

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HAMPTON COUNTY
Court of Common Pleas

Walter H. Sanders Jr., Special Referee

Case No. 2018-001554

Yvette Cole, Appellant,

v.

Shirley Heyward, Respondent.

RECEIVED
JAN 15 2019
SC Court of Appeals

BRIEF OF APPELLANT

Yvette Cole
152 East 111th Street Apt. 6D
New York, NY 10029
(212)-427-2042
Appellant

TABLE OF CONTENTS

Statement of Issues 3

Statement of the Case4

Argument5

 I. THE PROPERTY THAT IS IN DISPUTE IS *NOT* THE PROPERTY THAT
 SPECIAL REFEREE WALTER H. SANDERS JR. RENDERED A DECISION
 ON.....5

 II. THERE WAS A TITLE SEARCH DONE ON THE PROPERTY LOCATED AT
 560 SAPP BLVD, SE, ESTILL SOUTH CAROLINA 29918 AND IT WAS
 DETERMINED THAT I, YVETTE COLE AM THE SOLE OWNER OF THIS
 PROPERTY.5

 III. SPECIAL REFEREE WALTER H. SANDERS JR. SHOULD HAVE RECUSED
 HIMSELF FROM OVERSEEING THIS MATTER.5

Conclusion6

STATEMENT OF ISSUES

The issues that will be discussed in this brief are as follows:

- 1- The property that is in dispute is *not* the property that Special Referee Walter H. Sanders Jr. rendered a decision on.
- 2- There was a title search done on the property located at 560 Sapp Blvd, SE, Estill South Carolina 29918 and it was determined that I, Yvette Cole am the sole owner of this property.
- 3- Special Referee Walter H. Sanders Jr. should have recused himself from overseeing this matter.

STATEMENT OF THE CASE

The history of the proceedings is as follows:

- 1- The date of the commencement of the action was January 31, 2017
- 2- The nature of the action was a quiet title action to determine that I, Yvette Cole am the sole property owner, has the sole interest, and rights to the property located at 560 Sapp Blvd, SE, Estill SC 29918.
- 3- The nature of the defense was that Shirley Heyward had an interest in and ownership rights to the property located at 560 Sapp Blvd, SE, Estill SC 29918
- 4- Judge Young resided over the quiet title action on August 24, 2017 and did not render a decision but instead referred the case to Special Referee Walter H. Sanders Jr.
- 5- The Hearing was held on December 19, 2017
- 6- The mode of the proceeding was a hearing heard solely by Special Referee Walter H. Sanders Jr. There was only me, the defendant, one court officer, one court clerk and Special Referee Walter H. Sanders Jr. This proceeding was not transcribed in any way and there is no official record of what was said and done that day by either party or by Walter H. Sanders Jr.
- 7- There is no monetary amount involved in this appeal. The property located at 560 Sapp Blvd, SE, Estill SC 29918 is the matter of value involved in this appeal
- 8- The date of the judgment appealed from is January 15, 2018
- 9- The date of the service of the notice of appeal is September 4, 2018.
- 10- Motion for Reconsideration denied on July 11, 2017

ARGUMENT

I. THE PROPERTY THAT IS IN DISPUTE IS *NOT* THE PROPERTY THAT SPECIAL REFEREE WALTER H. SANDERS JR. RENDERED A DECISION ON.

The property that is in dispute in this matter is *NOT* the property that Special Referee Walter H. Sanders Jr. Rendered his decision on. The property that is in dispute in this matter belongs to me, Yvette Cole and is located at 560 Sapp Blvd, SE Estill SC 29918. The Map Number for this property is *069-01-12-007*. (R. p. 7, R. p. 22)

The property that Special Referee Walter H. Sanders Jr. rendered his decision on belonged to Hezekiah Heyward. This property was purchased in 2007 by Shirley Heyward through a tax sale. The Map Number for this property is *069-01-12-010* (R. p. 7)

II. THERE WAS A TITLE SEARCH DONE ON THE PROPERTY LOCATED AT 560 SAPP BLVD, SE, ESTILL SOUTH CAROLINA 29918 AND IT WAS DETERMINED THAT I, YVETTE COLE AM THE SOLE OWNER OF THIS PROPERTY.

The property that Ruth Heyward Thornton conveyed her undivided interest to the Plaintiff Yvette Cole, by deed dated June 27, 1997 and recorded July 11, 1997 in Deed Book D203 at Page 336 in the Office of the Clerk of Courts for Hampton County, South Carolina is the property located at 560 Sapp, Blvd, SE, Estill, SC 29918 and *not* the property Hezekiah Heyward devised to his seven children testate, and that Shirley Heyward purchased through a tax sale. (R. p.7-p.9 and R. p. 25)

The title search that was done on the property located at 560 Sapp, Blvd, SE, Estill, SC 29918 and is filed in the Hampton County Court, deemed Yvette Cole the *sole* owner of the property. (R. p. 25 and R. p. 30-31) This title search was done by attorney Thayer Rivers. A copy of the title and deed to the property located at 560 Sapp Blvd, SE, Estill SC 29918 has been attached for your review and convenience.

III. SPECIAL REFEREE WALTER H. SANDERS JR. SHOULD HAVE RECUSED HIMSELF FROM OVERSEEING THIS MATTER.

1. Walter H. Sanders Jr. was hired to represent Yvette Cole in 1998 in an eviction action against Shirley Heyward over the property located at 560 Sapp Blvd, SE, Estill, SC 29918. This is the same property at dispute in this case.
2. Walter H. Sanders Jr. took \$300.00 from Yvette Cole and did nothing further.

3. Actions were taken in the form of filing a complaint against Walter H. Sanders Jr. with the South Carolina Bar association disciplinary committee. Nothing further was done after the filing of the complaint.

CONCLUSION

I, Yvette Cole, respectfully request that this court find that I own the property located at 560 Sapp Blvd, SE, Estill SC 29918, Free and Clear of interest and rights from any other individual.

Respectfully Submitted,

/s/ 

Yvette Cole
152 East 111th Street Apt. 6D
New York, NY 10029
Appellant

Dated: January 9, 2019.

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM THE HAMPTON COUNTY
Court of Common Pleas

Walter H. Sanders Jr., Special Referee

Case No. 2018-001554

RECEIVED

JAN 15 2019

SC Court of Appeals

Shirley Heyward,

Respondent,

v.

Yvette Cole,

Appellant

CERTIFICATE OF COMPLIANCE

I certify that the final brief that has be filed complies with Rule 211(b) of the South Carolina Appellate Court Rules.

January 9, 2019.

Yvette Cole

Yvette Cole
152 East 111th Street Apt. 6D
New York, NY 10029
(212)- 427-2042
Appellant