2019. (Exhibit 5) Appellants Motion to file Rule 60(b)(3), Respondent Patricia E. Campbell's inexcusable neglect and fraud, dated January 10, 2020, Appellant Robert J. Plum received a text message from Respondent Patricia E. Campbell dated November 7, 2019 at 1:32 AM (exhibit 6). (Exhibit 7), Record of hearing, dated October 7, 2020, publication in the Colletonian. (Exhibit 8), ORDER QUIETING TITLE TO PROPERTY, FINDING OF FACTS, that the defendant's residency is unknown, dated September 7, 2019. CONFORMATORY DEED (exhibit 9), dated October 7, 2019. (Exhibit 10), petition for publication.

- 2. DID RESPONDENT DIVULGE ANY INFORMATION TO THE RESPONDENT'S ATTORNEY ON RECORD OR KENNETH A. CAMPBELL JR., SPECIAL REFEREE, PERTAINING TO THE APPELLANTS, INCLUDING ANY CONTACT PHONE NUMBERS, ANY VOICE MESSAGES LEFT BY RESPONDENT, OR THE FLORIDA ADDRESS PRIOR TO, DURING OR AFTER THE RESPONDENT TAKING THE ACTION IN REMOVING APPELLANTS FROM THE RESPONDENT'S DEEDED PROPERTY IN COLLETON COUNTY, SOUTH CAROLINA?**

The Respondent offered no location as to where the Appellants were located; the Respondent also did not anytime offer voice mails left on Appellant Joanne Ahearn's Phone number, (843) 603-0566. The following is a transcript created of the voice mails. The voice mails will be copied on to a flash drive and entered as exhibit 11 when the Appellate Court of Appeals request them.

**TRANSCRIPTS OF VOICEMAILS TAKEN FROM APPELLANT JOANNE AHEARN'S  
PHONE (843) 603-0566, RECEIVED FROM RESPONDENT  
PATRICIA E. CAMPBELL AND APPELLANT ROBERT J. PLUM  
PHONE (386) 416-9561**

Please enter your password you have saved voice messages just press 1 to send a message  
Press 2 to change your personal options first save voice message sent Monday  
February 18<sup>th</sup> at 9:04 AM from this is Patricia Campbell and you can leave a message at any  
time thank you duration 34 seconds Joey it's mom listen I lost my cigarettes last night and my  
Lighter and I don't know if I lost them there at the hospital in the room when I was sitting or  
when I left the hospital so I bin without a cigarette do you have any lighters or matches  
anywhere if you do give me a call and how are you doing this morning let me know love you  
bye end of message to erase this message press 7 to send a reply message press 8 message  
saved next message sent Saturday March 23<sup>rd</sup> at 7:26 PM from this is Patricia Campbell and you  
can leave a message at any time thank you duration 18 seconds Joanne I'm gonna be going to  
bed shortly give me a call if you want tomorrow 'cause I wanna discuss some things with you  
talk to you then bye end of message to erase this message press 7 to send a reply message

press 8 to save it press 9 to hear more message saved next message sent Saturday October 5<sup>th</sup> at 11:38 AM from 386-416-9561 duration 22 seconds hey give me a call it's me I thought you were gonna be available on your phone I'm up here at the property the sheriffs in here talking to your mother at in the house and so far so good talk to you later bye love you end of message to erase this message press 7 to send a reply message press 8 to save it press 9 to hear more message saved next message sent Monday October 28<sup>th</sup> at 9:35 AM from Patricia Campbell and you can leave a message at any time thank you duration 12 seconds Nannette had text you about getting your stuff 9:00 o'clock this morning where the hell are you let's get it outta here now end of message to erase this message press 7 to send a reply message press 8 to save it press 9 to hear more options press 0

**3. DID RESPONDENT OFFER ANY PROOF CLAIMING ALLEDGED LACK OF MENTAL INCAPACITY DURING TO THE SIGNING OF THE APPELLANT'S TO RESPONDENT'S DEEDED PROPERTY?**

The Respondant Patricia E. Campbell offered or displayed no proof that the Respondent was suffering from any kind of mental incapacitation whatsoever when the Respondent added Appellant's Joanne Ahearn and Robert J. Plum to the Respondent's deeded property in Colleton County, South Carolina on December 18, 2018. The Respondent alleged she was mentally incapacitated four months after the fact when the Respondent filed a Quieting of Title to property. The Respondent claimed to have forgotten the Appellant's phone numbers, addresses, the Respondent's signature and initials were placed on the documentation adding the Appellant's name's to the Respondent's deeded property, just because you forget things does not mean an individual is mentally incompetent.

**4. WHY DID RESPONDANT LIST ROBERT J. PLUM AS SUCCESSOR AGENT FOR RESPONDENT'S HEALTH CARE POWER OF ATTORNEY?**

The Respondent listed Appellant Robert J. Plum as Respondent's Health Care Power of Attorney because at the time the Appellants were living with the Respondent and the Appellant's Joanne Ahearn and Robert J. Plum were together for twenty two years.

**5. WAS THE RESPONDENT UNDER ANY KIND OF ALLEGED DURESS?**

If there was any duress, it was just that, alleged duress. The Appellants were living with the Respondent at the Respondent's request. The Appellants were preparing meals, helping the Respondent with bills, house work, mowing the yard, grocery shopping and taking the Respondent to and from doctor's appointments.

**6. COULD DEBORAH B. KANE HAVE KNOWN OF THE MENTAL INCAPACITY OF RESPONDENT ON DECEMBER 18, 2018, DURING THE SIGNING OF THE LEGAL DOCUMENT PLACING THE APPELLANTS ON THE RESPONDENT'S DEEDED PROPERTY?**

Upon information and belief, Deborah B. Kane is the only individual that could have known the mental capacity of The Respondent Patricia E. Campbell during the signing of the documents and at that time on December 18, 2018 Deborah B. Kane noted that the Respondent was of sound body and mind and also noted the Respondent was not under any undue influence or duress. Deborah B. Kane

was present on December 18, 2018 which was four months prior to the Respondent taking action against the Appellants. Deborah B. Kane was present on December 18, 2018, when The Respondent's Attorney on record and Kenneth A. Campbell Jr. were not. Let it also be known that Deborah B. Kane is a former presiding Judge and was also chosen to be Special Referee in this case but refused to it being a conflict of interest

**7. DID THE RESPONDENT MEET THE BURDEN OF PROOF DURING THE FINAL JUDGEMENT TO HAVE THE DEED IN QUESTION SET ASIDE?**

With the previous information provided, without a reasonable doubt, the Respondent did not meet the burden of proof in this case against the Appellant's Joanne Ahearn and Robert J. Plum.

**CONCLUSION**

The Appellants Joanne Ahearn and Robert J. Plum were added to the Respondent's deeded property on December 18, 2018, four months later the Respondent started the actions to remove the Appellants from her deeded property claiming the Respondent was under duress and claimed to lack the mental capacity to make that lawful decision. Knowing the Appellants were located in Florida, The Respondent denied and misled the lower court located in Walterboro, South Carolina and now THE SOUTH CAROLINA COURT OF APPEALS, therefore the Appellants being denied due process of service. The Respondent knew of the Appellant's

whereabouts and continued to deceive. There was no supporting documentation of the Respondent's mental incapacity presented, because there isn't any. With the above presented facts presented by the Appellant's, where there is no reasonable doubt, the Appellants wish and pray the Appellate Court of Appeals rule in the Appellant's favor and reverse the lower court's decision and place the Appellant's Joanne Ahearn and Robert J. Plum on the Respondent's deeded property in Colleton County, South Carolina.

**PROOF OF SERVICE TO FILE  
MOTION TO FILE REPLY BREIF TO RESPONDANTS  
INITIAL BREIF DATED OCTOBER 21, 2020 OUTSIDE OF FILING  
DEADLINE**

**RECEIVED**  
**Dec 22 2020**  
**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]**

---

**APPEAL FROM COLLETON COUNTY  
Court of Common Pleas  
Kenneth A. Campbell, Jr., Special Referee**

---

**Appellate Case No. 2019-001886**

---

**Patricia E. Campbell**

**Respondent**

**V.**

**Joanne Ahearn and Robert J. Plum**

**Appellant's**

---

**PROOF OF SERVICE TO FILE  
MOTION TO FILE REPLY BREIF TO RESPONDANTS  
INITIAL BREIF DATED OCTOBER 21, 2020 OUTSIDE  
OF FILING DEADLINE**

---

We certify that we have served proof of service to Respondent Patricia E. Campbell's attorney on record Benjamin Cullifer Pickens Sapp. A copy of the motion to file a reply brief to the Respondent's initial brief outside the filing deadline via Benjamin Cullifer Pickens Sapp's fax number 1-843-549-3269.

December 22, 2020



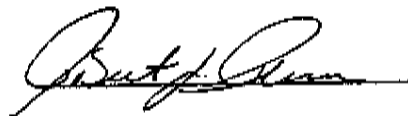
Joanne Ahearn

504 Forest Circle, Apt 123

Walterboro, SC. 29488

843-603-0566

Pro See



Robert J. Plum

504 Forest Circle, Apt 123

Walterboro, SC. 29488

843-603-0566

Pro See