

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

The Honorable Carmen Tevis Mullen, Circuit Court Judge

RECEIVED

APR 11 2013

Case No. 2008-CP-07-03656

COURT OF APPEALS

Ernest Alvin Timmons as Trustee of the

Ernest A. Timmons Revocable Trust.....Appellant,

v.

Neil O. Gifford, Amy E. Gifford, Johnny L. Brewer, Joseph Gray Peebles, Brian M. Hinson, Karen B. Hinson, George R. Dickey, H. Alvin Dobson, Jr., Kimberly A. Dobson, Gene G. Slice, Andrea C. Klucsarits, Becky P. Hildebrand, Gregory T. Hildebrand, Marsha Dean Ford, Harriet H. Ford, Lucas W. Durham, Marianne Durham, John D. Meyer, Meryl V. Truett, Christian W. Kern, Russel V. Schumpert, Carlton Mark Schumpert, Elizabeth O'Neal Schumpert, Russell C. Amick, Pamela S. Burnett, Mary Alice Broderick, Ellen N. Gifford, Robert M. McAlister, Barbara M. Vaughan, Margie J. Crews, Will Mills, Tracy Mills, BDM Investments, LLC, James P. Thomas, Lillian M. Thomas, J. Wyman Wall, III, Karl A. Overcash, Patsy V. Coppage, Steven M. Robison, Charles Schmid, Larry M. Bane, Renee C. Bane, Robert Gallina, Margaret E. Gallina, Bert Kerwin, Richard C. Guarneri, Maria Guarneri, and James P. Thomas, if any of these persons are living, and if not living, then the heirs, devisees or successors in title to them; and all persons unknown having or claiming to have any right, title, interest in, easement upon, or lien upon the real property described in the complaint herein being designated collectively as John Doe and Mary Rose; including all persons who may be deceased, minors, in the Armed Forces of the United States, Non Compos Mentis or under any other disability,

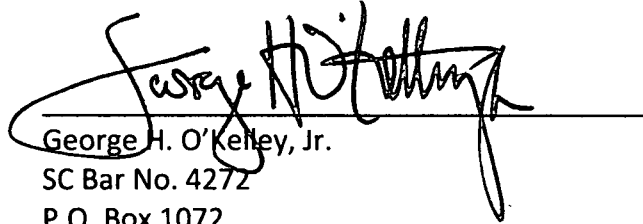
Of whom Karl A. Overcash is.....Respondent.

RESPONDENT OVERCASH'S RETURN TO MOTION
TO REINSTATE APPEAL AND FOR REHEARING

Pursuant to Rules 240 and 260, SCACR, Respondent Karl A. Overcash submits this return to Appellant's Motion to reinstate Appeal and for Rehearing.

Respondent Overcash joins in the return to such motion as submitted by Respondent, George R. Dickey.

Respectfully submitted,



George H. O'Kelley, Jr.

SC Bar No. 4272

P.O. Box 1072

Beaufort, S. C. 29901

(843)524-3233

Attorney for the Respondent Overcash

April 9, 2013

RECEIVED

APR 11 2013

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

The Honorable Carmen Tevis Mullen, Circuit Court Judge

Case No. 2008-CP-07-03656

Ernest Alvin Timmons as Trustee of the

Ernest A. Timmons Revocable Trust.....Appellant,

v.

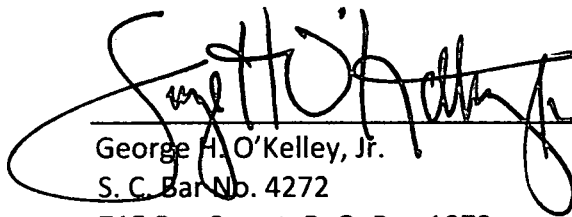
Neil O. Gifford, Amy E. Gifford, Johnny L. Brewer, Joseph Gray Peeples, Brian M. Hinson, Karen B. Hinson, George R. Dickey, H. Alvin Dobson, Jr., Kimberly A. Dobson, Gene G. Slice, Andrea C. Klucsarits, Becky P. Hildebrand, Gregory T. Hildebrand, Marsha Dean Ford, Harriet H. Ford, Lucas W. Durham, Marianne Durham, John D. Meyer, Meryl V. Truett, Christian W. Kern, Russel V. Schumpert, Carlton Mark Schumpert, Elizabeth O'Neal Schumpert, Russell C. Amick, Pamela S. Burnett, Mary Alice Broderick, Ellen N. Gifford, Robert M. McAlister, Barbara M. Vaughan, Margie J. Crews, Will Mills, Tracy Mills, BDM Investments, LLC, James P. Thomas, Lillian M. Thomas, J. Wyman Wall, III, Karl A. Overcash, Patsy V. Coppage, Steven M. Robison, Charles Schmid, Larry M. Bane, Renee C. Bane, Robert Gallina, Margaret E. Gallina, Bert Kerwin, Richard C. Guarneri, Maria Guarneri, and James P. Thomas, if any of these persons are living, and if not living, then the heirs, devisees or successors in title to them; and all persons unknown having or claiming to have any right, title, interest in, easement upon, or lien upon the real property described in the complaint herein being designated collectively as John Doe and Mary Rose; including all persons who may be deceased, minors, in the Armed Forces of the United States, Non Compos Mentis or under any other disability,

Of whom Karl A. Overcash is.....Respondent.

PROOF OF SERVICE

I certify that I served Respondent Overcash's Return to Appellant's Return to Motion to Reinstatement on the following parties or counsel by placing the same in the U. S. mail, postage prepaid, on April 9, 2013, addressed as follows:

G. Hamlin O'Kelley, III, Esq., 652 Coleman Blvd., Suite 200, Mt. Pleasant, S. C. 29464, Attorney for George R. Dickey, James J. Wegmann, Law., Esq., Mikell, Weidner, Wegmann & Harper, LLC, 6 Professional Village Circle, Beaufort, S. C. 29907; A.G. Solomons, Jr., Esq., Solomons & Lawton, PC, P.O. Box 969 Estill, S. C. 29918, Attorneys for Neil O. Gifford, Amy E. Gifford, H. Alvin Dobson, Jr., Kimberly A. Dobson, Ellen N. Gifford, BDM Investments, LLC, Robert McAlister, Barbara M. Vaughn and J. Wyman Wall, III; Karl D. Twenge, Esq., 311 Carteret Street, Beaufort, S. C. 29902, Guardian ad litem; Mr. Russell Amick, 252 McNeary Ferry Rd., Leesville, S. C. 29070, Defendant Pro Se; Mr. Johnny L. Brewer, 96 Fort Fremont Rd., St. Helena Island, S. C. 29920, Defendant Pro Se; Mr. Gregory Hildebrand, Ms. Becky Hildebrand, 201 Blaine Lane, Lexington, S. C. 29072 Pro Se; Mr. Steven M. Robinson, 7 Kelbold Road, St. Helena Island, S. C. 29920, Defendant Pro Se; Ms. Mary Alice Broderick, 5 Fort Fremont Road, St. Helena Island, S. C. 29920, Defendant Pro Se;



George H. O'Kelley, Jr.

S. C. Bar No. 4272

715 Bay Street, P. O. Box 1072
Beaufort, South Carolina 29901
(843)524-3233
Attorney for Karl A. Overcash

April 9 2013

GEORGE H. O'KELLEY, JR., LLC

ATTORNEY AT LAW

715 BAY STREET

P.O. BOX 1072

BEAUFORT, SOUTH CAROLINA

(843)524-3233

(843) 524-3705

ZIP: 29901

FAX:521-4949

April 9, 2013

Hon. Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
P. O. Box 11629
Columbia, South Carolina 29211


Re: Timmons vs. Gifford, et al
Case No: 2008-CP-07-3656
Ct. App. No. 20100166447

Dear Ms. Kitchings:

As attorney for respondent, Karl A. Overcash, I am enclosing an original and seven copies of this respondent's return which joins in the Motion to Reinstate filed by Respondent Dickey. An original and a copy of the Proof of Service is also enclosed.

Should you have any questions or need anything further, please contact me. Thank you very much.

Sincerely yours



George H. O'Kelley, Jr.

RECEIVED

APR 11 2013

SC Court of Appeals

GHOK/slj

cc: (w/enc.)

James J. Wegmann, Esq.

A.G. Solomons, Jr., Esq.

G. Hamlin O'Kelley, III, Esq.

Karl D. Twenge, Esq.

Mr. Russell Amick

Mr. Johnny L. Brewer

Mr. Gregory Hildebrand

Ms. Becky Hildebrand

Mr. Steven M. Robinson

Ms. Mary Alice Broderick