

State of South Carolina )  
 ) Court of Common Pleas  
County of Laurens )  
202-CP-30-0111

Anthony Bernard Burnside, )  
 )  
Appellant )  
vs. ) Transcript of Record  
 )  
Honorable W. Reid Cox, Jr., )  
Mater-in-Equity/Special )  
Referee, and; Tim Mahon, )  
Owner, TM Properties, LLC.; )  
 )  
Respondents )

October 19, 2020  
Virtual, Laurens, South Carolina

B E F O R E:

Honorable J. Cordell Maddox, Jr., Judge

A P P E A R A N C E S:

Anthony B. Burnside, Pro Se  
Pro Se, Plaintiff

Nathaniel B. Senn, III, Esq.  
Attorney for the Defendants

**RECEIVED**  
JUN 07 2021  
SC Court of Appeals

Joy E. Holston  
Official Court Reporter

1 Anthony Bernard Burnside vs. Honorable W. Reid Cox, Jr.,  
2 Master-in-Equity/Special Referee and Tim Mahon, TM Owner  
3 Properties, LLC.

4 THE COURT: Mr. Senn.

5 MR. SENN: Yes, sir.

6 THE COURT: And Mr. Burnside.

7 MR. BURNSIDE: Yes, sir.

8 THE COURT: The brief was filed but I didn't get it  
9 until this morning which I have had time to read it  
10 carefully twice. And it looks like instead of a motion to  
11 compel, this might be a 12(b)(6) motion? Is that right?

12 MR. SENN: Your Honor, I may be able to shed a little  
13 light. The Plaintiff actually filed a motion for us to be  
14 held; for my client, Reid Cox, to be held in default and  
15 for a default judgment to be entered against him. And  
16 there was a previously heard motion to compel with the  
17 Clerk of Court, and that was denied by Judge Griffith.  
18 And so we raised some affirmative defenses in our answer.  
19 And so, as I understand it, though I admit it is a little  
20 procedurally muddy, the issue before the Court is one,  
21 whether or not any default or default judgment would be  
22 proper. And two, that issues that we raised in our answer  
23 as far as 12(b)(6) and judicial -- et cetera.

24 THE COURT: Let's deal with, Mr. Burnside, do you  
25 agree with that?

1 MR. BURNSIDE: I really can't hear, not speaking loud  
2 enough for me to hear, sir.

3 THE COURT: I am as wide open as I can get. My  
4 speakers won't go -- well, actually will go two more.  
5 That is as loud as I can go. Can you not hear. They said  
6 you had some sound problems.

7 MR. BURNSIDE: No sir, we really can't hear, it is  
8 real lightly and blurry like.

9 THE COURT: Okay. Well, the Supreme Court's order,  
10 that we are operating under, allows me to either do  
11 non-jury with a hearing like this or based on briefs or  
12 based on the file. So, basically Mr. Burnside, I know you  
13 probably can't hear me real well and I will confirm this  
14 in a little bit. But obviously, it is my discretion, I  
15 can just not hold a hearing. I don't want to hold a  
16 hearing in which you can't hear. And I can get the whole  
17 file, read it, and make a ruling based upon the written  
18 documents in the file which may be the best way to go  
19 here. Anybody object to that? Now, obviously I can't  
20 rule today because I need to get the file but I could rule  
21 this week. Any disagreement to that?

22 MR. SENN: No, Your Honor, we have no objection to  
23 that.

24 THE COURT: Mr. Burnside, do you have any  
25 disagreement with that?

1 MR. BURNSIDE: One second. Sir, I wanted to make  
2 sure you have all of my evidence and I really don't agree.  
3 I would like to -- we scheduled the hearing. I would like  
4 to get it rescheduled so that we can get everything clear,  
5 sir.

6 THE COURT: Well, are you going to be able to get to  
7 a computer that might have better sound? I mean, this is  
8 morning, if you need an hour I don't have a problem if you  
9 want to work on your sound. I have got everything I need  
10 here, I think. Because I have got the file now. So you  
11 want an hour. Mr. Senn, does that work for you?

12 MR. SENN: Well, your Honor, because the Plaintiff  
13 mentioned that he wants you to have all of his evidence,  
14 this isn't an evidentiary hearing, it's simply a matter of  
15 a ruling on the law. So I don't know that that would be  
16 appropriate.

17 THE COURT: Well, I understand he is a pro se. Go  
18 ahead, Mr. Burnside. Mr. Burnside, you have somebody  
19 talking to you, you can put them on camera. That is not a  
20 problem.

21 MR. BURNSIDE: No, sir. What I am saying is, I want  
22 to make sure that it is not one-sided, Your Honor, by you.

23 THE COURT: Well, I don't know anything about this  
24 case, I am not from Laurens. I have the file, I have  
25 access to the file. Lynn, and I guess everything is in

1 the folder, right?

2 MS. LANCASTER-CLERK OF COURT: Yes, sir.

3 THE COURT: Mr. Burnside, I will have access to  
4 anything filed by you at all, filed by you at all.

5 MR. BURNSIDE: I didn't hear what you quite said,  
6 sir.

7 THE COURT: I said I will have access to your whole  
8 file. So I can either delay this for an hour which, I  
9 don't have a problem doing, to allow you to try to work on  
10 your sound or a lot of lawyers in this State, in fact most  
11 of them now with COVID rising, are doing non-jury hearings  
12 like this based upon writing which basically means I have  
13 got to read through the file myself and make a decision  
14 based upon the written documents filed. And I don't mind  
15 doing that, it is more work for me but I'm happy to do it  
16 rather than have you struggle to hear.

17 MR. BURNSIDE: No, sir. It is a lot of perjury  
18 testimony in there and that is why I don't, I don't agree  
19 with this, sir.

20 THE COURT: Well, there's no -- I mean, I will -- all  
21 right, I tell you what. It's 10:26, we will reconvene at  
22 11:30, you need to get a better, you need to get some  
23 better sound. So we will reset this up, my Law Clerk will  
24 set it up and we will reconnect at 11:30.

25 MR. BURNSIDE: Sir, --

1 THE COURT: Pardon?

2 MR. BURNSIDE: Give me one minute. Okay, sir, let me  
3 ask you a question. If you do it by file, can it go over  
4 to the Court of Appeals?

5 THE COURT: Absolutely, yes sir.

6 MR. BURNSIDE: Okay. The reason why I asked that is  
7 because I know you are going to rule against me according  
8 to the file. So you go ahead on and make your ruling and  
9 then we will appeal it to the Court of Appeals.

10 THE COURT: All right. You are Mr. Burnside, you are  
11 -- you are Mr. Burnside?

12 MR. BURNSIDE: Sir?

13 THE COURT: Are you Mr. Burnside or is Mr. Burnside  
14 talking to you?

15 MR. BURNSIDE: I am right here on the camera talking  
16 to you, sir.

17 THE COURT: Okay. All right. If both of y'all  
18 agree, I will get the file, read through it and I will  
19 make a decision on the default issue and on the  
20 affirmative defenses that I just read about this morning.  
21 I mean, Mr. Burnside, I know you may not believe it, I  
22 don't have any opinion at all about this now but I will  
23 read through it, make a decision. And then, if I do rule  
24 against you, what I will do, you will get an email from me  
25 that is a copy of the email that I send to Mr. Senn asking

1 him to do an order and you have to appeal my order. There  
2 is a certain timeframe so you need to be very careful, I  
3 can't give you legal advice but once I issue an order that  
4 starts the time table for appeal.

5 MR. BURNSIDE: I want a hard copy, sir, I want a hard  
6 copy.

7 THE COURT: I am sorry. Well, I can get you an  
8 email, I will send you a hard copy but the emails, again,  
9 this is only if I rule against you. If I rule for you I  
10 will send an email to you asking you to do the order and  
11 send the copy to him. So if, Lynn, if you have got his  
12 address, if I send you a copy of the email can you mail it  
13 to him so that it is official?

14 MS. LANCASTER-CLERK OF COURT: Yes, sir.

15 THE COURT: All right. So if I rule against you,  
16 what I will do is send a copy of the email to Lynn and  
17 then ask her to just literally send a copy of that email  
18 in the mail to you. And then once the order comes in and  
19 it is signed, you both will get that at the same time  
20 anyway. So we will do it like we do it with lawyers and  
21 everybody else, is the way I have done it for 20 years.

22 MR. BURNSIDE: I just want to make sure, sir, because  
23 everything going on has been going against me and I know  
24 that the truth is there. And like I just want to set it  
25 for appeal.

1 THE COURT: Okay. All right.

2 MR. BURNSIDE: I know you are going to rule against  
3 me so we just go ahead and set up, I am going to go ahead  
4 and appeal.

5 THE COURT: You can't appeal until I rule and just  
6 for the record, Joy and Lynn, this is being recorded,  
7 right?

8 MS. LANCASTER-CLERK OF COURT: Yes, sir.

9 COURT REPORTER: Yes, sir.

10 THE COURT: Okay. All right. I will let y'all know  
11 as soon as I have had a chance to look at the file. Quite  
12 frankly, I am going to do it earlier in the week rather  
13 than later because I will be dealing with my  
14 father-n-law's funeral at the end of the week because his  
15 people are from New York and I have got a delay. So I am  
16 going to get as much done as I can.

17 MR. BURNSIDE: All right.

18 THE COURT: All right. Thank y'all. Joy and Lynn, I  
19 need y'all to stay on if you don't mind. All right,  
20 appreciate it, y'all. Hey, Mr. Senn, would you just do a  
21 quick one sentence order saying that the parties agree to  
22 do this under the, Justice Beatty's order?

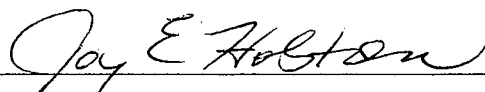
23 MR. SENN: Yes, sir.

24 THE COURT: Thank y'all. Thank you, Mr. Burnside,  
25 Mr. Senn.

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MR. SENN: Yes, sir.

\*\*\* END OF REQUESTED TRANSCRIPT OF RECORD \*\*\*

1 CERTIFICATE OF REPORTER  
2  
34 State of South Carolina )  
5 County of Newberry )  
6  
78 I, Joy E. Holston, Official Court Reporter for the  
9 Eighth Judicial Circuit of the State of South Carolina, do  
10 hereby certify that the foregoing is a true, accurate and  
11 complete transcript of record of the proceedings had and  
12 evidence introduced in the trial of the captioned case,  
13 relative to appeal, in the County of Laurens, South  
14 Carolina on the 19th day of October, 2020.15 I do further certify that I am neither of kin,  
16 counsel nor interest to any party hereto.  
17  
1819 February 20, 2021  
2021 

22 Joy E. Holston, Court Reporter

23 My Commission expires: May 2, 2026  
24  
25

C/A # 2020-CP-30-00111

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SC Court of Appeals

The state of South Carolina  
The Court of Appeals of South Carolina  
APPEAL FROM LAURENS COUNTY COMMON PLEAS COURT  
HONORABLE - J. CordeLL Maddox, Jr.,

ANTHONY B. Burnside . . . . . APPELLANT,  
V.

HONORABLE - W. Reid COX, JR., MASTER-IN-EQUITY/SPECIAL Referee,  
AND, TIM MAHON, OWNER, TM Properties, LLC., DEFENDANTS, OF WHOM -  
HONORABLE - W. Reid COX, JR., MASTER-IN-EQUITY/SPECIAL Referee,  
is the respondent.

PROOF OF SERVICE

I, ANTHONY B. Burnside, do hereby certify that I have served  
A COPY OF THE OFFICIAL TRANSCRIPT OF RECORD - BY PROVIDING A  
COPY OF SAME TO THE SOUTH CAROLINA COURT OF APPEALS, BY  
WAY OF THE UNITED STATES MAIL, POSTAGE PREPAID, AND ADDRESSED  
ON JUNE 02, 2021, AND TO:

MS. V. CLAIRE ALLEN  
Chief Deputy Clerk  
S.C. COURT OF APPEALS  
POST OFFICE BOX # 11269  
COLUMBIA, S.C. 29201

LAURENS, S.C.

JUNE 02, 2021

~~St Anthony B. Burnside~~  
ANTHONY B. BURNSIDE  
POST OFFICE BOX #344  
GRAY COURT, S.C. 29645

JUNE 02, 2021

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JUN 07 2021

SC Court of Appeals

ATTN: MS. V. CLAIRE ALLEN  
Chief Deputy Clerk  
S.C. COURT OF APPEALS  
POST OFFICE BOX# 11269  
COLUMBIA, S.C. 29201

Dear Ms. Allen:

ON MAY 27, 2021, I Filed with this Court, the initial brief of the Appellant, (2020-CP-30-00111), however, inadvertently the transcript of Record was NOT included in the mailing process.

Please find enclosed the transcript of Record pertaining to Appellant's initial brief in this matter. The defendants and Respondent has been notified of same. Please see enclosed documentation:

Please file enclosed transcript of Record with Appellant's initial brief in this matter.

Thank you,  
Anthony B. Burnside

ANTHONY B. BURNSIDE  
POST OFFICE BOX #344  
GRAY COURT, S.C. 29645



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