



RECEIVED

Mar 25 2022

SC Court of Appeals

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

March 25, 2022

Mr. Dwight Christopher Moore, Esquire
Dwight C. Moore
26 North Main Street
Sumter SC 29150

Mr. Richard C. Jones, Esquire
PO Box 1268
Sumter SC 29151-1268

Mr. Jack W. Erter, Jr., Esquire
Mr. David Cornwell Holler, Esquire
PO Box 580
Sumter SC 29151-0580

Mr. Thomas E. Player, Jr., Esquire
PO Drawer 3690
305 N. Main St.
Sumter SC 29151

Re: The Estate of Fannie M. Champion v. Ronald L. Hallman
Appellate Case No. 2021-001293

Dear Counsel:

The Court received a copy of an order issued March 10, 2022. The order was not accompanied by a timely served notice of appeal or any other request for action by the Court. Accordingly, we will not take any further action on this.

Very truly yours,

V. Claire Allen

CLERK

RECEIVED

Nov 04 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
COURT OF COMMON PLEAS

R. Ferrell Cothran, Jr., Circuit Court Judge

Case No. 2008-CP-43-02112

The Estate of Fannie M. Champion, by
Evelyn Champion Ludd, Personal
Representative, Samuel Champion,
Evelyn C. Ludd, Sarah C. Evans,
Rachel C. Brown, Henry Champion, Jr.,
Janie M. Champion, Mary Johnson and
John L. Champion,

Appellants,

vs.

Ronald L. Hallman, Marjorie J. Hallman,
Elton J. Hallman, Conswalla E. Hallman,
Oron J. Hallman, Hazelee C. Hallman,
Edward G. Hamilton, Helen D. Hamilton,
Edward E. Hamilton, Raymond Forbes
Davenport, II, and Mary Ellen Davenport,

Respondents.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal in the above-referenced case upon the Respondents by electronic transmission and by depositing a copy of the same in the United States Mail, postage prepaid, on November 4, 2021, addressed to Respondents' attorneys at the following addresses:


David C. Holler, Esquire
Smith, Robinson, Holler, Morgan & DuBose, LLC
Post Office Box 580
Sumter, South Carolina 29151-0580
Email: davidholler@smithrobinsonlaw.com

Jack W. Erter, Jr., Esquire
Lee, Erter, Wilson, Holler, & Smith, L.L.C.
Post Office Box 580
Sumter, South Carolina 29151-0580
Email: jackserter@smithrobinsonlaw.com

Thomas E. Player, Jr., Esquire
Player & McMillan, LLC
305 North Main Street
Sumter, SC 29150
Email: tommyplayer@playermcmillan.com

Richard C. Jones, Esquire
Jones, Seth, Shuler & Jones, L.L.P.
Post Office Box 1268
Sumter, SC 29151-1268
Email: richardcjones@jonessethjones.com

November 4, 2021


Dwight C. Moore, SC Bar No. 63008
Moore Law Firm, L.L.C.
26 North Main Street
Post Office Box 1229
Sumter, South Carolina 29151-1229
Telephone (803) 778-6520
Fax (803) 775-6365
Email: moorelawfirm@ftc-i.net
Attorney for Appellants

STATE OF SOUTH CAROLINA
 COUNTY OF SUMTER
 IN THE COURT OF COMMON PLEAS
 2222
 FANNIE M. CHAMPION, ET AL

FORM 4

AMENDED JUDGMENT IN A CIVIL CASE
 CASE NO. 2008 CP-43-02112
 RONALD L. HALLMAN, ET AL

ELECTRONICALLY FILED - 2021 Oct 06 9:34 AM - SUMTER - COMMON PLEAS - CASE#2008CP4302112

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or
	<input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case. PLAINTIFF'S MOTION TO ALTER OR AMEND IS DENIED.

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

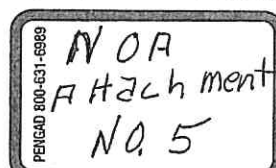
RECEIVED
 Nov 04 2021

SC Court of Appeals

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.



[Redacted content]

FORM 4C INSTRUCTIONS—JUDGMENT IN A CIVIL CASE
(Instructions for Information Only-Not to be filed with Form 4C)

1. Form 4C-Judgment in a Civil Case has been modified to add order information and enrollment instructions for the clerk of court. The purpose of Form 4 has not changed with the exception that judgment information is provided when applicable.
2. Please note that the Form 4C must be attached to all orders that include information to enroll in the judgment index. The clerk will not be responsible for reading the order to determine enrollment information.

The attorney or prevailing party will prepare and attach the Form 4C when submitting the proposed order that includes judgment enrollment information for the judgment index. The judge will review and sign Form 4C when he or she signs an order that includes judgment enrollment information for the judgment index.

3. Form 4C is not required to be submitted to the Court with orders that do not include information to enroll in the judgment index. If the clerk receives such an order without Form 4C attached, the clerk should enter and process the order pursuant to Rule 58 and Rule 77(d), SC Rules of Civil Procedure (i.e., the clerk should serve notice of entry of the judgment by mail or provide the attorneys with copies of the signed order by other means).
4. The “Information for the Judgment Index” section should be completed when the judgment affects title to real or personal property or if any amount should be enrolled. In the “Judgment in Favor of” column, enter the name of the party to whom the judgment is awarded. In the “Judgment Against” column, enter the name of the person to whom the judgment is against. The judgment amount to be enrolled should be noted in the “Judgment Amount” column. As necessary, describe any property referenced in the order if it is to be enrolled in the judgment index. If there is no judgment information to enroll, indicate “N/A” in one of the boxes in this section of the form.
5. To enter information to accommodate multiple parties, additional Form 4Cs may be used as necessary. Additional space may be inserted on the form as necessary.
6. The section “For the Clerk of Court Office Use Only” should be completed by the clerk as it has been with the previous version of Form 4.
7. If the matter is on appeal to the Circuit Court, then the parties on the form should be changed from Plaintiff and Defendant to Appellant and Respondent.
8. If an arbitrator prepares an order after arbitration, the arbitrator should strike through “Circuit Court Judge” and indicate “Arbitrator” in the signature block.

ELECTRONICALLY FILED - 2021 Oct 06 9:34 AM - SUMTER - COMMON PLEAS - CASE#2008CP4302112

9. If a Special Circuit Court Judge, Master in Equity, or Special Referee prepares an order after hearing a Circuit Court matter, then he or she should strike through the title "Circuit Court Judge" below the signature line and indicate the appropriate title.
10. When an Order of Foreclosure is filed, neither the parties or debt owed should be listed in the Information for the Judgment Index Section, unless the foreclosure order specifically requires entry of the full judgment amount before the foreclosure sale, pursuant to Section 29-3-650 of the SC Code.
11. If the deficiency judgment is waived in a Foreclosure action, indicate N/A in the "Judgment Amount To Be Enrolled" box.
12. Foreclosure actions should be ended by the Clerk of Court upon receipt of the Order of Foreclosure. Subsequent information, including deficiency judgments, can be added to the action after the case is ended. The Master in Equity should end the action in the MIE system upon the receipt of the Order of Foreclosure.
13. When judgment enrollment information is included in the Information for the Judgment Index Section (for example, when there is a deficiency judgment), only the parties who the judgment is for and against should be included in the Section. Subordinate parties and lienholders should not be included in the box if there is not a judgment amount specifically for or against them.
14. Form 4C is not required to be attached to Transcripts of Judgment and Confession of Judgment.



Sumter Common Pleas

Case Caption: Fannie M Champion , plaintiff, et al VS Ronald L Hallman ,
defendant, et al
Case Number: 2008CP4302112
Type: Order/Form 4

So Ordered

s/ R. Ferrell Cothran, Jr., 2144

THE ESTATE OF FANNIE M. CHAMPION, ET AL
 PLAINTIFF(S)

RONALD L. HALLMAN, ET AL
 DEFENDANT(S)

Submitted by:

Attorney for : Plaintiff Defendant
 or
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court: **ATTORNEY JUSTIN D. MAINES' MOTION TO BE RELIEVED OF COUNSEL IS CONSENTED TO BY ALL PARTIES AND IS GRANTED BY THIS COURT.**

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk :

PLAINTIFF'S MOTION TO ALTER OR AMEND JUDGEMENT IS DENIED.

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order.

RECEIVED
Nov 04 2021
 SC Court of Appeals

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

NOA
 Attachment
 No. 4

[Redacted content]

FORM 4C INSTRUCTIONS—JUDGMENT IN A CIVIL CASE
(Instructions for Information Only-Not to be filed with Form 4C)

1. Form 4C-Judgment in a Civil Case has been modified to add order information and enrollment instructions for the clerk of court. The purpose of Form 4 has not changed with the exception that judgment information is provided when applicable.
2. Please note that the Form 4C must be attached to all orders that include information to enroll in the judgment index. The clerk will not be responsible for reading the order to determine enrollment information.

The attorney or prevailing party will prepare and attach the Form 4C when submitting the proposed order that includes judgment enrollment information for the judgment index. The judge will review and sign Form 4C when he or she signs an order that includes judgment enrollment information for the judgment index.

3. Form 4C is not required to be submitted to the Court with orders that do not include information to enroll in the judgment index. If the clerk receives such an order without Form 4C attached, the clerk should enter and process the order pursuant to Rule 58 and Rule 77(d), SC Rules of Civil Procedure (i.e., the clerk should serve notice of entry of the judgment by mail or provide the attorneys with copies of the signed order by other means).
4. The “Information for the Judgment Index” section should be completed when the judgment affects title to real or personal property or if any amount should be enrolled. In the “Judgment in Favor of” column, enter the name of the party to whom the judgment is awarded. In the “Judgment Against” column, enter the name of the person to whom the judgment is against. The judgment amount to be enrolled should be noted in the “Judgment Amount” column. As necessary, describe any property referenced in the order if it is to be enrolled in the judgment index. If there is no judgment information to enroll, indicate “N/A” in one of the boxes in this section of the form.
5. To enter information to accommodate multiple parties, additional Form 4Cs may be used as necessary. Additional space may be inserted on the form as necessary.
6. The section “For the Clerk of Court Office Use Only” should be completed by the clerk as it has been with the previous version of Form 4.
7. If the matter is on appeal to the Circuit Court, then the parties on the form should be changed from Plaintiff and Defendant to Appellant and Respondent.
8. If an arbitrator prepares an order after arbitration, the arbitrator should strike through “Circuit Court Judge” and indicate “Arbitrator” in the signature block.

ELECTRONICALLY FILED - 2021 Oct 04 10:22 AM - SUMTER - COMMON PLEAS - CASE#2008CP4302112

9. If a Special Circuit Court Judge, Master in Equity, or Special Referee prepares an order after hearing a Circuit Court matter, then he or she should strike through the title "Circuit Court Judge" below the signature line and indicate the appropriate title.
10. When an Order of Foreclosure is filed, neither the parties or debt owed should be listed in the Information for the Judgment Index Section, unless the foreclosure order specifically requires entry of the full judgment amount before the foreclosure sale, pursuant to Section 29-3-650 of the SC Code.
11. If the deficiency judgment is waived in a Foreclosure action, indicate N/A in the "Judgment Amount To Be Enrolled" box.
12. Foreclosure actions should be ended by the Clerk of Court upon receipt of the Order of Foreclosure. Subsequent information, including deficiency judgments, can be added to the action after the case is ended. The Master in Equity should end the action in the MIE system upon the receipt of the Order of Foreclosure.
13. When judgment enrollment information is included in the Information for the Judgment Index Section (for example, when there is a deficiency judgment), only the parties who the judgment is for and against should be included in the Section. Subordinate parties and lienholders should not be included in the box if there is not a judgment amount specifically for or against them.
14. Form 4C is not required to be attached to Transcripts of Judgment and Confession of Judgment.



Sumter Common Pleas

Case Caption: Fannie M Champion , plaintiff, et al VS Ronald L Hallman ,
defendant, et al
Case Number: 2008CP4302112
Type: Order/Form 4

So Ordered

s/ R. Ferrell Cothran, Jr., 2144

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SUMTER)
)
 Fannie M. Champion, Samuel Champion,)
 Evelyn C. Ludd, Sarah C. Evans,)
 Rachel C. Brown, Henry Champion, Jr.)
 Janie M. Champion, Mary Johnson and)
 John L. Champion,)
)
 Plaintiffs,)
)
 Vs.)
)
 Ronald L. Hallman, Marjorie J. Hallman,)
 Elton J. Hallman, Conswalla E. Hallman,)
 Oron J. Hallman and Hazelee C. Hallman,)
 Edward G. Hamilton, Helen D. Hamilton,)
 Edward E. Hamilton, Raymond Forbes)
 Davenport, II, and Mary Ellen Davenport,)
)
 Defendants)

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

CIVIL ACTION NO: 2008-CP-43-2112

RECEIVED
Nov 04 2021
SC Court of Appeals

ORDER

By motion of June 2, 2020, Defendants move for relief under Rule 70, SCRPC. This access easement dispute was called to trial on April 25, 2017, and a settlement was placed upon the record pursuant to Rule 43(k), SCRPC. On January 4, 2019, an Order was entered setting forth the terms of the settlement. As set forth below, the parties are hereby ordered to conclude the terms of the settlement as follows:

1. A plat dated May 26, 2017, entitled "SHINGLE MILL ROAD ACCESS" was prepared by Louis White Tisdale, RLS, has been recorded in the Office of the Register of Deeds for Sumter County in Plat Book 2019, at page 7 (hereinafter referred to as "LAND SWAP plat"), and sets forth the exact property descriptions for the affected properties.
2. Within 30 days of entry of this Order, Plaintiffs shall convey to Defendants a Fifty (50) foot non-exclusive easement in perpetuity of ingress and egress across certain real property described as Parcel A and shown on the LAND SWAP plat. See attached deed.
3. Within 30 days of entry of this Order, Plaintiffs shall convey in fee simple certain real property consisting of several tracts of land equaling 0.96 acres and more fully described as Parcel B in the LAND SWAP plat to Defendants; See attached deed.

NO A
Attachment
No. 3

4. Within 30 days of entry of this Order, Defendants shall convey in fee simple certain real property consisting of several tracts of land equaling 0.97 acres and more fully described as Parcel C in the LAND SWAP plat to Plaintiffs. See attached deed.

5. On the 31st day after entry of this Order, if any one or more of the three deeds described above in (2), (3) and (4) have not been executed and filed in the office of the Register of Deeds (ROD), the Sumter County Clerk of Court shall immediately execute and record the deeds with the ROD office. See attached deed for execution by Clerk of Court.

6. Upon recording of the last of the deeds described in (2) through (4), or alternatively (5), Defendants shall take all necessary action to clear and construct a private exclusive roadway for the purpose of ingress and egress to their real property over and upon Parcel B.

7. No later than six months after the recording of the last of the three deeds described in (2) through (4), or alternatively (5), Defendants shall no longer use that portion of Shingle Mill Road (Shingle Mill current situs) that transverses through the center of Plaintiffs' real property.

8. In the event any party appeals and seeks a stay of any one or more of the Orders entered in this matter, the appealing party shall be required to post with the Sumter County Clerk of Court cash surety in an amount not to exceed Fifty Thousand and no/100 (\$50,000.00) dollars, or such other amounts as may be determined to be sufficient by the Court. *South Carolina Code* § 18-9-130, and *South Carolina Code* § 18-9-170. All limitations set forth in (7) above shall be immediately stayed until further Order of the Court upon the filing of any appeal.

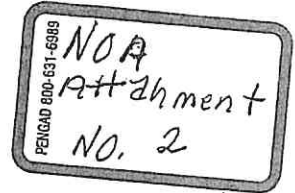


Sumter Common Pleas

Case Caption: Fannie M Champion , plaintiff, et al VS Ronald L Hallman ,
defendant, et al
Case Number: 2008CP4302112
Type: Order/Other

So Ordered

s/ R. Ferrell Cothran, Jr., 2144



STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER)

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT
CIVIL ACTION NO.: 2008-CP-43-02112

The Estate of Fannie M. Champion, by)
Evelyn Champion Ludd, Personal)
Representative, Samuel Champion,)
Evelyn C. Ludd, Sarah C. Evans,)
Rachel C. Brown, Henry Champion, Jr.,)
Janie M. Champion, Mary Johnson and)
John L. Champion,)
Plaintiffs,)

**FILING OF EXECUTED CONVEYANCES
TO STAY JUDGMENT DURING APPEAL**

vs.)

Ronald L. Hallman, Marjorie J. Hallman,)
Elton J. Hallman, Conswalla E. Hallman,)
Oron J. Hallman, Hazelee C. Hallman,)
Edward G. Hamilton, Helen D. Hamilton,)
Edward E. Hamilton, Raymond Forbes)
Davenport, II, and Mary Ellen Davenport,)
Defendants.)

TO: THE HONORABLE JENNY ABBOT KITCHINGS, CLERK OF THE SOUTH CAROLINA COURT OF APPEALS, THE HONORABLE R. FERRELL COTHRAN, JR., CIRCUIT COURT JUDGE, THE HONORABLE JAMES C. CAMPBELL, CLERK OF THE COURT OF COMMON PLEAS FOR SUMTER COUNTY, ATTORNEYS FOR THE ABOVE-NAMED DEFENDANTS:

YOU WILL PLEASE TAKE NOTICE That, subject to the disposition of Plaintiffs' Motion in re Bond on Appeal, which Motion was filed October 18, 2021, and is now pending in the Circuit Court, the above-named Plaintiffs intend to appeal the following Orders of the Honorable R. Ferrell Cothran, Jr., Circuit Court Judge:

1. Order filed September 15, 2021;
2. Form 4 Order denying Plaintiffs' Motion to Alter or Amend Judgment filed October 4, 2021; and
3. Form 4 Order denying Plaintiffs' Motion to Alter or Amend filed October 6, 2021,

Pursuant to S.C. Code of Laws Ann. § 18-9-160 (1976), Staying Judgment to execute conveyance, and Rule 241(b)(3), SCACR, Stay and Supersedeas in Civil Actions. (b) Exceptions. (3) Judgments directing the execution of conveyances or other instruments as provided in S.C. Code Ann. §18-9-160. the Plaintiffs hereby deposit with the Clerk of the Court of Common Pleas for Sumter County the annexed conveyances described as follows:

- Quitclaim Deed dated April 15, 2019, from the Estate of Fannie M. Champion, by Evelyn C. Ludd, Personal Representative, Samuel Champion, Evelyn C. Ludd, Sarah C. Evans, Rachel C. Brown, Henry Champion, Jr., Janie M. Champion, John L. Champion, and Mary Johnson to Mary Ellen Davenport; and
- Easement Quitclaim Deed dated April 15, 2019, from the Estate of Fannie M. Champion, Samuel Champion, Evelyn C. Ludd, Sarah C. Evans, Rachel C. Brown, Henry Champion, Jr., Janie M. Champion, Mary Johnson, and John L. Champion to Ronald L. Hallman and Marjorie J. Hallman, Elton J. Hallman and Conswalla E. Hallman, Oron J. Hallman and Hazelee C. Hallman, Edward G. Hallman, Helen D. Hamilton and Edward E. Hamilton, and Mary Ellen Davenport.

The said Quitclaim Deed, identified as Plaintiffs' Exhibit No. 1, and Easement Quitclaim Deed, identified as Plaintiffs' Exhibit No. 2, are deposited with the Clerk of the Court of Common Pleas for Sumter County to enable a stay of the Judgment of the aforementioned Orders during the appeal of the within case to abide the judgment of the South Carolina Court of Appeals.

MOORE LAW FIRM, L.L.C.

S/ Dwight C. Moore,
SC Bar Number 63008
26 North Main Street
Post Office Box 1229
Sumter, South Carolina 29151-1229
Telephone (803) 778-6520
Facsimile (803) 775-6365
Email: moorelawfirm@ftc-i.net
Attorney for Plaintiffs

November 2, 2021
Sumter, South Carolina

RECEIVED

Nov 04 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
COURT OF COMMON PLEAS

R. Ferrell Cothran, Jr., Circuit Court Judge

Case No. 2008-CP-43-02112

The Estate of Fannie M. Champion, by
Evelyn Champion Ludd, Personal
Representative, Samuel Champion,
Evelyn C. Ludd, Sarah C. Evans,
Rachel C. Brown, Henry Champion, Jr.,
Janie M. Champion, Mary Johnson and
John L. Champion,

Appellants,

vs.

Ronald L. Hallman, Marjorie J. Hallman,
Elton J. Hallman, Conswalla E. Hallman,
Oron J. Hallman, Hazelee C. Hallman,
Edward G. Hamilton, Helen D. Hamilton,
Edward E. Hamilton, Raymond Forbes
Davenport, II, and Mary Ellen Davenport,

Respondents.

NOTICE OF APPEAL
ATTACHMENTS (NOA)

NOA Attachment No. 1

Notice of Motion and Motion In Re Bond on Appeal

NOA Attachment No. 2

Filing of Executed Conveyances to Stay Judgment During Appeal

NOA Attachment No. 3

Order filed September 15, 2021

NOA Attachment No. 4

Form 4, Judgment In a Civil Case Filed October 4, 2021

NOA Attachment No. 5

Form 4, Judgment In a Civil Case Filed October 6, 2021

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

) IN THE COURT OF COMMON PLEAS
) FOR THE THIRD JUDICIAL CIRCUIT
) CIVIL ACTION NO.: 2008-CP-43-02112

The Estate of Fannie M. Champion, by
Evelyn Champion Ludd, Personal
Representative, Samuel Champion,
Evelyn C. Ludd, Sarah C. Evans,
Rachel C. Brown, Henry Champion, Jr.,
Janie M. Champion, Mary Johnson and
John L. Champion,
Plaintiffs,
vs.

**NOTICE OF MOTION AND
MOTION IN RE BOND ON APPEAL**

Ronald L. Hallman, Marjorie J. Hallman,
Elton J. Hallman, Conswalla E. Hallman,
Oron J. Hallman, Hazelee C. Hallman,
Edward G. Hamilton, Helen D. Hamilton,
Edward E. Hamilton, Raymond Forbes
Davenport, II, and Mary Ellen Davenport,
Defendants.

**TO: DAVID CORNWELL HOLLER, ESQUIRE, JACK W. ERTER, JR., ESQUIRE,
THOMAS E. PLAYER, JR., ESQUIRE, AND RICHARD C. JONES, ESQUIRE,
ATTORNEYS FOR THE ABOVE-NAMED DEFENDANTS:**

YOU WILL PLEASE TAKE NOTICE That the Plaintiffs named above will move before this Court within ten (10) days hereof, or as soon thereafter as the matter may be heard, for an Order with regard to the amount, if any, and the nature of the bond referred to as a "cash surety" by the Court in its Order filed September 15, 2021. The grounds for Plaintiffs' Motion being as follows:

1. In response to Plaintiffs' Motion To Alter or Amend Judgment, this Court denied the Motion by way of a Form 4, Judgment in a Civil Case, filed October 4, 2021, and issued a



Form 4, Amended Judgment in a Civil Case, on October 6, 2021. Both Orders left intact the judgment in the Order dated September 15, 2021, which contained the following provision:

In the event any party appeals and seeks a stay of any one or more of the Orders entered in this matter, the appealing party shall be required to post with the Sumter County Clerk of Court cash surety in an amount not to exceed Fifty Thousand and no/100 (\$50,000.00) dollars, or such other amounts as may be determined to be sufficient by the Court. *South Carolina Code §18-9-130*, and *South Carolina Code §18-9-170*. All limitations set forth in (7) above shall be immediately stayed until further Order of the court upon the filing of any appeal. *Order, P. 2, pa. 8.*

2. Plaintiffs would respectfully request that this Court, in determining an amount of the bond and the nature of the undertaking, take into consideration the value of the land at issue, the likelihood of harm to the real estate, and the potential for damage or loss to which the Defendants could be exposed during the process of an appeal.

3. The Order requires that the appealing party shall be required to post a “cash surety” in an amount not to exceed \$50,000.00. For purposes of this Motion, Plaintiffs draw a distinction between a cash bond and a surety bond. As commonly used a “cash bond” means the posting of actual legal tender in United States currency. A surety bond constitutes the promise of a person who assumes liability for a debt or performance of an action or actions; that is to say, a written undertaking.

4. The Court cites Section 18-9-130, which addresses the “Effect of notice of an appeal on execution of judgment; sale of defendant’s property; appeal in civil action involving signatory of Master Settlement Agreement.” *S.C. Code Ann. §18-9-130 (2014)* Plaintiffs contend that this section is inapplicable to the facts of Champion v. Hallman, which is being litigated here. The judgment here is not for cash, or for the sale of defendant’s property, and it does not involve the signatory of a Master Settlement agreement. The phase now before the Court revolves around Defendants’ failure to timely comply with the Settlement Agreement. Appellants assert that such failure constitutes a breach of

contract and renders the Settlement Agreement void. Hence, the subject Order itself is premature in that there is no adjudication of the issues raised to the Court as a prerequisite to any Order ending the case.

4. The Order also relies upon Section 18-9-170, "Staying Judgment for sale or delivery of land." which provides as follows:

If the judgment appealed from direct the sale or delivery of real property, the execution of the judgment shall not be stayed unless a written undertaking be executed on the part of the appellant, with two sureties, to the effect that during the possession of such property by the appellant he will not commit or suffer to be committed any waste thereon and that if the judgment be affirmed he will pay the value of the use and occupation of the property from the time of the execution of the undertaking until the delivery of possession thereof pursuant to the judgment, not exceeding a sum to be fixed by a judge of the court by which the judgment was rendered and which shall be specified in the undertaking. ... *S.C. Code Ann. §18-9-170 (2014)*

Appellants direct the Court's attention to the portion of Section 18-9-170 which requires two sureties upon "a written undertaking ..." There is no requirement for a "cash surety" as mandated in the Order, thus making it contrary to and in opposition to the statute.

5. Specifically reserving their position that the disposition of this case is premature, and that the Court erred in its Order, Appellants cite, *arguendo*, the following Section 18-9-160, "Staying judgment to execute conveyance, as the operative statute.

If the judgment appealed from directs the execution of a conveyance or other instrument, the execution of the judgment shall not be stayed by the appeal until the instrument shall have been executed and deposited with the clerk with whom the judgment is entered, to abide the judgment of the appellant court. *S.C. Code ann. §18-9-160 (2014)*

This statute does not, on its face, require the execution of a bond in any form. It only dictates that the executed instrument be deposited with the Clerk "to abide the judgment of the appellant court." The fact that the posting of a bond is mandated in this case, the point that a "cash surety" is required, and the excessive amount of the bond in relation to the value of the real estate,

appears to and does impose a chilling effect upon the Appellants' right to seek legal redress in our judicial system.

WHEREFORE, Appellants pray that the Court issue its Order decreeing that no bond shall be required for any party appealing any one or more of the Orders entered in this matter; or in the alternative, that any bond required shall be in the form of a surety bond in an amount of not more than Five Thousand and No/100 (\$5,000.00) Dollars; and for such other relief as may be appropriate in the premises.

MOORE LAW FIRM, L.L.C.

SI Dwight C. Moore

Dwight C. Moore, S.C. Bar No. 63008

26 North Main Street

Post Office Box 1229

Sumter, South Carolina 29151-1229

Telephone (803) 778-6520

Fax (803) 775-6365

Email: moorelawfirm@ftc-i.net

Attorney for Plaintiffs

October 18, 2021
Sumter, South Carolina

RECEIVED

Nov 04 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
COURT OF COMMON PLEAS

R. Ferrell Cothran, Jr., Circuit Court Judge

Case No. 2008-CP-43-02112

The Estate of Fannie M. Champion, by
Evelyn Champion Ludd, Personal
Representative, Samuel Champion,
Evelyn C. Ludd, Sarah C. Evans,
Rachel C. Brown, Henry Champion, Jr.,
Janie M. Champion, Mary Johnson and
John L. Champion, Appellants,

vs.

Ronald L. Hallman, Marjorie J. Hallman,
Elton J. Hallman, Conswalla E. Hallman,
Oron J. Hallman, Hazelee C. Hallman,
Edward G. Hamilton, Helen D. Hamilton,
Edward E. Hamilton, Raymond Forbes
Davenport, II, and Mary Ellen Davenport, Respondents.

NOTICE OF APPEAL

Subject to the disposition of Plaintiffs'/Appellants' Motion in re Bond on Appeal, which Motion was filed October 18, 2021, and is now pending in the Circuit Court, the Estate of Fannie M. Champion, by Evelyn Champion Ludd, Personal Representative, Samuel Champion, Evelyn C. Ludd, Sarah C. Evans, Rachel C. Brown, Henry Champion, Jr., Janie M. Champion, Mary Johnson and John L. Champion hereby appeal the following Orders of the Honorable R. Ferrell Cothran, Jr.: (1) Order signed, filed, and served on September 15, 2021; (2) Form 4 Judgment in a Civil Case Denying Plaintiffs' Motion to Alter Or Amend Judgment, which Order was signed, filed, and served October 4, 2021; and (3) Amended Form 4 Judgment in a Civil Case Denying Plaintiffs' Motion to Alter Or Amend; which Order was signed, filed, and served on October 6, 2021.

November 4, 2021

~~Dwight C. Moore~~, SC Bar No. 63008
Moore Law Firm, L.L.C.
26 North Main Street
Post Office Box 1229
Sumter, South Carolina 29151-1229
Telephone (803) 778-6520
Fax (803) 775-6365
Email: moorelawfirm@ftc-i.net
Attorney for Appellants

Other Counsel of Record:

David C. Holler, Esquire
Smith, Robinson, Holler, Morgan & DuBose, LLC
Post Office Box 580
Sumter, South Carolina 29151-0580
Email: davidholler@smithrobinsonlaw.com

Jack W. Erter, Jr., Esquire
Lee, Erter, Wilson, Holler, & Smith, L.L.C.
Post Office Box 580
Sumter, South Carolina 29151-0580
Email: jackserter@smithrobinsonlaw.com

Thomas E. Player, Jr., Esquire
Player & McMillan, LLC
305 North Main Street
Sumter, SC 29150
Email: tommyplayer@playermcmillan.com

Richard C. Jones, Esquire
Jones, Seth, Shuler & Jones, L.L.P.
Post Office Box 1268
Sumter, SC 29151-1268
Email: richardcjones@jonessethjones.com

Attorneys for Respondents

Fannie M Champion et al
PLAINTIFF(S)

Ronald L Hallman et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

Plaintiff's Motion to Alter or Amend the Cash Surety Bond is DENIED. The deeds have already been recorded pursuant to the Court Order; therefore, the issue of bond is moot as the bond would have stayed the order.

ORDER INFORMATION

This order ends does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 03/10/2022 .

John L Champion
Mary Johnson
Janie M Champion
Henry Champion, Jr
Rachel C Brown
Sarah C Evans
Evelyn C Ludd
Samuel Champion

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

RECEIVED
Mar 25 2022
SC Court of Appeals

ELECTRONICALLY FILED - 2022 Mar 10 9:33 AM - SUMTER - COMMON PLEAS - CASE#2008CP4302112

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Sumter Common Pleas

Case Caption: Fannie M Champion , plaintiff, et al VS Ronald L Hallman ,
defendant, et al
Case Number: 2008CP4302112
Type: Order/Electronic Form 4

So Ordered

s/ R. Ferrell Cothran, Jr., 2144