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Jan 27 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

Brian M. Gibbons, Circuit Court Judge

Case No. 2017-CP-29-01248
Appellate Case No.: 2018-002272

Desa Ballard, as successor
trustee of the Trust of Chris
Combis,

Appellant,

v.

Diane Combis, Chris A.
Combis, Redding Jones
PLLC, Simon John O'Brien,
and Kent D. Jones,

Defendants,

Of whom Redding Jones
PLLC, Simon John O'Brien,
and Kent D. Jones are

Respondents.

PETITION FOR REHEARING

Appellant, Desa Ballard, as successor trustee of the Trust of Chris Combis, moves this Court to rehear and reconsider its decision issued in this case on the following issues:

1. The Court erred in determining that South Carolina Courts could not address the tortious actions of lawyers in assisting fraudulent conveyances of North Carolina property by their clients, because, while title to the property could only be adjudicated in North Carolina, the tortious activities of the clients and the lawyers affected South

Carolina property rights. The judgments which the clients and lawyers were attempting to hide from asset collection were South Carolina judgments.

2. The Court erred in determining that the fraudulent conveyance action required a determination of title, which could only be litigated in North Carolina courts, because title to the property was not at issue. There was no dispute as to title. The dispute was as to tort actions of hiding the (North Carolina) real property to prevent a South Carolina trust and estate from collecting a judgment rendered in South Carolina Courts.
3. The effect of the Court of Appeals' ruling was to dismiss the action for fraudulent conveyances against Redding Jones LLC, which conceded personal jurisdiction in South Carolina and did not move to dismiss on the basis of lack of personal jurisdiction.
4. The court erred in finding that Lancaster County was not the correct venue for this action, because the estate which eventually recovered judgment was a Lancaster County estate, and the South Carolina District Court judgment which Respondents attempted to avoid affected a South Carolina judgment. Decedent was a resident of Lancaster County at the time of his death, and the trust, while governed by North Carolina, was administered by a South Carolina resident trustee.
5. While the original complaint asked for transfer of title back to the original grantors, Appellant abandoned that request for relief and sought only tort damages in this action. No equitable action regarding title to property was before the Court in this action. No "right to recover property" was being litigated in this action. This was a tort action seeking tort damages only. The Court's reliance on *TruckSouth Inc. v. Patel*, 339 S.C. 40, 528 S.E.2d 424 (2000) was misplaced because this was an action for tort damages only and not to determine title or transfer it.

6. The Court of Appeals erred in failing to consider the issue of whether intentional involvement by a law firm with members admitted in South Carolina both generally and *pro hac vice* in transferring assets to avoid a South Carolina judgment (while at the same time defending the South Carolina proceedings that eventually resulted in the judgment) is not cognizable in South Carolina. By dismissing the action based on the *situs* of the property which was fraudulently transferred instead of the tortious actions which had their direct and immediate impact in South Carolina, the Court did not reach the relevant and ultimate issue presented.
7. The Court of Appeals erred in failing to consider the merits of Appellant's claim against the lawyers who facilitated the fraudulent transfer of property for purposes of avoiding a South Carolina judgment. The errors of the Court in misunderstanding the nature of the relief sought by Appellant, and upon which the Court relied in affirming, allowed the Court to not address an issue properly and fully before the Court.

Respectfully submitted,

/s Douglas N. Truslow
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ATTORNEY FOR APPELLANT

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Defendants,

Of whom Redding Jones
PLLC, Simon John O'Brien,
and Kent D. Jones are

Respondents.

PROOF OF SERVICE


I, Mara Ballard, an employee of Ballard & Watson, Attorneys at Law, certify that a true and correct copy of the **Petition for Rehearing** was served upon the parties of record listed below by e-mail listed on the Attorney Information System pursuant to the South Carolina Court of Appeals Order No. 2020-000447(e)

Edward B. Davis
Bell, Davis & Pitt, PA
227 West Trade Street, Suite 1800
Charlotte, North Carolina 28202
Email: ward.davis@belldavispitt.com

I, Mara Ballard, an employee of Ballard & Watson, Attorneys at Law, certify that a true and correct copy of the **Petition for Rehearing** was served upon the parties of record listed below by depositing a copy of same in the United States Mail, postage prepaid to each party's last known address:

Diane Combis
5814 Bentway Drive
Charlotte, North Carolina 28226

Chris A. Combis
2310 North Brevard Street
Charlotte, North Carolina 28206


Mara T. Ballard, CFE, CMA
Forensic Accountant

January 27, 2022
West Columbia, SC

From: [Mara Ballard](#)
To: [Edward "Ward" B. Davis, Esquire](#)
Cc: [Desa Ballard](#); [Douglas N. Truslow, Esquire \(douglastruslow@truslowlaw.com\)](mailto:Douglas.N.Truslow@truslowlaw.com); nealtruslow@truslowlaw.com; [Mara Ballard](#)
Subject: Combis, Chris (Fraudulent Conveyances)
Date: January 27, 2022 4:50:57 PM
Attachments: [Petition for Rehearing.pdf](#)
[2022 01 27 Lts to COC w POS and P for Rehearing.pdf](#)

Dear Mr. Davis,

Please find attached a Petition for Rehearing, Proof of Service and assorted letters which I am emailing and mailing to the Court of Appeals today.

If you have any questions or concerns, please contact us.

With kindest regards,

Mara T. Ballard, CMA, CFE
Forensic Accountant (not a lawyer)
Ballard & Watson, Attorneys at Law
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Please note updated address. We are in the process of closing our old PO Box and are receiving all mail now at our street address.



Ballard & Watson
Attorneys at Law
PERSISTENT. UNWAVERING.

Desa Ballard
Harvey M. Watson III

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January 27, 2022

Via Email (ctappfilings@sccourts.org)
Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RECEIVED
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SC Court of Appeals

Re: *Ballard vs Diane Combis, Chris Combis, Redding Jones et. Al. (Fraudulent Conveyances)*
Appellate Case No: 2018-002272

Dear Ms. Kitchings:

Enclosed for filing please find the Appellant's Petition for Rehearing and Proof of Service for the above referenced matter.

By copy of this letter and as evidenced by the Proof of Service, this filing has been served upon Counsel for the Respondents and on the Defendants. Thank you and attention to this matter. If you have any questions, please do not hesitate to contact our office.

With warm personal regards, I am,

Sincerely yours,

Mara T. Ballard, CFE, CMA
mara@desaballard.com

cc: Edward B. Davis, Esquire (via Email)
Diane Combis (via US Mail)
Chris A. Combis (via US Mail)